

Bill No. CS for SB 1558, 1st Eng.

Amendment No.      Barcode 940362

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Wasserman Schultz moved the following amendment to amendment (791604):

**Senate Amendment (with title amendment)**

On page 267, between lines 16 and 17,

insert:

Section 120. Section 484.013, Florida Statutes, is amended to read:

484.013 Violations and penalties.--

(1) It is unlawful for any person:

(a) To 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

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1 s. 484.012.

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

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

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

15 (5)(a) Except as otherwise provided in paragraph (b),  
16 a ~~Any~~ person who violates any ~~a~~ provision of this section  
17 commits a misdemeanor of the second degree, punishable as  
18 provided in s. 775.082 or s. 775.083.

19 (b) A person who knowingly violates paragraph (1)(c)  
20 commits a felony of the third degree, punishable as provided  
21 in s. 775.082, s. 775.083, or s. 775.084.

22 Section 121. Paragraph (g) of subsection (3) of  
23 section 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity  
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27

28 Florida	Felony	
29 Statute	Degree	Description

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1			(g) LEVEL 7
2	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
3			injury.
4	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
5			bodily injury.
6	402.319(2)	2nd	Misrepresentation and negligence
7			or intentional act resulting in
8			great bodily harm, permanent
9			disfiguration, permanent
10			disability, or death.
11	409.920(2)	3rd	Medicaid provider fraud.
12	456.065(2)	3rd	Practicing a health care
13			profession without a license.
14	456.065(2)	2nd	Practicing a health care
15			profession without a license
16			which results in serious bodily
17			injury.
18	458.327(1)	3rd	Practicing medicine without a
19			license.
20	459.013(1)	3rd	Practicing osteopathic medicine
21			without a license.
22	460.411(1)	3rd	Practicing chiropractic medicine
23			without a license.
24	461.012(1)	3rd	Practicing podiatric medicine
25			without a license.
26	462.17	3rd	Practicing naturopathy without a
27			license.
28	463.015(1)	3rd	Practicing optometry without a
29			license.
30	464.016(1)	3rd	Practicing nursing without a
31			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	<u>484.013(1)(c)</u>	<u>3rd</u>	<u>Preparing or dispensing optical</u>
14			<u>devices without a prescription.</u>
15	484.053	3rd	Dispensing hearing aids without a
16			license.
17	494.0018(2)	1st	Conviction of any violation of
18			ss. 494.001-494.0077 in which the
19			total money and property
20			unlawfully obtained exceeded
21			\$50,000 and there were five or
22			more victims.
23	560.123(8)(b)1.	3rd	Failure to report currency or
24			payment instruments exceeding
25			\$300 but less than \$20,000 by
26			money transmitter.
27	560.125(5)(a)	3rd	Money transmitter business by
28			unauthorized person, currency or
29			payment instruments exceeding
30			\$300 but less than \$20,000.
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1	655.50(10)(b)1.	3rd	Failure to report financial
2			transactions exceeding \$300 but
3			less than \$20,000 by financial
4			institution.
5	782.051(3)	2nd	Attempted felony murder of a
6			person by a person other than the
7			perpetrator or the perpetrator of
8			an attempted felony.
9	782.07(1)	2nd	Killing of a human being by the
10			act, procurement, or culpable
11			negligence of another
12			(manslaughter).
13	782.071	2nd	Killing of human being or viable
14			fetus by the operation of a motor
15			vehicle in a reckless manner
16			(vehicular homicide).
17	782.072	2nd	Killing of a human being by the
18			operation of a vessel in a
19			reckless manner (vessel
20			homicide).
21	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
22			causing great bodily harm or
23			disfigurement.
24	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
25			weapon.
26	784.045(1)(b)	2nd	Aggravated battery; perpetrator
27			aware victim pregnant.
28	784.048(4)	3rd	Aggravated stalking; violation of
29			injunction or court order.
30	784.07(2)(d)	1st	Aggravated battery on law
31			enforcement officer.

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1	784.08(2)(a)	1st	Aggravated battery on a person 65
2			years of age or older.
3	784.081(1)	1st	Aggravated battery on specified
4			official or employee.
5	784.082(1)	1st	Aggravated battery by detained
6			person on visitor or other
7			detainee.
8	784.083(1)	1st	Aggravated battery on code
9			inspector.
10	790.07(4)	1st	Specified weapons violation
11			subsequent to previous conviction
12			of s. 790.07(1) or (2).
13	790.16(1)	1st	Discharge of a machine gun under
14			specified circumstances.
15	790.166(3)	2nd	Possessing, selling, using, or
16			attempting to use a hoax weapon
17			of mass destruction.
18	796.03	2nd	Procuring any person under 16
19			years for prostitution.
20	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
21			victim less than 12 years of age;
22			offender less than 18 years.
23	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
24			victim 12 years of age or older
25			but less than 16 years; offender
26			18 years or older.
27	806.01(2)	2nd	Maliciously damage structure by
28			fire or explosive.
29	810.02(3)(a)	2nd	Burglary of occupied dwelling;
30			unarmed; no assault or battery.
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1	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
2			unarmed; no assault or battery.
3	810.02(3)(d)	2nd	Burglary of occupied conveyance;
4			unarmed; no assault or battery.
5	812.014(2)(a)	1st	Property stolen, valued at
6			\$100,000 or more; property stolen
7			while causing other property
8			damage; 1st degree grand theft.
9	812.019(2)	1st	Stolen property; initiates,
10			organizes, plans, etc., the theft
11			of property and traffics in
12			stolen property.
13	812.131(2)(a)	2nd	Robbery by sudden snatching.
14	812.133(2)(b)	1st	Carjacking; no firearm, deadly
15			weapon, or other weapon.
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.  
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8 (Redesignate subsequent sections.)

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

12 And the title is amended as follows:

13 On page 298, line 12, following the semicolon

14

15 insert:

16 amending s. 484.013, F.S.; increasing the  
 17 penalty for certain acts involving preparation  
 18 or dispensing of optical devices; amending s.  
 19 921.0022, F.S.; providing for the ranking of  
 20 such offense on the offense severity ranking  
 21 chart;

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