

Bill No. CS for CS for SB 1196

Amendment No.      Barcode 252740

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Villalobos moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, between lines 30 and 31,

insert:

Section 3. Section 484.013, Florida Statutes, is amended to read:

484.013 Violations and penalties.--

(1) It is unlawful for any person:

(a) To intentionally make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices when such person is not licensed as an optician in this state.

(c) To prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or other optical devices without first being furnished with a prescription as provided for in s. 484.012.

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1 (2) It is unlawful for any person other than an  
 2 optician licensed under this part to use the title "optician"  
 3 or otherwise lead the public to believe that she or he is  
 4 engaged in the practice of opticianry.

5 (3) It is unlawful for any optician to engage in the  
 6 diagnosis of the human eyes, attempt to determine the  
 7 refractive powers of the human eyes, or, in any manner,  
 8 attempt to prescribe for or treat diseases or ailments of  
 9 human beings.

10 (4) It is unlawful for any person to open or operate,  
 11 either alone or with any other person or persons, an optical  
 12 establishment which does not have the permit required by this  
 13 part.

14 (5) A ~~Any~~ person who knowingly violates any a  
 15 provision of this section commits a felony ~~misdemeanor~~ of the  
 16 third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~  
 17 s. 775.083, or s. 775.084.

18 Section 4. Section 484.015, Florida Statutes, is  
 19 amended to read:

20 484.015 Authority to inspect.--Duly authorized agents  
 21 and employees of the department shall have the power to  
 22 inspect in a lawful manner at all reasonable hours an ~~any~~  
 23 establishment of any kind in the state in which lenses,  
 24 spectacles, eyeglasses, contact lenses, and any other optical  
 25 devices are prepared or ~~and~~ dispensed, for the purposes of:

26 (1) Determining if any provision of this part, or any  
 27 rule promulgated under its authority, is being violated;

28 (2) Securing samples or specimens of any lenses,  
 29 spectacles, eyeglasses, contact lenses, or other optical  
 30 devices, after paying or offering to pay for such sample or  
 31 specimen; or

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1 (3) Securing such other evidence as may be needed for  
2 prosecution under this part.

3 Section 5. Paragraph (g) of subsection (3) of section  
4 921.0022, Florida Statutes, is amended to read:

5 921.0022 Criminal Punishment Code; offense severity  
6 ranking chart.--

7 (3) OFFENSE SEVERITY RANKING CHART

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9	Florida	Felony	Description
10	Statute	Degree	Description
11			(g) LEVEL 7
12	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
13	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
14	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
15	409.920(2)	3rd	Medicaid provider fraud.
16	456.065(2)	3rd	Practicing a health care profession without a license.
17	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
18	458.327(1)	3rd	Practicing medicine without a license.
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Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1	459.013(1)	3rd	Practicing osteopathic medicine
2			without a license.
3	460.411(1)	3rd	Practicing chiropractic medicine
4			without a license.
5	461.012(1)	3rd	Practicing podiatric medicine
6			without a license.
7	462.17	3rd	Practicing naturopathy without a
8			license.
9	463.015(1)	3rd	Practicing optometry without a
10			license.
11	464.016(1)	3rd	Practicing nursing without a
12			license.
13	465.015(2)	3rd	Practicing pharmacy without a
14			license.
15	466.026(1)	3rd	Practicing dentistry or dental
16			hygiene without a license.
17	467.201	3rd	Practicing midwifery without a
18			license.
19	468.366	3rd	Delivering respiratory care
20			services without a license.
21	483.828(1)	3rd	Practicing as clinical laboratory
22			personnel without a license.
23	483.901(9)	3rd	Practicing medical physics
24			without a license.
25	<u>484.013</u>	<u>3rd</u>	<u>Practicing opticianry without a</u>
26			<u>license.</u>
27	484.053	3rd	Dispensing hearing aids without a
28			license.
29	494.0018(2)	1st	Conviction of any violation of
30			ss. 494.001-494.0077 in which the
31			total money and property

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1			unlawfully obtained exceeded
2			\$50,000 and there were five or
3			more victims.
4	560.123(8)(b)1.	3rd	Failure to report currency or
5			payment instruments exceeding
6			\$300 but less than \$20,000 by
7			money transmitter.
8	560.125(5)(a)	3rd	Money transmitter business by
9			unauthorized person, currency or
10			payment instruments exceeding
11			\$300 but less than \$20,000.
12	655.50(10)(b)1.	3rd	Failure to report financial
13			transactions exceeding \$300 but
14			less than \$20,000 by financial
15			institution.
16	782.051(3)	2nd	Attempted felony murder of a
17			person by a person other than the
18			perpetrator or the perpetrator of
19			an attempted felony.
20	782.07(1)	2nd	Killing of a human being by the
21			act, procurement, or culpable
22			negligence of another
23			(manslaughter).
24	782.071	2nd	Killing of human being or viable
25			fetus by the operation of a motor
26			vehicle in a reckless manner
27			(vehicular homicide).
28	782.072	2nd	Killing of a human being by the
29			operation of a vessel in a
30			reckless manner (vessel
31			homicide).

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
2			causing great bodily harm or
3			disfigurement.
4	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
5			weapon.
6	784.045(1)(b)	2nd	Aggravated battery; perpetrator
7			aware victim pregnant.
8	784.048(4)	3rd	Aggravated stalking; violation of
9			injunction or court order.
10	784.07(2)(d)	1st	Aggravated battery on law
11			enforcement officer.
12	784.08(2)(a)	1st	Aggravated battery on a person 65
13			years of age or older.
14	784.081(1)	1st	Aggravated battery on specified
15			official or employee.
16	784.082(1)	1st	Aggravated battery by detained
17			person on visitor or other
18			detainee.
19	784.083(1)	1st	Aggravated battery on code
20			inspector.
21	790.07(4)	1st	Specified weapons violation
22			subsequent to previous conviction
23			of s. 790.07(1) or (2).
24	790.16(1)	1st	Discharge of a machine gun under
25			specified circumstances.
26	790.166(3)	2nd	Possessing, selling, using, or
27			attempting to use a hoax weapon
28			of mass destruction.
29	796.03	2nd	Procuring any person under 16
30			years for prostitution.
31			

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.019(2)	1st	Stolen property; initiates,
21			organizes, plans, etc., the theft
22			of property and traffics in
23			stolen property.
24	812.131(2)(a)	2nd	Robbery by sudden snatching.
25	812.133(2)(b)	1st	Carjacking; no firearm, deadly
26			weapon, or other weapon.
27	825.102(3)(b)	2nd	Neglecting an elderly person or
28			disabled adult causing great
29			bodily harm, disability, or
30			disfigurement.
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Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but
7			less than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(3)	3rd	Impregnation of a child under 16
12			years of age by person 21 years
13			of age or older.
14	837.05(2)	3rd	Giving false information about
15			alleged capital felony to a law
16			enforcement officer.
17	872.06	2nd	Abuse of a dead human body.
18	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
19			cocaine (or other drug prohibited
20			under s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4.) within 1,000 feet of a
23			child care facility or school.
24	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
25			cocaine or other drug prohibited
26			under s. 893.03(1)(a), (1)(b),
27			(1)(d), (2)(a), (2)(b), or
28			(2)(c)4., within 1,000 feet of
29			property used for religious
30			services or a specified business
31			site.



Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 50 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29	893.135		
30	(1)(h)1.a.	1st	Trafficking in
31			gamma-hydroxybutyric acid (GHB),

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1 1 kilogram or more, less than 5  
2 kilograms.

3 893.135

4 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1  
5 kilogram or more, less than 5  
6 kilograms.

7 893.135

8 (1)(j)2.a. 1st Trafficking in Phenethylamines,  
9 10 grams or more, less than 200  
10 grams.

11 896.101(5)(a) 3rd Money laundering, financial  
12 transactions exceeding \$300 but  
13 less than \$20,000.

14 896.104(4)(a)1. 3rd Structuring transactions to evade  
15 reporting or registration  
16 requirements, financial  
17 transactions exceeding \$300 but  
18 less than \$20,000.

19  
20 (Redesignate subsequent sections.)

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22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 11, after the semicolon,

26

27 insert:

28 amending s. 484.013, F.S.; revising provisions  
29 prescribing violations and penalties applicable  
30 to the practice of opticianry; amending s.

31 484.015, F.S.; revising inspection authority;

Bill No. CS for CS for SB 1196

Amendment No. \_\_\_\_ Barcode 252740

1           amending s. 921.0022, F.S., relating to the  
2           Criminal Punishment Code; providing an offense  
3           severity ranking for the offense of practicing  
4           opticianry without a license;  
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