



CHAMBER ACTION

The Committee on Insurance recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to insurance fraud; providing a popular name; amending s. 624.155, F.S.; providing for bringing an action against an unauthorized insurer under certain circumstances; amending s. 624.310, F.S.; making it unlawful for certain affiliated parties to participate in insurance business without authorization; providing a criminal penalty; amending s. 624.401, F.S.; providing criminal penalties for acting as an insurer without a valid certificate; amending s. 626.989, F.S.; specifying certain investigators as law enforcement officers; creating s. 817.413, F.S.; making unlawful in sales of motor vehicle goods misrepresentations of used or repossessed goods as new or original; providing a criminal penalty; amending s. 860.15, F.S.; providing a criminal penalty for certain charges relating to services and parts for motor vehicle repair; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the



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28 Criminal Punishment Code, to conform; providing  
29 severability; providing an effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. This is the "Pete Orr Insurance Anti-Fraud  
34 Act."

35 Section 2. Section 624.155, Florida Statutes, is amended  
36 to read:

37 624.155 Civil remedy.--

38 (1) Any person may bring a civil action against an insurer  
39 when such person is damaged:

40 (a) By a violation of any of the following provisions by  
41 the insurer:

42 1. Section 626.9541(1)(i), (o), or (x);

43 2. Section 626.9551;

44 3. Section 626.9705;

45 4. Section 626.9706;

46 5. Section 626.9707; or

47 6. Section 627.7283.

48 (b) By the commission of any of the following acts by the  
49 insurer:

50 1. Not attempting in good faith to settle claims when,  
51 under all the circumstances, it could and should have done so,  
52 had it acted fairly and honestly toward its insured and with due  
53 regard for her or his interests;



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54 2. Making claims payments to insureds or beneficiaries not  
55 accompanied by a statement setting forth the coverage under  
56 which payments are being made; or

57 3. Except as to liability coverages, failing to promptly  
58 settle claims, when the obligation to settle a claim has become  
59 reasonably clear, under one portion of the insurance policy  
60 coverage in order to influence settlements under other portions  
61 of the insurance policy coverage.

62

63 Notwithstanding the provisions of the above to the contrary, a  
64 person pursuing a remedy under this section need not prove that  
65 such act was committed or performed with such frequency as to  
66 indicate a general business practice.

67 (2) Any party may bring a civil action against an  
68 unauthorized insurer if such party is damaged by a violation of  
69 s. 624.401 by the unauthorized insurer.

70 (3)(2)(a) As a condition precedent to bringing an action  
71 under this section, the department and the authorized insurer  
72 must have been given 60 days' written notice of the violation.  
73 If the department returns a notice for lack of specificity, the  
74 60-day time period shall not begin until a proper notice is  
75 filed.

76 (b) The notice shall be on a form provided by the  
77 department and shall state with specificity the following  
78 information, and such other information as the department may  
79 require:



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80 1. The statutory provision, including the specific  
81 language of the statute, which the authorized insurer allegedly  
82 violated.

83 2. The facts and circumstances giving rise to the  
84 violation.

85 3. The name of any individual involved in the violation.

86 4. Reference to specific policy language that is relevant  
87 to the violation, if any. If the person bringing the civil  
88 action is a third party claimant, she or he shall not be  
89 required to reference the specific policy language if the  
90 authorized insurer has not provided a copy of the policy to the  
91 third party claimant pursuant to written request.

92 5. A statement that the notice is given in order to  
93 perfect the right to pursue the civil remedy authorized by this  
94 section.

95 (c) Within 20 days of receipt of the notice, the  
96 department may return any notice that does not provide the  
97 specific information required by this section, and the  
98 department shall indicate the specific deficiencies contained in  
99 the notice. A determination by the department to return a notice  
100 for lack of specificity shall be exempt from the requirements of  
101 chapter 120.

102 (d) No action shall lie if, within 60 days after filing  
103 notice, the damages are paid or the circumstances giving rise to  
104 the violation are corrected.

105 (e) The authorized insurer that is the recipient of a  
106 notice filed pursuant to this section shall report to the  
107 department on the disposition of the alleged violation.



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108 (f) The applicable statute of limitations for an action  
109 under this section shall be tolled for a period of 65 days by  
110 the mailing of the notice required by this subsection or the  
111 mailing of a subsequent notice required by this subsection.

112 ~~(4)~~~~(3)~~ Upon adverse adjudication at trial or upon appeal,  
113 the authorized insurer shall be liable for damages, together  
114 with court costs and reasonable attorney's fees incurred by the  
115 plaintiff.

116 ~~(5)~~~~(4)~~ No punitive damages shall be awarded under this  
117 section unless the acts giving rise to the violation occur with  
118 such frequency as to indicate a general business practice and  
119 these acts are:

120 (a) Willful, wanton, and malicious;

121 (b) In reckless disregard for the rights of any insured;  
122 or

123 (c) In reckless disregard for the rights of a beneficiary  
124 under a life insurance contract.

125  
126 Any person who pursues a claim under this subsection shall post  
127 in advance the costs of discovery. Such costs shall be awarded  
128 to the authorized insurer if no punitive damages are awarded to  
129 the plaintiff.

130 ~~(6)~~~~(5)~~ This section shall not be construed to authorize a  
131 class action suit against an authorized insurer or a civil  
132 action against the department, its employees, or the Insurance  
133 Commissioner, or to create a cause of action when an authorized  
134 a health insurer refuses to pay a claim for reimbursement on the



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135 ground that the charge for a service was unreasonably high or  
136 that the service provided was not medically necessary.

137 ~~(7)(6)~~ In the absence of expressed language to the  
138 contrary, this section shall not be construed to authorize a  
139 civil action or create a cause of action against an authorized  
140 insurer or its employees who, in good faith, release information  
141 about an insured or an insurance policy to a law enforcement  
142 agency in furtherance of an investigation of a criminal or  
143 fraudulent act relating to a motor vehicle theft or a motor  
144 vehicle insurance claim.

145 ~~(8)(7)~~ The civil remedy specified in this section does not  
146 preempt any other remedy or cause of action provided for  
147 pursuant to any other statute or pursuant to the common law of  
148 this state. Any person may obtain a judgment under either the  
149 common-law remedy of bad faith or this statutory remedy, but  
150 shall not be entitled to a judgment under both remedies. This  
151 section shall not be construed to create a common-law cause of  
152 action. The damages recoverable pursuant to this section shall  
153 include those damages which are a reasonably foreseeable result  
154 of a specified violation of this section by the authorized  
155 insurer and may include an award or judgment in an amount that  
156 exceeds the policy limits.

157 Section 3. Subsection (8) is added to section 624.310,  
158 Florida Statutes, to read:

159 624.310 Enforcement; cease and desist orders; removal of  
160 certain persons; fines.--

161 (8) CRIMINAL ENFORCEMENT.--It is unlawful for any  
162 affiliated party who is removed, restricted, or prohibited from



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163 participation in the affairs of a licensee pursuant to this  
164 section, or for any licensee whose rights or privileges under  
165 such license have been suspended or revoked pursuant to the  
166 Florida Insurance Code, to participate in any way in the  
167 business of insurance until expressly authorized to do so by the  
168 department. Any person who violates the provisions of this  
169 subsection commits a felony of the third degree, punishable as  
170 provided in s. 775.082, s. 775.083, or s. 775.084.

171 Section 4. Subsection (4) of section 624.401, Florida  
172 Statutes, is amended to read:

173 624.401 Certificate of authority required.--

174 (4)(a) Any person who acts as an insurer, transacts  
175 insurance, or otherwise engages in insurance activities in this  
176 state without a certificate of authority in violation of this  
177 section commits a felony of the third degree, punishable as  
178 provided in s. 775.082, s. 775.083, or s. 775.084.

179 (b) However, any person acting as an insurer without a  
180 valid certificate of authority who violates this section commits  
181 insurance fraud, punishable as provided in this paragraph. If  
182 the amount of any insurance premium collected with respect to  
183 any violation of this section:

184 1. Is less than \$20,000, the offender commits a felony of  
185 the third degree, punishable as provided in s. 775.082,  
186 s.775.083, or s.775.084. A person who is convicted of a  
187 violation of this subparagraph shall be sentenced to a minimum  
188 term of imprisonment of 1 year.

189 2. Is \$20,000 or more, but less than \$100,000, the  
190 offender commits a felony of the second degree, punishable as



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191 provided in s. 775.082, s. 775.083, or s. 775.084. A person who  
192 is convicted of a violation of this subparagraph shall be  
193 sentenced to a minimum term of imprisonment of 18 months.

194 3. Is \$100,000 or more, the offender commits a felony of  
195 the first degree, punishable as provided in s. 775.082, 775.083,  
196 or s. 775.084. A person who is convicted of a violation of this  
197 subparagraph shall be sentenced to a minimum term of  
198 imprisonment of 2 years.

199 Section 5. Subsection (7) of section 626.989, Florida  
200 Statutes, is amended to read:

201 626.989 Investigation by department or Division of  
202 Insurance Fraud; compliance; immunity; confidential information;  
203 reports to division; division investigator's power of arrest.--

204 (7) Division investigators shall have the power to make  
205 arrests for criminal violations established as a result of  
206 investigations ~~only. The general laws applicable to arrests by~~  
207 ~~law enforcement officers of this state shall also be applicable~~  
208 ~~to such investigators.~~ Such investigators shall also be  
209 considered state law enforcement officers for all purposes and  
210 shall have the power to execute arrest warrants and search  
211 warrants ~~for the same criminal violations;~~ to serve subpoenas  
212 issued for the examination, investigation, and trial of all  
213 offenses ~~determined by their investigations;~~ and to arrest upon  
214 probable cause without warrant any person found in the act of  
215 violating any of the provisions of applicable laws.

216 Investigators empowered to make arrests under this section shall  
217 be empowered to bear arms in the performance of their duties. In  
218 such a situation, the investigator must be certified in





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219 compliance with the provisions of s. 943.1395 or must meet the  
220 temporary employment or appointment exemption requirements of s.  
221 943.131 until certified.

222 Section 6. Section 817.413, Florida Statutes, is created  
223 to read:

224 817.413 Sales of used motor vehicle goods as new;  
225 penalty.--

226 (1) With respect to a transaction for which any charges  
227 will be paid from the proceeds of a motor vehicle insurance  
228 policy, and in which the purchase price of motor vehicle goods  
229 exceeds \$100, it is unlawful for the seller to knowingly  
230 misrepresent orally, in writing, or by failure to speak, that  
231 the goods are new or original when they are used or repossessed  
232 or that they have been used for sales demonstration.

233 (2) A person who knowingly violates the provisions of this  
234 section commits a felony of the third degree, punishable as  
235 provided in s. 775.082, s. 775.083, or s. 775.084.

236 Section 7. Subsection (3) is added to section 860.15,  
237 Florida Statutes, to read:

238 860.15 Overcharging for repairs and parts; penalty.--

239 (3) If the charges referred to in subsection (1) will be  
240 paid from the proceeds of a motor vehicle insurance policy, a  
241 person willfully violating the provisions of this section  
242 commits a felony of the third degree, punishable as provided in  
243 s. 775.082, s. 775.083, or s. 775.084.

244 Section 8. Paragraphs (c), (e) and (g) of subsection (3)  
245 of section 921.0022, Florida Statutes, are amended to read:



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246	921.0022	Criminal Punishment Code; offense severity	
247		ranking chart.--	
248	(3)	OFFENSE SEVERITY RANKING CHART	
	Florida	Felony	
	Statute	Degree	Description
249			(c) LEVEL 3
250	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
251	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
252	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
253	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
254	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
255	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
256	327.35(2)(b)	3rd	Felony BUI.
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258	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
259	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
260	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
261	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
262	<u>624.310(8)</u>	<u>3<sup>rd</sup></u>	<u>Unlawful participation in the insurance industry.</u>
263	<u>624.401(4)(a)</u>	<u>3<sup>rd</sup></u>	<u>Transacting insurance without a certificate of authority.</u>
264	<u>624.401(4)(b)</u>	<u>3<sup>rd</sup></u>	<u>Transacting insurance without a certificate of authority; premium collected less than \$20,000.</u>
265	697.08	3rd	Equity skimming.
266	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.



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267	796.05(1)	3rd	Live on earnings of a prostitute.
268	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
269	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
270	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
271	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
272	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
273	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
274	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
275	817.233	3rd	Burning to defraud insurer.
	817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.



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276	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
277	<u>817.413(2)</u>	<u>3rd</u>	<u>Overcharging for repairs and parts</u>
278	817.505(4)	3rd	Patient brokering.
279	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
280	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
281	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
282	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
283	843.19	3rd	Injure, disable, or kill police dog or horse.
284	<u>869.15(3)</u>	<u>3rd</u>	<u>Overcharging for repairs and parts.</u>
285	870.01(2)	3rd	Riot; inciting or encouraging.
286	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis



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			(or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
287	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
288	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
289	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
290	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
291	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled



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292	893.13(7)(a)10.	3rd	substance by fraud, forgery, misrepresentation, etc.
293	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
294	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
295	893.13(8)(a)2.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
296	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
297	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
			Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of



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			writing the prescription is a monetary benefit for the practitioner.
298	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
299	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
300	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
301	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
302			(e) LEVEL 5
303	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
304	316.1935(4)	2nd	Aggravated fleeing or eluding.
305	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
306	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
307	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing





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308			HIV positive.
	<u>624.401(4)(b)2.</u>	<u>2nd</u>	<u>Transacting insurance without a certificate of authority; premium collected \$20,000 or more but less than \$100,000.</u>
309	790.01(2)	3rd	Carrying a concealed firearm.
310	790.162	2nd	Threat to throw or discharge destructive device.
311	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
312	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
313	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
314	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
315	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
316	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
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318	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
319	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
320	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
321	812.131(2)(b)	3rd	Robbery by sudden snatching.
322	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
323	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
324	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
325	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$75,000 or more.
326	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.



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327	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
328	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
329	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
330	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
331	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
332	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child



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333	893.13(1)(d)1.	1st	care facility or school. Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.
334	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
335	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.
336	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
337			(g) LEVEL 7
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339	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
340	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
341	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
342	409.920(2)	3rd	Medicaid provider fraud.
343	456.065(2)	3rd	Practicing a health care profession without a license.
344	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
345	458.327(1)	3rd	Practicing medicine without a license.
346	459.013(1)	3rd	Practicing osteopathic medicine without a license.
347	460.411(1)	3rd	Practicing chiropractic medicine without a license.
348	461.012(1)	3rd	Practicing podiatric medicine without a license.
	462.17	3rd	Practicing naturopathy without a



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			license.
349	463.015(1)	3rd	Practicing optometry without a license.
350	464.016(1)	3rd	Practicing nursing without a license.
351	465.015(2)	3rd	Practicing pharmacy without a license.
352	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
353	467.201	3rd	Practicing midwifery without a license.
354	468.366	3rd	Delivering respiratory care services without a license.
355	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
356	483.901(9)	3rd	Practicing medical physics without a license.
357	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
358	484.053	3rd	Dispensing hearing aids without a license.
359	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained



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			exceeded \$50,000 and there were five or more victims.
360	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
361	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
362	<u>624.401(4)(b)3.</u>	<u>3rd</u>	<u>Transacting insurance without a certificate of authority; premium collected \$100,000 or more.</u>
363	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
364	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
365	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
366	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in



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367	782.072	2nd	a reckless manner (vehicular homicide). Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
368	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
369	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
370	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
371	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
372	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
373	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
374	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
375	784.081(1)	1st	Aggravated battery on specified official or employee.
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377	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
378	784.083(1)	1st	Aggravated battery on code inspector.
379	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
380	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
381	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
382	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
383	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
384	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
385	796.03	2nd	Procuring any person under 16 years for prostitution.



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386	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
387	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.
388	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
389	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
390	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
391	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
392	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.
393	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
	812.0145(2)(a)	1st	Theft from person 65 years of age or



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			older; \$50,000 or more.
394	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
395	812.131(2)(a)	2nd	Robbery by sudden snatching.
396	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
397	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
398	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
399	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
400	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
401	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
402	837.05(2)	3rd	Giving false information about alleged



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			capital felony to a law enforcement officer.
403	872.06	2nd	Abuse of a dead human body.
404	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.
405	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.
406	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).
407	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
408	893.135(1)(b)1. a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
409	893.135(1)(c)1. a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.



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- 410 | 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than  
28 grams, less than 200 grams.
- 411 | 893.135(1)(e)1. 1st Trafficking in methaqualone, more than  
200 grams, less than 5 kilograms.
- 412 | 893.135(1)(f)1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.
- 413 | 893.135(1)(g)1. 1st Trafficking in flunitrazepam, 4 grams  
a. or more, less than 14 grams.
- 414 | 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric  
a. acid (GHB), 1 kilogram or more, less  
than 5 kilograms.
- 415 | 893.135(1)(j)1. 1st Trafficking in 1,4-Butanediol, 1  
a. kilogram or more, less than 5  
kilograms.
- 416 | 893.135(1)(k)2. 1st Trafficking in Phenethylamines, 10  
a. grams or more, less than 200 grams.
- 417 | 896.101(5)(a) 3rd Money laundering, financial  
transactions exceeding \$300 but less  
than \$20,000.
- 418 | 896.104(4)(a)1. 3rd Structuring transactions to evade  
reporting or registration requirements,  
financial transactions exceeding \$300



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but less than \$20,000.

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420       Section 9. If any provision of this act or the application  
421 thereof to any person or circumstance is held invalid, the  
422 invalidity does not affect other provisions or applications of  
423 the act which can be given effect without the invalid provision  
424 or application, and to this end the provisions of this act are  
425 declared severable.

426       Section 10. This act shall take effect July 1, 2003.