

Bill No. CS for CS for SB 1092

Amendment No. 1 Barcode 761546

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on Appropriations recommended the following  
 12 amendment:

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14 **Senate Amendment (with title amendment)**

15 On page 28, line 9, through  
 16 page 30, line 23, delete those lines

17

18 and insert:

19 Section 7. Effective October 1, 2001, subsections (8)  
 20 and (9) of section 817.234, Florida Statutes, are amended to  
 21 read:

22 817.234 False and fraudulent insurance claims.--

23 (8) It is unlawful for any person, in his or her  
 24 individual capacity or in his or her capacity as a public or  
 25 private employee, or for any firm, corporation, partnership,  
 26 or association, to solicit or cause to be solicited any  
 27 business from a person involved in a motor vehicle accident by  
 28 any means of communication other than advertising directed to  
 29 the public in or about city receiving hospitals, city and  
 30 county receiving hospitals, county hospitals, justice courts,  
 31 or municipal courts; in any public institution; in any public

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1 ~~place; upon any public street or highway; in or about private~~  
2 ~~hospitals, sanitariums, or any private institution; or upon~~  
3 ~~private property of any character whatsoever~~ for the purpose  
4 of making motor vehicle tort claims or claims for personal  
5 injury protection benefits required by s. 627.736. Charges  
6 for any services rendered by a health care provider or  
7 attorney who violates this subsection in regard to the person  
8 for whom such services were rendered are noncompensable and  
9 unenforceable as a matter of law. Any person who violates the  
10 provisions of this subsection commits a felony of the third  
11 degree, punishable as provided in s. 775.082, s. 775.083, or  
12 s. 775.084.

13 (9) It is unlawful for any attorney to solicit any  
14 business relating to the representation of a person involved  
15 ~~persons injured~~ in a motor vehicle accident for the purpose of  
16 filing a motor vehicle tort claim or a claim for personal  
17 injury protection benefits required by s. 627.736. The  
18 solicitation by advertising of any business by an attorney  
19 relating to the representation of a person injured in a  
20 specific motor vehicle accident is prohibited by this section.  
21 Any attorney who violates the provisions of this subsection  
22 commits a felony of the third degree, punishable as provided  
23 in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit  
24 or special grievance committee acting under the jurisdiction  
25 of the Supreme Court finds probable cause to believe that an  
26 attorney is guilty of a violation of this section, such  
27 committee shall forward to the appropriate state attorney a  
28 copy of the finding of probable cause and the report being  
29 filed in the matter. This section shall not be interpreted to  
30 prohibit advertising by attorneys which does not entail a  
31 solicitation as described in this subsection and which is

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1 permitted by the rules regulating The Florida Bar as  
 2 promulgated by the Florida Supreme Court.

3 Section 8. Effective October 1, 2001, paragraphs (c),  
 4 (e), and (g) of subsection (3) of section 921.0022, Florida  
 5 Statutes, are amended to read:

6 921.0022 Criminal Punishment Code; offense severity  
 7 ranking chart.--

8 (3) OFFENSE SEVERITY RANKING CHART

9

10 Florida Statute	11 Felony Degree	12 Description
14		(c) LEVEL 3
15 316.1935(2)	16 3rd	17 Fleeing or attempting to elude 18 law enforcement officer in marked 19 patrol vehicle with siren and 20 lights activated.
21 319.30(4)	22 3rd	23 Possession by junkyard of motor 24 vehicle with identification 25 number plate removed.
26 319.33(1)(a)	27 3rd	28 Alter or forge any certificate of 29 title to a motor vehicle or 30 mobile home.
31 319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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1	328.05(2)	3rd	Possess, sell, or counterfeit
2			fictitious, stolen, or fraudulent
3			titles or bills of sale of
4			vessels.
5	328.07(4)	3rd	Manufacture, exchange, or possess
6			vessel with counterfeit or wrong
7			ID number.
8	376.302(5)	3rd	Fraud related to reimbursement
9			for cleanup expenses under the
10			Inland Protection Trust Fund.
11	501.001(2)(b)	2nd	Tampers with a consumer product
12			or the container using materially
13			false/misleading information.
14	697.08	3rd	Equity skimming.
15	790.15(3)	3rd	Person directs another to
16			discharge firearm from a vehicle.
17	796.05(1)	3rd	Live on earnings of a prostitute.
18	806.10(1)	3rd	Maliciously injure, destroy, or
19			interfere with vehicles or
20			equipment used in firefighting.
21	806.10(2)	3rd	Interferes with or assaults
22			firefighter in performance of
23			duty.
24	810.09(2)(c)	3rd	Trespass on property other than
25			structure or conveyance armed
26			with firearm or dangerous weapon.
27	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
28			less than \$10,000.
29	815.04(4)(b)	2nd	Computer offense devised to
30			defraud or obtain property.
31			

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1	817.034(4)(a)3.	3rd	Engages in scheme to defraud
2			(Florida Communications Fraud
3			Act), property valued at less
4			than \$20,000.
5	817.233	3rd	Burning to defraud insurer.
6	<u>817.234(8) &amp; (9)</u>	<u>3rd</u>	<u>Unlawful solicitation of persons</u>
7			<u>involved in motor vehicle</u>
8			<u>accidents.</u>
9	<u>817.234(11)(a)</u>	<u>3rd</u>	<u>Insurance fraud; property value</u>
10			<u>less than \$20,000.</u>
11	<u>817.505(4)</u>	<u>3rd</u>	<u>Patient brokering.</u>
12	828.12(2)	3rd	Tortures any animal with intent
13			to inflict intense pain, serious
14			physical injury, or death.
15	831.29	2nd	Possession of instruments for
16			counterfeiting drivers' licenses
17			or identification cards.
18	838.021(3)(b)	3rd	Threatens unlawful harm to public
19			servant.
20	843.19	3rd	Injure, disable, or kill police
21			dog or horse.
22	870.01(2)	3rd	Riot; inciting or encouraging.
23	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
24			cannabis (or other s.
25			893.03(1)(c), (2)(c)1., (2)(c)2.,
26			(2)(c)3., (2)(c)5., (2)(c)6.,
27			(2)(c)7., (2)(c)8., (2)(c)9.,
28			(3), or (4) drugs).
29	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
30			893.03(1)(c), (2)(c)1., (2)(c)2.,
31			(2)(c)3., (2)(c)5., (2)(c)6.,

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1			(2)(c)7., (2)(c)8., (2)(c)9.,
2			(3), or (4) drugs within 200 feet
3			of university or public park.
4	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
5			893.03(1)(c), (2)(c)1., (2)(c)2.,
6			(2)(c)3., (2)(c)5., (2)(c)6.,
7			(2)(c)7., (2)(c)8., (2)(c)9.,
8			(3), or (4) drugs within 200 feet
9			of public housing facility.
10	893.13(6)(a)	3rd	Possession of any controlled
11			substance other than felony
12			possession of cannabis.
13	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
14			controlled substance by fraud,
15			forgery, misrepresentation, etc.
16	893.13(7)(a)11.	3rd	Furnish false or fraudulent
17			material information on any
18			document or record required by
19			chapter 893.
20	918.13(1)(a)	3rd	Alter, destroy, or conceal
21			investigation evidence.
22	944.47		
23	(1)(a)1.-2.	3rd	Introduce contraband to
24			correctional facility.
25	944.47(1)(c)	2nd	Possess contraband while upon the
26			grounds of a correctional
27			institution.
28	985.3141	3rd	Escapes from a juvenile facility
29			(secure detention or residential
30			commitment facility).
31			(e) LEVEL 5

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1	316.027(1)(a)	3rd	Accidents involving personal
2			injuries, failure to stop;
3			leaving scene.
4	316.1935(4)	2nd	Aggravated fleeing or eluding.
5	322.34(6)	3rd	Careless operation of motor
6			vehicle with suspended license,
7			resulting in death or serious
8			bodily injury.
9	327.30(5)	3rd	Vessel accidents involving
10			personal injury; leaving scene.
11	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
12			knowing HIV positive.
13	790.01(2)	3rd	Carrying a concealed firearm.
14	790.162	2nd	Threat to throw or discharge
15			destructive device.
16	790.163	2nd	False report of deadly explosive.
17	790.165(2)	3rd	Manufacture, sell, possess, or
18			deliver hoax bomb.
19	790.221(1)	2nd	Possession of short-barreled
20			shotgun or machine gun.
21	790.23	2nd	Felons in possession of firearms
22			or electronic weapons or devices.
23	800.04(6)(c)	3rd	Lewd or lascivious conduct;
24			offender less than 18 years.
25	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
26			offender 18 years or older.
27	806.111(1)	3rd	Possess, manufacture, or dispense
28			fire bomb with intent to damage
29			any structure or property.
30	812.019(1)	2nd	Stolen property; dealing in or
31			trafficking in.

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1	812.131(2)(b)	3rd	Robbery by sudden snatching.
2	812.16(2)	3rd	Owning, operating, or conducting
3			a chop shop.
4	817.034(4)(a)2.	2nd	Communications fraud, value
5			\$20,000 to \$50,000.
6	<u>817.234(11)(b)</u>	<u>2nd</u>	<u>Insurance fraud; property value</u>
7			<u>\$20,000 or more but less than</u>
8			<u>\$100,000.</u>
9	825.1025(4)	3rd	Lewd or lascivious exhibition in
10			the presence of an elderly person
11			or disabled adult.
12	827.071(4)	2nd	Possess with intent to promote
13			any photographic material, motion
14			picture, etc., which includes
15			sexual conduct by a child.
16	843.01	3rd	Resist officer with violence to
17			person; resist arrest with
18			violence.
19	874.05(2)	2nd	Encouraging or recruiting another
20			to join a criminal street gang;
21			second or subsequent offense.
22	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
23			cocaine (or other s.
24			893.03(1)(a), (1)(b), (1)(d),
25			(2)(a), (2)(b), or (2)(c)4.
26			drugs).
27	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
28			cannabis (or other s.
29			893.03(1)(c), (2)(c)1., (2)(c)2.,
30			(2)(c)3., (2)(c)5., (2)(c)6.,
31			(2)(c)7., (2)(c)8., (2)(c)9.,



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1			(3), or (4) drugs) within 1,000
2			feet of a child care facility or
3			school.
4	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs) within 200 feet of
9			university or public park.
10	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
11			cannabis or other drug prohibited
12			under s. 893.03(1)(c), (2)(c)1.,
13			(2)(c)2., (2)(c)3., (2)(c)5.,
14			(2)(c)6., (2)(c)7., (2)(c)8.,
15			(2)(c)9., (3), or (4) within
16			1,000 feet of property used for
17			religious services or a specified
18			business site.
19	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
20			cocaine (or other s.
21			893.03(1)(a), (1)(b), (1)(d), or
22			(2)(a), (2)(b), or (2)(c)4.
23			drugs) within 200 feet of public
24			housing facility.
25	893.13(4)(b)	2nd	Deliver to minor cannabis (or
26			other s. 893.03(1)(c), (2)(c)1.,
27			(2)(c)2., (2)(c)3., (2)(c)5.,
28			(2)(c)6., (2)(c)7., (2)(c)8.,
29			(2)(c)9., (3), or (4) drugs).
30			(g) LEVEL 7
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1	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
2			injury.
3	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
4			bodily injury.
5	402.319(2)	2nd	Misrepresentation and negligence
6			or intentional act resulting in
7			great bodily harm, permanent
8			disfiguration, permanent
9			disability, or death.
10	409.920(2)	3rd	Medicaid provider fraud.
11	456.065(2)	3rd	Practicing a health care
12			profession without a license.
13	456.065(2)	2nd	Practicing a health care
14			profession without a license
15			which results in serious bodily
16			injury.
17	458.327(1)	3rd	Practicing medicine without a
18			license.
19	459.013(1)	3rd	Practicing osteopathic medicine
20			without a license.
21	460.411(1)	3rd	Practicing chiropractic medicine
22			without a license.
23	461.012(1)	3rd	Practicing podiatric medicine
24			without a license.
25	462.17	3rd	Practicing naturopathy without a
26			license.
27	463.015(1)	3rd	Practicing optometry without a
28			license.
29	464.016(1)	3rd	Practicing nursing without a
30			license.
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1	465.015(2)	3rd	Practicing pharmacy without a
2			license.
3	466.026(1)	3rd	Practicing dentistry or dental
4			hygiene without a license.
5	467.201	3rd	Practicing midwifery without a
6			license.
7	468.366	3rd	Delivering respiratory care
8			services without a license.
9	483.828(1)	3rd	Practicing as clinical laboratory
10			personnel without a license.
11	483.901(9)	3rd	Practicing medical physics
12			without a license.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	560.123(8)(b)1.	3rd	Failure to report currency or
22			payment instruments exceeding
23			\$300 but less than \$20,000 by
24			money transmitter.
25	560.125(5)(a)	3rd	Money transmitter business by
26			unauthorized person, currency or
27			payment instruments exceeding
28			\$300 but less than \$20,000.
29	655.50(10)(b)1.	3rd	Failure to report financial
30			transactions exceeding \$300 but
31			less than \$20,000 by financial

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1			institution.
2	782.051(3)	2nd	Attempted felony murder of a
3			person by a person other than the
4			perpetrator or the perpetrator of
5			an attempted felony.
6	782.07(1)	2nd	Killing of a human being by the
7			act, procurement, or culpable
8			negligence of another
9			(manslaughter).
10	782.071	2nd	Killing of human being or viable
11			fetus by the operation of a motor
12			vehicle in a reckless manner
13			(vehicular homicide).
14	782.072	2nd	Killing of a human being by the
15			operation of a vessel in a
16			reckless manner (vessel
17			homicide).
18	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
19			causing great bodily harm or
20			disfigurement.
21	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
22			weapon.
23	784.045(1)(b)	2nd	Aggravated battery; perpetrator
24			aware victim pregnant.
25	784.048(4)	3rd	Aggravated stalking; violation of
26			injunction or court order.
27	784.07(2)(d)	1st	Aggravated battery on law
28			enforcement officer.
29	784.08(2)(a)	1st	Aggravated battery on a person 65
30			years of age or older.
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1	784.081(1)	1st	Aggravated battery on specified
2			official or employee.
3	784.082(1)	1st	Aggravated battery by detained
4			person on visitor or other
5			detainee.
6	784.083(1)	1st	Aggravated battery on code
7			inspector.
8	790.07(4)	1st	Specified weapons violation
9			subsequent to previous conviction
10			of s. 790.07(1) or (2).
11	790.16(1)	1st	Discharge of a machine gun under
12			specified circumstances.
13	790.166(3)	2nd	Possessing, selling, using, or
14			attempting to use a hoax weapon
15			of mass destruction.
16	796.03	2nd	Procuring any person under 16
17			years for prostitution.
18	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
19			victim less than 12 years of age;
20			offender less than 18 years.
21	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
22			victim 12 years of age or older
23			but less than 16 years; offender
24			18 years or older.
25	806.01(2)	2nd	Maliciously damage structure by
26			fire or explosive.
27	810.02(3)(a)	2nd	Burglary of occupied dwelling;
28			unarmed; no assault or battery.
29	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
30			unarmed; no assault or battery.
31			

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1	810.02(3)(d)	2nd	Burglary of occupied conveyance;
2			unarmed; no assault or battery.
3	812.014(2)(a)	1st	Property stolen, valued at
4			\$100,000 or more; property stolen
5			while causing other property
6			damage; 1st degree grand theft.
7	812.019(2)	1st	Stolen property; initiates,
8			organizes, plans, etc., the theft
9			of property and traffics in
10			stolen property.
11	812.131(2)(a)	2nd	Robbery by sudden snatching.
12	812.133(2)(b)	1st	Carjacking; no firearm, deadly
13			weapon, or other weapon.
14	<u>817.234(11)(c)</u>	<u>1st</u>	<u>Insurance fraud; property value</u>
15			<u>\$100,000 or more.</u>
16	825.102(3)(b)	2nd	Neglecting an elderly person or
17			disabled adult causing great
18			bodily harm, disability, or
19			disfigurement.
20	825.1025(2)	2nd	Lewd or lascivious battery upon
21			an elderly person or disabled
22			adult.
23	825.103(2)(b)	2nd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$20,000 or more, but
26			less than \$100,000.
27	827.03(3)(b)	2nd	Neglect of a child causing great
28			bodily harm, disability, or
29			disfigurement.
30	827.04(3)	3rd	Impregnation of a child under 16
31			years of age by person 21 years

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1			of age or older.
2	837.05(2)	3rd	Giving false information about
3			alleged capital felony to a law
4			enforcement officer.
5	872.06	2nd	Abuse of a dead human body.
6	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
7			cocaine (or other drug prohibited
8			under s. 893.03(1)(a), (1)(b),
9			(1)(d), (2)(a), (2)(b), or
10			(2)(c)4.) within 1,000 feet of a
11			child care facility or school.
12	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
13			cocaine or other drug prohibited
14			under s. 893.03(1)(a), (1)(b),
15			(1)(d), (2)(a), (2)(b), or
16			(2)(c)4., within 1,000 feet of
17			property used for religious
18			services or a specified business
19			site.
20	893.13(4)(a)	1st	Deliver to minor cocaine (or
21			other s. 893.03(1)(a), (1)(b),
22			(1)(d), (2)(a), (2)(b), or
23			(2)(c)4. drugs).
24	893.135(1)(a)1.	1st	Trafficking in cannabis, more
25			than 50 lbs., less than 2,000
26			lbs.
27	893.135		
28	(1)(b)1.a.	1st	Trafficking in cocaine, more than
29			28 grams, less than 200 grams.
30	893.135		
31	(1)(c)1.a.	1st	Trafficking in illegal drugs,

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1			more than 4 grams, less than 14
2			grams.
3	893.135		
4	(1)(d)1.	1st	Trafficking in phencyclidine,
5			more than 28 grams, less than 200
6			grams.
7	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
8			than 200 grams, less than 5
9			kilograms.
10	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
11			than 14 grams, less than 28
12			grams.
13	893.135		
14	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
15			grams or more, less than 14
16			grams.
17	893.135		
18	(1)(h)1.a.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			1 kilogram or more, less than 5
21			kilograms.
22	893.135		
23	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
24			kilogram or more, less than 5
25			kilograms.
26	893.135		
27	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
28			10 grams or more, less than 200
29			grams.
30	896.101(5)(a)	3rd	Money laundering, financial
31			transactions exceeding \$300 but



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1 less than \$20,000.  
2 896.104(4)(a)1. 3rd Structuring transactions to evade  
3 reporting or registration  
4 requirements, financial  
5 transactions exceeding \$300 but  
6 less than \$20,000.  
7  
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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 24, delete providing penalties;

12

13 and insert:

14 ranking certain criminal offenses specified in  
15 s. 921.0022, F.S.;

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