

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime Prevention, Corrections & Safety offered the following:

Amendment (with title amendment)

On page 2, line 11, remove: said line

and insert: Section 2. Paragraphs (c), (e) and (g) of subsection (3) of section 921.0022, Florida Statutes are amended to read:

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

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and

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- 1 lights activated.
- 2 319.30(4) 3rd Possession by junkyard of motor
- 3 vehicle with identification
- 4 number plate removed.
- 5 319.33(1)(a) 3rd Alter or forge any certificate of
- 6 title to a motor vehicle or
- 7 mobile home.
- 8 319.33(1)(c) 3rd Procure or pass title on stolen
- 9 vehicle.
- 10 319.33(4) 3rd With intent to defraud, possess,
- 11 sell, etc., a blank, forged, or
- 12 unlawfully obtained title or
- 13 registration.
- 14 328.05(2) 3rd Possess, sell, or counterfeit
- 15 fictitious, stolen, or fraudulent
- 16 titles or bills of sale of
- 17 vessels.
- 18 328.07(4) 3rd Manufacture, exchange, or possess
- 19 vessel with counterfeit or wrong
- 20 ID number.
- 21 376.302(5) 3rd Fraud related to reimbursement
- 22 for cleanup expenses under the
- 23 Inland Protection Trust Fund.
- 24 501.001(2)(b) 2nd Tamper with a consumer product
- 25 or the container using materially
- 26 false/misleading information.
- 27 697.08 3rd Equity skimming.
- 28 790.15(3) 3rd Person directs another to
- 29 discharge firearm from a vehicle.
- 30 796.05(1) 3rd Live on earnings of a prostitute.
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1	806.10(1)	3rd	Maliciously injure, destroy, or
2			interfere with vehicles or
3			equipment used in firefighting.
4	806.10(2)	3rd	Interferes with or assaults
5			firefighter in performance of
6			duty.
7	810.09(2)(c)	3rd	Trespass on property other than
8			structure or conveyance armed
9			with firearm or dangerous weapon.
10	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
11			less than \$10,000.
12	<u>812.0145(2)(c)</u>	<u>3rd</u>	<u>Theft from person 65 years of age</u>
13			<u>or older; \$300 or more but less</u>
14			<u>than \$10,000.</u>
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	817.234(8)&(9)	3rd	Unlawful solicitation of persons
23			involved in motor vehicle
24			accidents.
25	817.234(11)(a)	3rd	Insurance fraud; property value
26			less than \$20,000.
27	817.505(4)	3rd	Patient brokering.
28	828.12(2)	3rd	Tortures any animal with intent
29			to inflict intense pain, serious
30			physical injury, or death.
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1	831.28(2)(a)	3rd	Counterfeiting a payment
2			instrument with intent to defraud
3			or possessing a counterfeit
4			payment instrument.
5	831.29	2nd	Possession of instruments for
6			counterfeiting drivers' licenses
7			or identification cards.
8	838.021(3)(b)	3rd	Threatens unlawful harm to public
9			servant.
10	843.19	3rd	Injure, disable, or kill police
11			dog or horse.
12	870.01(2)	3rd	Riot; inciting or encouraging.
13	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
14			cannabis (or other s.
15			893.03(1)(c), (2)(c)1., (2)(c)2.,
16			(2)(c)3., (2)(c)5., (2)(c)6.,
17			(2)(c)7., (2)(c)8., (2)(c)9.,
18			(3), or (4) drugs).
19	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
20			893.03(1)(c), (2)(c)1., (2)(c)2.,
21			(2)(c)3., (2)(c)5., (2)(c)6.,
22			(2)(c)7., (2)(c)8., (2)(c)9.,
23			(3), or (4) drugs within 200 feet
24			of university or public park.
25	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
26			893.03(1)(c), (2)(c)1., (2)(c)2.,
27			(2)(c)3., (2)(c)5., (2)(c)6.,
28			(2)(c)7., (2)(c)8., (2)(c)9.,
29			(3), or (4) drugs within 200 feet
30			of public housing facility.
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1	893.13(6)(a)	3rd	Possession of any controlled
2			substance other than felony
3			possession of cannabis.
4	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
5			controlled substance by fraud,
6			forgery, misrepresentation, etc.
7	893.13(7)(a)11.	3rd	Furnish false or fraudulent
8			material information on any
9			document or record required by
10			chapter 893.
11	918.13(1)(a)	3rd	Alter, destroy, or conceal
12			investigation evidence.
13	944.47		
14	(1)(a)1.-2.	3rd	Introduce contraband to
15			correctional facility.
16	944.47(1)(c)	2nd	Possess contraband while upon the
17			grounds of a correctional
18			institution.
19	985.3141	3rd	Escapes from a juvenile facility
20			(secure detention or residential
21			commitment facility).
22			(e) LEVEL 5
23	316.027(1)(a)	3rd	Accidents involving personal
24			injuries, failure to stop;
25			leaving scene.
26	316.1935(4)	2nd	Aggravated fleeing or eluding.
27	322.34(6)	3rd	Careless operation of motor
28			vehicle with suspended license,
29			resulting in death or serious
30			bodily injury.
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1	327.30(5)	3rd	Vessel accidents involving
2			personal injury; leaving scene.
3	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
4			knowing HIV positive.
5	790.01(2)	3rd	Carrying a concealed firearm.
6	790.162	2nd	Threat to throw or discharge
7			destructive device.
8	790.163	2nd	False report of deadly explosive.
9	790.165(2)	3rd	Manufacture, sell, possess, or
10			deliver hoax bomb.
11	790.221(1)	2nd	Possession of short-barreled
12			shotgun or machine gun.
13	790.23	2nd	Felons in possession of firearms
14			or electronic weapons or devices.
15	800.04(6)(c)	3rd	Lewd or lascivious conduct;
16			offender less than 18 years.
17	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
18			offender 18 years or older.
19	806.111(1)	3rd	Possess, manufacture, or dispense
20			fire bomb with intent to damage
21			any structure or property.
22	<u>812.0145(2)(b)</u>	<u>2nd</u>	<u>Theft from person 65 year of age</u>
23			<u>or older; \$10,000 or more but</u>
24			<u>less than \$50,000.</u>
25	812.015(8)	3rd	Retail theft; property stolen is
26			valued at \$300 or more and one or
27			more specified acts.
28	812.019(1)	2nd	Stolen property; dealing in or
29			trafficking in.
30	812.131(2)(b)	3rd	Robbery by sudden snatching.
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1	812.16(2)	3rd	Owning, operating, or conducting
2			a chop shop.
3	817.034(4)(a)2.	2nd	Communications fraud, value
4			\$20,000 to \$50,000.
5	817.234(11)(b)	2nd	Insurance fraud; property value
6			\$20,000 or more but less than
7			\$100,000.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$75,000 or more.
13	817.625(2)(b)	2nd	Second or subsequent fraudulent
14			use of scanning device or
15			reencoder.
16	825.1025(4)	3rd	Lewd or lascivious exhibition in
17			the presence of an elderly person
18			or disabled adult.
19	827.071(4)	2nd	Possess with intent to promote
20			any photographic material, motion
21			picture, etc., which includes
22			sexual conduct by a child.
23	843.01	3rd	Resist officer with violence to
24			person; resist arrest with
25			violence.
26	874.05(2)	2nd	Encouraging or recruiting another
27			to join a criminal street gang;
28			second or subsequent offense.
29	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
30			cocaine (or other s.
31			893.03(1)(a), (1)(b), (1)(d),

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1			(2)(a), (2)(b), or (2)(c)4.
2			drugs).
3	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
4			cannabis (or other 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 1,000
9			feet of a child care facility or
10			school.
11	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other s.
13			893.03(1)(a), (1)(b), (1)(d),
14			(2)(a), (2)(b), or (2)(c)4.
15			drugs) within 200 feet of
16			university or public park.
17	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
18			cannabis or other drug prohibited
19			under s. 893.03(1)(c), (2)(c)1.,
20			(2)(c)2., (2)(c)3., (2)(c)5.,
21			(2)(c)6., (2)(c)7., (2)(c)8.,
22			(2)(c)9., (3), or (4) within
23			1,000 feet of property used for
24			religious services or a specified
25			business site.
26	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
27			cocaine (or other s.
28			893.03(1)(a), (1)(b), (1)(d), or
29			(2)(a), (2)(b), or (2)(c)4.
30			drugs) within 200 feet of public
31			housing facility.

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1	893.13(4)(b)	2nd	Deliver to minor cannabis (or
2			other s. 893.03(1)(c), (2)(c)1.,
3			(2)(c)2., (2)(c)3., (2)(c)5.,
4			(2)(c)6., (2)(c)7., (2)(c)8.,
5			(2)(c)9., (3), or (4) drugs).
6			(g) LEVEL 7
7	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
8			injury.
9	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
10			bodily injury.
11	402.319(2)	2nd	Misrepresentation and negligence
12			or intentional act resulting in
13			great bodily harm, permanent
14			disfiguration, permanent
15			disability, or death.
16	409.920(2)	3rd	Medicaid provider fraud.
17	456.065(2)	3rd	Practicing a health care
18			profession without a license.
19	456.065(2)	2nd	Practicing a health care
20			profession without a license
21			which results in serious bodily
22			injury.
23	458.327(1)	3rd	Practicing medicine without a
24			license.
25	459.013(1)	3rd	Practicing osteopathic medicine
26			without a license.
27	460.411(1)	3rd	Practicing chiropractic medicine
28			without a license.
29	461.012(1)	3rd	Practicing podiatric medicine
30			without a license.
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1	462.17	3rd	Practicing naturopathy without a
2			license.
3	463.015(1)	3rd	Practicing optometry without a
4			license.
5	464.016(1)	3rd	Practicing nursing without a
6			license.
7	465.015(2)	3rd	Practicing pharmacy without a
8			license.
9	466.026(1)	3rd	Practicing dentistry or dental
10			hygiene without a license.
11	467.201	3rd	Practicing midwifery without a
12			license.
13	468.366	3rd	Delivering respiratory care
14			services without a license.
15	483.828(1)	3rd	Practicing as clinical laboratory
16			personnel without a license.
17	483.901(9)	3rd	Practicing medical physics
18			without a license.
19	484.013(1)(c)	3rd	Preparing or dispensing optical
20			devices without a prescription.
21	484.053	3rd	Dispensing hearing aids without a
22			license.
23	494.0018(2)	1st	Conviction of any violation of
24			ss. 494.001-494.0077 in which the
25			total money and property
26			unlawfully obtained exceeded
27			\$50,000 and there were five or
28			more victims.
29	560.123(8)(b)1.	3rd	Failure to report currency or
30			payment instruments exceeding
31			\$300 but less than \$20,000 by

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1			money transmitter.
2	560.125(5)(a)	3rd	Money transmitter business by
3			unauthorized person, currency or
4			payment instruments exceeding
5			\$300 but less than \$20,000.
6	655.50(10)(b)1.	3rd	Failure to report financial
7			transactions exceeding \$300 but
8			less than \$20,000 by financial
9			institution.
10	782.051(3)	2nd	Attempted felony murder of a
11			person by a person other than the
12			perpetrator or the perpetrator of
13			an attempted felony.
14	782.07(1)	2nd	Killing of a human being by the
15			act, procurement, or culpable
16			negligence of another
17			(manslaughter).
18	782.071	2nd	Killing of human being or viable
19			fetus by the operation of a motor
20			vehicle in a reckless manner
21			(vehicular homicide).
22	782.072	2nd	Killing of a human being by the
23			operation of a vessel in a
24			reckless manner (vessel
25			homicide).
26	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
27			causing great bodily harm or
28			disfigurement.
29	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
30			weapon.
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1	784.045(1)(b)	2nd	Aggravated battery; perpetrator
2			aware victim pregnant.
3	784.048(4)	3rd	Aggravated stalking; violation of
4			injunction or court order.
5	784.07(2)(d)	1st	Aggravated battery on law
6			enforcement officer.
7	784.074(1)(a)	1st	Aggravated battery on sexually
8			violent predators facility staff.
9	784.08(2)(a)	1st	Aggravated battery on a person 65
10			years of age or older.
11	784.081(1)	1st	Aggravated battery on specified
12			official or employee.
13	784.082(1)	1st	Aggravated battery by detained
14			person on visitor or other
15			detainee.
16	784.083(1)	1st	Aggravated battery on code
17			inspector.
18	790.07(4)	1st	Specified weapons violation
19			subsequent to previous conviction
20			of s. 790.07(1) or (2).
21	790.16(1)	1st	Discharge of a machine gun under
22			specified circumstances.
23	790.166(3)	2nd	Possessing, selling, using, or
24			attempting to use a hoax weapon
25			of mass destruction.
26	796.03	2nd	Procuring any person under 16
27			years for prostitution.
28	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
29			victim less than 12 years of age;
30			offender less than 18 years.
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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)	1st	Property stolen, valued at
14			\$100,000 or more; cargo stolen
15			valued at \$50,000, or more;
16			property stolen while causing
17			other property damage; 1st degree
18			grand theft.
19	812.014(2)(b)2.	2nd	Property stolen, emergency
20			medical equipment; 2nd degree
21			grand theft.
22	<u>812.0145(2)(a)</u>	<u>1st</u>	<u>Theft from person 65 years of age</u>
23			<u>or older; \$50,000 or more.</u>
24	812.019(2)	1st	Stolen property; initiates,
25			organizes, plans, etc., the theft
26			of property and traffics in
27			stolen property.
28	812.131(2)(a)	2nd	Robbery by sudden snatching.
29	812.133(2)(b)	1st	Carjacking; no firearm, deadly
30			weapon, or other weapon.
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1	817.234(11)(c)	1st	Insurance fraud; property value
2			\$100,000 or more.
3	825.102(3)(b)	2nd	Neglecting an elderly person or
4			disabled adult causing great
5			bodily harm, disability, or
6			disfigurement.
7	825.1025(2)	2nd	Lewd or lascivious battery upon
8			an elderly person or disabled
9			adult.
10	825.103(2)(b)	2nd	Exploiting an elderly person or
11			disabled adult and property is
12			valued at \$20,000 or more, but
13			less than \$100,000.
14	827.03(3)(b)	2nd	Neglect of a child causing great
15			bodily harm, disability, or
16			disfigurement.
17	827.04(3)	3rd	Impregnation of a child under 16
18			years of age by person 21 years
19			of age or older.
20	837.05(2)	3rd	Giving false information about
21			alleged capital felony to a law
22			enforcement officer.
23	872.06	2nd	Abuse of a dead human body.
24	893.13(1)(c)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 a
29			child care facility or school.
30	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
31			cocaine or other drug prohibited

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1			under s. 893.03(1)(a), (1)(b),
2			(1)(d), (2)(a), (2)(b), or
3			(2)(c)4., within 1,000 feet of
4			property used for religious
5			services or a specified business
6			site.
7	893.13(4)(a)	1st	Deliver to minor cocaine (or
8			other s. 893.03(1)(a), (1)(b),
9			(1)(d), (2)(a), (2)(b), or
10			(2)(c)4. drugs).
11	893.135(1)(a)1.	1st	Trafficking in cannabis, more
12			than 25 lbs., less than 2,000
13			lbs.
14	893.135		
15	(1)(b)1.a.	1st	Trafficking in cocaine, more than
16			28 grams, less than 200 grams.
17	893.135		
18	(1)(c)1.a.	1st	Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135		
22	(1)(d)1.	1st	Trafficking in phencyclidine,
23			more than 28 grams, less than 200
24			grams.
25	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
26			than 200 grams, less than 5
27			kilograms.
28	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
29			than 14 grams, less than 28
30			grams.
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- 1 893.135
- 2 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
- 3 grams or more, less than 14
- 4 grams.
- 5 893.135
- 6 (1)(h)1.a. 1st Trafficking in
- 7 gamma-hydroxybutyric acid (GHB),
- 8 1 kilogram or more, less than 5
- 9 kilograms.
- 10 893.135
- 11 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
- 12 kilogram or more, less than 5
- 13 kilograms.
- 14 893.135
- 15 (1)(j)2.a. 1st Trafficking in Phenethylamines,
- 16 10 grams or more, less than 200
- 17 grams.
- 18 896.101(5)(a) 3rd Money laundering, financial
- 19 transactions exceeding \$300 but
- 20 less than \$20,000.
- 21 896.104(4)(a)1. 3rd Structuring transactions to evade
- 22 reporting or registration
- 23 requirements, financial
- 24 transactions exceeding \$300 but
- 25 less than \$20,000.

26 Section 3. This act shall take effect October 1, 2002.

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

30 And the title is amended as follows:

31 On page 1, line 6,

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1 remove: said line
2
3 and insert:
4 from said persons; amending s. 921.0022, F.S.;
5 adding specified felonies to the Criminal
6 Punishment Code offense severity ranking chart;
7 providing an effective date.
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