Bill No. CS for CS for SB 1196 Amendment No. \_\_\_\_ Barcode 252740 CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 Senator Villalobos moved the following amendment: 11 12 13 Senate Amendment (with title amendment) On page 2, between lines 30 and 31, 14 15 16 insert: 17 Section 3. Section 484.013, Florida Statutes, is 18 amended to read: 484.013 Violations and penalties .--19 (1) It is unlawful for any person: 20 21 (a) To intentionally make a false or fraudulent 22 statement, either for herself or himself or for another 23 person, in any application, affidavit, or statement presented to the board or in any proceeding before the board. 24 25 (b) To prepare or dispense lenses, spectacles, 26 eyeglasses, contact lenses, or other optical devices when such 27 person is not licensed as an optician in this state. (c) To prepare or dispense lenses, spectacles, 28 29 eyeglasses, contact lenses, or other optical devices without 30 first being furnished with a prescription as provided for in 31 s. 484.012. 1 s1196c2c-3718h

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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, attempt to prescribe for or treat diseases or ailments of 8 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 third second degree, punishable as provided in s. 775.082, or 16 17 s. 775.083, or s. 775.084. Section 4. Section 484.015, Florida Statutes, is 18 19 amended to read: 484.015 Authority to inspect.--Duly authorized agents 20 21 and employees of the department shall have the power to inspect in a lawful manner at all reasonable hours an any 22 establishment of any kind in the state in which lenses, 23 24 spectacles, eyeglasses, contact lenses, and any other optical devices are prepared or and dispensed, for the purposes of: 25 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

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(3) Securing such other evidence as may be needed for 1 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 8 Felony 9 Florida 10 Statute Degree Description 11 12 (g) LEVEL 7 3rd DUI resulting in serious bodily 13 316.193(3)(c)2. 14 injury. Vessel BUI resulting in serious 15 327.35(3)(c)2. 3rd 16 bodily injury. 17 402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in 18 19 great bodily harm, permanent 20 disfiguration, permanent disability, or death. 21 22 409.920(2) Medicaid provider fraud. 3rd 23 456.065(2) Practicing a health care 3rd 24 profession without a license. 25 456.065(2) 2nd Practicing a health care profession without a license 26 27 which results in serious bodily 28 injury. 29 458.327(1) 3rd Practicing medicine without a 30 license. 31

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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	484.013	<u>3rd</u>	Practicing opticianry without a
26			license.
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
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	1		
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
б			\$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).
			5
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1	l		
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)	lst	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)	lst	Aggravated battery on specified
15			official or employee.
16	784.082(1)	lst	Aggravated battery by detained
17			person on visitor or other
18			detainee.
19	784.083(1)	lst	Aggravated battery on code
20			inspector.
21	790.07(4)	lst	Specified weapons violation
22			subsequent to previous conviction
23			of s. 790.07(1) or (2).
24	790.16(1)	lst	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.
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1       800.04(5)(c)1.       2nd       Lewd or lascivious molestation;         2       victim less than 12 years of age;       offender less than 12 years.         3       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         9       fire or explosive.         10       810.02(3)(a)       2nd         11       unarmed; no assault or battery.         12       810.02(3)(b)       2nd         13       unarmed; no assault or battery.         14       810.02(3)(d)       2nd         15       unarmed; no assault or battery.         16       812.014(2)(a)       1st         17       yino,000 or more; property stolen         18       while causing other property         19       damage; lst degree grand theft.         21       stolen property; initiates,         22       organizes, plans, etc., the theft         23       organizes, plans, etc., the theft         24       812.131(2)(a)       2nd         25       Robbery by sudden snatching. </th <th></th> <th></th> <th></th> <th></th>				
3offender less than 18 years.4800.04(5)(c)2.2ndLewd or lascivious molestation; victim 12 years of age or older5but less than 16 years; offender 18 years or older.718806.01(2)2nd810.02(3)(a)2ndBurglary of occupied dwelling; unarmed; no assault or battery.10810.02(3)(b)2ndBurglary of unoccupied dwelling; unarmed; no assault or battery.12810.02(3)(b)2ndBurglary of occupied conveyance; unarmed; no assault or battery.14810.02(3)(d)2ndBurglary of occupied conveyance; unarmed; no assault or battery.1511Property stolen, valued at \$100,000 or more; property stolen16812.014(2)(a)1stProperty stolen, valued at \$100,000 or more; property stolen18amage; lst degree grand theft.201stStolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.24812.131(2)(a)2nd25812.133(2)(b)1st2621Carjacking; no firearm, deadly weapon, or other weapon.27825.102(3)(b)2nd28Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
4800.04(5)(c)2.2ndLewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.78806.01(2)2ndMaliciously damage structure by fire or explosive.10810.02(3)(a)2ndBurglary of occupied dwelling; unarmed; no assault or battery.12810.02(3)(b)2ndBurglary of unoccupied dwelling; unarmed; no assault or battery.1310.02(3)(b)2ndBurglary of occupied conveyance; unarmed; no assault or battery.14810.02(3)(d)2ndBurglary of occupied conveyance; unarmed; no assault or battery.1511Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; lst degree grand theft.2011Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.24812.131(2)(a)2ndRobbery by sudden snatching.25812.133(2)(b)1stCarjacking; no firearm, deadly weapon, or other weapon.262ndNeglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	2			victim less than 12 years of age;
5victim 12 years of age or older but less than 16 years; offender 18 years or older.718 years or older.8806.01(2)2ndMaliciously damage structure by fire or explosive.9810.02(3)(a)2ndBurglary of occupied dwelling; unarmed; no assault or battery.12810.02(3)(b)2ndBurglary of unoccupied dwelling; unarmed; no assault or battery.14810.02(3)(d)2ndBurglary of occupied conveyance; unarmed; no assault or battery.1511116812.014(2)(a)1stProperty stolen, valued at \$100,000 or more; property stolen184812.019(2)1st19333201stStolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.24812.131(2)(a)2ndRobbery by sudden snatching.25812.133(2)(b)1stCarjacking; no firearm, deadly weapon, or other weapon.262020Malicious and elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	3			offender less than 18 years.
6but less than 16 years; offender 18 years or older.788806.01(2)2nd9fire or explosive.10810.02(3)(a)2nd11unarmed; no assault or battery.12810.02(3)(b)2nd13unarmed; no assault or battery.14810.02(3)(d)2nd15unarmed; no assault or battery.16812.014(2)(a)1st17\$100,000 or more; property stolen18while causing other property19damage; 1st degree grand theft.20812.019(2)1st21Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.24812.131(2)(a)2nd25812.133(2)(b)1st26Carjacking; no firearm, deadly weapon, or other weapon.27825.102(3)(b)2nd28Ling an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
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<pre>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 organizes, plans, etc., the theft 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.</pre>	11			unarmed; no assault or battery.
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<pre>15 15 16 1812.014(2)(a) 1st 17 16 17 17 17 18 17 18 18 17 19 18 12.019(2) 1st 15 15 15 15 15 15 15 15 15 15 15 15 15</pre>	13			unarmed; no assault or battery.
16812.014(2)(a)1stProperty stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.18while causing other property damage; 1st degree grand theft.20812.019(2)1stStolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.24812.131(2)(a)25812.133(2)(b)26weapon, or other weapon.27825.102(3)(b)28disabled adult causing great bodily harm, disability, or disfigurement.	14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
<pre>17 17 18 19 19 19 19 19 19 19 19 10 11 11 20 812.019(2) 11 15 15 15 15 15 15 15 15 15 15 15 15</pre>	15			unarmed; no assault or battery.
<pre>18 18 18 while causing other property 19 19 18 20 812.019(2) 1st Stolen property; initiates, 21 23 24 812.131(2)(a) 2nd Robbery by sudden snatching. 25 812.133(2)(b) 1st Carjacking; no firearm, deadly 26 27 825.102(3)(b) 2nd Neglecting an elderly person or 28 29 20 20 21 21 21 22 22 23 23 23 24 24 24 25 25 25 25 25 25 25 25 25 25 25 25 25</pre>	16	812.014(2)(a)	1st	Property stolen, valued at
19damage; lst degree grand theft.20812.019(2)1stStolen property; initiates, organizes, plans, etc., the theft21of property and traffics in stolen property.23stolen property.24812.131(2)(a)2nd812.133(2)(b)1stCarjacking; no firearm, deadly weapon, or other weapon.25825.102(3)(b)2nd28Lisabled adult causing great bodily harm, disability, or disfigurement.	17			\$100,000 or more; property stolen
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21organizes, plans, etc., the theft22of property and traffics in23stolen property.24812.131(2)(a)2nd812.133(2)(b)1st25812.133(2)(b)26weapon, or other weapon.27825.102(3)(b)2nd28disabled adult causing great29bodily harm, disability, or30isfigurement.	19			damage; 1st degree grand theft.
of property and traffics in stolen property. 812.131(2)(a) 2nd Robbery by sudden snatching. 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon. 825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	20	812.019(2)	1st	Stolen property; initiates,
<ul> <li>stolen property.</li> <li>812.131(2)(a)</li> <li>2nd Robbery by sudden snatching.</li> <li>812.133(2)(b)</li> <li>1st Carjacking; no firearm, deadly weapon, or other weapon.</li> <li>825.102(3)(b)</li> <li>2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.</li> </ul>	21			organizes, plans, etc., the theft
24812.131(2)(a)2ndRobbery by sudden snatching.25812.133(2)(b)1stCarjacking; no firearm, deadly weapon, or other weapon.26weapon, or other weapon.27825.102(3)(b)2nd28disabled adult causing great bodily harm, disability, or disfigurement.	22			of property and traffics in
<pre>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.</pre>	23			stolen property.
<pre>26 27 825.102(3)(b) 2nd Weapon, or other weapon. 28 disabled adult causing great 29 disabled adult causing great 30 disfigurement.</pre>	24	812.131(2)(a)	2nd	Robbery by sudden snatching.
<pre>27 825.102(3)(b) 2nd Neglecting an elderly person or 28 disabled adult causing great 29 bodily harm, disability, or 30 disfigurement.</pre>	25	812.133(2)(b)	lst	Carjacking; no firearm, deadly
28 disabled adult causing great 29 bodily harm, disability, or 30 disfigurement.	26			weapon, or other weapon.
29 bodily harm, disability, or 30 disfigurement.	27	825.102(3)(b)	2nd	Neglecting an elderly person or
30 disfigurement.	28			disabled adult causing great
	29			bodily harm, disability, or
21	30			disfigurement.
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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.	lst	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.	lst	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.
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893.13(4)(a) 1 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 than 50 lbs., less than 2,000 6 7 lbs. 8 893.135 9 Trafficking in cocaine, more than (1)(b)1.a. 1st 10 28 grams, less than 200 grams. 893.135 11 12 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 13 14 grams. 893.135 15 16 Trafficking in phencyclidine, (1)(d)1. 1st 17 more than 28 grams, less than 200 18 grams. 19 893.135(1)(e)1. Trafficking in methaqualone, more 1st 20 than 200 grams, less than 5 21 kilograms. 22 893.135(1)(f)1. Trafficking in amphetamine, more 1st 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 gamma-hydroxybutyric acid (GHB), 31 9 9:55 AM 05/01/01 s1196c2c-3718h Bill No. CS for CS for SB 1196

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1 1 kilogram or more, less than 5 2 kilograms. 3 893.135 Trafficking in 1,4-Butanediol, 1 4 (1)(i)1.a. 1st 5 kilogram or more, less then 5 6 kilograms. 7 893.135 Trafficking in Phenethylamines, 8 (1)(j)2.a. 1st 9 10 grams or more, less than 200 10 grams. 896.101(5)(a) Money laundering, financial 11 3rd 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 less than \$20,000. 18 19 20 (Redesignate subsequent sections.) 21 22 23 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. 484.015, F.S.; revising inspection authority; 31 10

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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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