

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Barreiro offered the following:

Amendment (with title amendment)

Remove lines 52-329, and insert:

(b) If the funds, assets, or property involved in the theft from a person 65 years of age or older is valued at \$10,000 or more, but less than \$50,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other provision of law, a person who is convicted of the offense prohibited by this paragraph shall be sentenced to a minimum term of imprisonment of 3 years.

(c) If the funds, assets, or property involved in the theft from a person 65 years of age or older is valued at \$300 or more, but less than \$10,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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28 Section 3. Section 825.103, Florida Statutes, is amended
29 to read:

30 825.103 Exploitation of an elderly person or disabled
31 adult; penalties.--

32 (1) "Exploitation of an elderly person or disabled adult"
33 means:

34 (a) Knowingly, by deception or intimidation, obtaining or
35 using, or endeavoring to obtain or use, an elderly person's or
36 disabled adult's funds, assets, or property with the intent to
37 temporarily or permanently deprive the elderly person or
38 disabled adult of the use, benefit, or possession of the funds,
39 assets, or property, or to benefit someone other than the
40 elderly person or disabled adult, by a person who:

41 1. Stands in a position of trust and confidence with the
42 elderly person or disabled adult; or

43 2. Has a business relationship with the elderly person or
44 disabled adult; or

45 (b) Obtaining or using, endeavoring to obtain or use, or
46 conspiring with another to obtain or use an elderly person's or
47 disabled adult's funds, assets, or property with the intent to
48 temporarily or permanently deprive the elderly person or
49 disabled adult of the use, benefit, or possession of the funds,
50 assets, or property, or to benefit someone other than the
51 elderly person or disabled adult, by a person who knows or
52 reasonably should know that the elderly person or disabled adult
53 lacks the capacity to consent.

54 (2)(a) If the funds, assets, or property involved in the
55 exploitation of the elderly person or disabled adult is valued
56 at \$100,000 or more, the offender commits a felony of the first

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57 degree, punishable as provided in s. 775.082, s. 775.083, or s.
58 775.084. Notwithstanding any other provision of law, a person
59 who is convicted of the offense prohibited by this paragraph
60 shall be sentenced to a minimum term of imprisonment of 5 years.

61 (b) If the funds, assets, or property involved in the
62 exploitation of the elderly person or disabled adult is valued
63 at \$10,000 ~~\$20,000~~ or more, but less than \$100,000, the offender
64 commits a felony of the second degree, punishable as provided in
65 s. 775.082, s. 775.083, or s. 775.084. Notwithstanding any other
66 provision of law, a person who is convicted of the offense
67 prohibited by this paragraph shall be sentenced to a minimum
68 term of imprisonment of 3 years.

69 (c) If the funds, assets, or property involved in the
70 exploitation of an elderly person or disabled adult is valued at
71 less than \$10,000 ~~\$20,000~~, the offender commits a felony of the
72 third degree, punishable as provided in s. 775.082, s. 775.083,
73 or s. 775.084.

74 Section 4. Paragraphs (f) and (g) of subsection (3) of
75 section 921.0022, Florida Statutes, are amended to read:

76 921.0022 Criminal Punishment Code; offense severity
77 ranking chart.--

78 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

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80

(f) LEVEL 6

81

316.027(1)(b)	2nd	Accident involving death, failure to
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			stop; leaving scene.
82	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
83	775.0875(1)	3rd	Taking firearm from law enforcement officer.
84	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
85	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
86	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
87	784.041	3rd	Felony battery.
88	784.048(3)	3rd	Aggravated stalking; credible threat.
89	784.048(5)	3rd	Aggravated stalking of person under 16.
90	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
91	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
92	784.08(2)(b)	2nd	Aggravated assault on a person 65

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			years of age or older.
93	784.081(2)	2nd	Aggravated assault on specified official or employee.
94	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
95	784.083(2)	2nd	Aggravated assault on code inspector.
96	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
97	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
98	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
99	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
100	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
101	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
102	794.05(1)	2nd	Unlawful sexual activity with specified minor.

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103	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
104	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
105	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
106	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
107	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
108	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
109	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
110	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
111	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
112	817.4821(5)	2nd	Possess cloning paraphernalia with

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			intent to create cloned cellular telephones.
113	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
114	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
115	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
116	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than <u>\$10,000</u> \$20,000 .
117	827.03(1)	3rd	Abuse of a child.
118	827.03(3)(c)	3rd	Neglect of a child.
119	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
120	836.05	2nd	Threats; extortion.
121	836.10	2nd	Written threats to kill or do bodily injury.
122	843.12	3rd	Aids or assists person to escape.
123	847.0135(3)	3rd	Solicitation of a child, via a

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124			computer service, to commit an unlawful sex act.
124	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
125	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
126	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
127	944.40	2nd	Escapes.
128	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
129	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
130	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
131			(g) LEVEL 7
132	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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134	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
135	409.920(2)	3rd	Medicaid provider fraud.
136	456.065(2)	3rd	Practicing a health care profession without a license.
137	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
138	458.327(1)	3rd	Practicing medicine without a license.
139	459.013(1)	3rd	Practicing osteopathic medicine without a license.
140	460.411(1)	3rd	Practicing chiropractic medicine without a license.
141	461.012(1)	3rd	Practicing podiatric medicine without a license.
142	462.17	3rd	Practicing naturopathy without a license.
143	463.015(1)	3rd	Practicing optometry without a

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			license.
144	464.016(1)	3rd	Practicing nursing without a license.
145	465.015(2)	3rd	Practicing pharmacy without a license.
146	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
147	467.201	3rd	Practicing midwifery without a license.
148	468.366	3rd	Delivering respiratory care services without a license.
149	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
150	483.901(9)	3rd	Practicing medical physics without a license.
151	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
152	484.053	3rd	Dispensing hearing aids without a license.
153	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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154	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
155	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
156	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
157	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
158	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
159	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
160	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
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162	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
163	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
164	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
165	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
166	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
167	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
168	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
169	784.081(1)	1st	Aggravated battery on specified official or employee.
170	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
171	784.083(1)	1st	Aggravated battery on code inspector.
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1)

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or (2).

172

790.16(1) 1st Discharge of a machine gun under specified circumstances.

173

790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

174

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

175

790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

176

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

177

796.03 2nd Procuring any person under 16 years for prostitution.

178

800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

179

800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

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181	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
182	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
183	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
184	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
185	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
186	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
187	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
188	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
189	812.131(2)(a)	2nd	Robbery by sudden snatching.
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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190	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
191	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
192	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at <u>\$10,000</u> \$20,000 or more, but less than \$100,000.
193	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
194	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
195	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
196	872.06	2nd	Abuse of a dead human body.
197	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.

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198 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine
or other drug prohibited under s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4., within 1,000 feet
of property used for religious
services or a specified business site.

199 893.13(4)(a) 1st Deliver to minor cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4. drugs).

200 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

201 893.135(1)(b)1. 1st Trafficking in cocaine, more than 28
a. grams, less than 200 grams.

202 893.135(1)(c)1. 1st Trafficking in illegal drugs, more
a. than 4 grams, less than 14 grams.

203 893.135(1)(d)1. 1st Trafficking in phencyclidine, more
than 28 grams, less than 200 grams.

204 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

205 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

206 893.135(1)(g)1. 1st Trafficking in flunitrazepam, 4 grams
a. or more, less than 14 grams.

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207 | 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric
 a. acid (GHB), 1 kilogram or more, less
 than 5 kilograms.

208 | 893.135(1)(j)1. 1st Trafficking in 1,4-Butanediol, 1
 a. kilogram or more, less than 5
 kilograms.

209 | 893.135(1)(k)2. 1st Trafficking in Phenethylamines, 10
 a. grams or more, less than 200 grams.

210 | 896.101(5)(a) 3rd Money laundering, financial
 transactions exceeding \$300 but less
 than \$20,000.

211 | 896.104(4)(a)1. 3rd Structuring transactions to evade
 reporting or registration
 requirements, financial transactions
 exceeding \$300 but less than \$20,000.

212 |
 213 | ===== T I T L E A M E N D M E N T =====

214 | Remove lines 15 and 16, and insert:
 215 | persons 65 years of age or older;