



1 A bill to be entitled

2 An act relating to insurance fraud; providing a popular
3 name; amending s. 624.155, F.S.; providing for bringing an
4 action against an unauthorized insurer under certain
5 circumstances; amending s. 624.310, F.S.; making it
6 unlawful for certain affiliated parties to participate in
7 insurance business without authorization; providing a
8 criminal penalty; amending s. 624.401, F.S.; providing
9 criminal penalties for acting as an insurer without a
10 valid certificate; amending s. 626.989, F.S.; specifying
11 certain investigators as law enforcement officers;
12 creating s. 817.413, F.S.; making unlawful in sales of
13 motor vehicle goods misrepresentations of used or
14 repossessed goods as new or original; providing a criminal
15 penalty; amending s. 860.15, F.S.; providing a criminal
16 penalty for certain charges relating to services and parts
17 for motor vehicle repair; amending s. 921.0022, F.S.;
18 revising the offense severity ranking chart of the
19 Criminal Punishment Code, to conform; providing
20 severability; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. This is the "Pete Orr Insurance Anti-Fraud
25 Act."

26 Section 2. Section 624.155, Florida Statutes, is amended
27 to read:

28 624.155 Civil remedy.--



29 | (1) Any person may bring a civil action against an insurer
 30 | when such person is damaged:

31 | (a) By a violation of any of the following provisions by
 32 | the insurer:

- 33 | 1. Section 626.9541(1)(i), (o), or (x);
- 34 | 2. Section 626.9551;
- 35 | 3. Section 626.9705;
- 36 | 4. Section 626.9706;
- 37 | 5. Section 626.9707; or
- 38 | 6. Section 627.7283.

39 | (b) By the commission of any of the following acts by the
 40 | insurer:

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

45 | 2. Making claims payments to insureds or beneficiaries not
 46 | accompanied by a statement setting forth the coverage under
 47 | which payments are being made; or

48 | 3. Except as to liability coverages, failing to promptly
 49 | settle claims, when the obligation to settle a claim has become
 50 | reasonably clear, under one portion of the insurance policy
 51 | coverage in order to influence settlements under other portions
 52 | of the insurance policy coverage.

53 |
 54 | Notwithstanding the provisions of the above to the contrary, a
 55 | person pursuing a remedy under this section need not prove that



56 such act was committed or performed with such frequency as to
57 indicate a general business practice.

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

61 (3)(2)(a) As a condition precedent to bringing an action
62 under this section, the department and the authorized insurer
63 must have been given 60 days' written notice of the violation.
64 If the department returns a notice for lack of specificity, the
65 60-day time period shall not begin until a proper notice is
66 filed.

67 (b) The notice shall be on a form provided by the
68 department and shall state with specificity the following
69 information, and such other information as the department may
70 require:

71 1. The statutory provision, including the specific
72 language of the statute, which the authorized insurer allegedly
73 violated.

74 2. The facts and circumstances giving rise to the
75 violation.

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

77 4. Reference to specific policy language that is relevant
78 to the violation, if any. If the person bringing the civil
79 action is a third party claimant, she or he shall not be
80 required to reference the specific policy language if the
81 authorized insurer has not provided a copy of the policy to the
82 third party claimant pursuant to written request.



83 5. A statement that the notice is given in order to
84 perfect the right to pursue the civil remedy authorized by this
85 section.

86 (c) Within 20 days of receipt of the notice, the
87 department may return any notice that does not provide the
88 specific information required by this section, and the
89 department shall indicate the specific deficiencies contained in
90 the notice. A determination by the department to return a notice
91 for lack of specificity shall be exempt from the requirements of
92 chapter 120.

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

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

99 (f) The applicable statute of limitations for an action
100 under this section shall be tolled for a period of 65 days by
101 the mailing of the notice required by this subsection or the
102 mailing of a subsequent notice required by this subsection.

103 ~~(4)(3)~~ Upon adverse adjudication at trial or upon appeal,
104 the authorized insurer shall be liable for damages, together
105 with court costs and reasonable attorney's fees incurred by the
106 plaintiff.

107 ~~(5)(4)~~ No punitive damages shall be awarded under this
108 section unless the acts giving rise to the violation occur with
109 such frequency as to indicate a general business practice and
110 these acts are:



- 111 (a) Willful, wanton, and malicious;
- 112 (b) In reckless disregard for the rights of any insured;
- 113 or
- 114 (c) In reckless disregard for the rights of a beneficiary
- 115 under a life insurance contract.

116

117 Any person who pursues a claim under this subsection shall post

118 in advance the costs of discovery. Such costs shall be awarded

119 to the authorized insurer if no punitive damages are awarded to

120 the plaintiff.

121

122 ~~(6)(5)~~ This section shall not be construed to authorize a

123 class action suit against an authorized insurer or a civil

124 action against the department, its employees, or the Insurance

125 Commissioner, or to create a cause of action when an authorized

126 a health insurer refuses to pay a claim for reimbursement on the

127 ground that the charge for a service was unreasonably high or

128 that the service provided was not medically necessary.

129

130 ~~(7)(6)~~ In the absence of expressed language to the

131 contrary, this section shall not be construed to authorize a

132 civil action or create a cause of action against an authorized

133 insurer or its employees who, in good faith, release information

134 about an insured or an insurance policy to a law enforcement

135 agency in furtherance of an investigation of a criminal or

136 fraudulent act relating to a motor vehicle theft or a motor

137 vehicle insurance claim.

138

139 ~~(8)(7)~~ The civil remedy specified in this section does not

140 preempt any other remedy or cause of action provided for

141 pursuant to any other statute or pursuant to the common law of



139 | this state. Any person may obtain a judgment under either the
140 | common-law remedy of bad faith or this statutory remedy, but
141 | shall not be entitled to a judgment under both remedies. This
142 | section shall not be construed to create a common-law cause of
143 | action. The damages recoverable pursuant to this section shall
144 | include those damages which are a reasonably foreseeable result
145 | of a specified violation of this section by the authorized
146 | insurer and may include an award or judgment in an amount that
147 | exceeds the policy limits.

148 | Section 3. Subsection (8) is added to section 624.310,
149 | Florida Statutes, to read:

150 | 624.310 Enforcement; cease and desist orders; removal of
151 | certain persons; fines.--

152 | (8) CRIMINAL ENFORCEMENT.--It is unlawful for any
153 | affiliated party who is removed, restricted, or prohibited from
154 | participation in the affairs of a licensee pursuant to this
155 | section, or for any licensee whose rights or privileges under
156 | such license have been suspended or revoked pursuant to the
157 | Florida Insurance Code, to participate in any way in the
158 | business of insurance until expressly authorized to do so by the
159 | department. Any person who violates the provisions of this
160 | subsection commits a felony of the third degree, punishable as
161 | provided in s. 775.082, s. 775.083, or s. 775.084.

162 | Section 4. Subsection (4) of section 624.401, Florida
163 | Statutes, is amended to read:

164 | 624.401 Certificate of authority required.--

165 | (4)(a) Any person who acts as an insurer, transacts
166 | insurance, or otherwise engages in insurance activities in this



167 state without a certificate of authority in violation of this
168 section commits a felony of the third degree, punishable as
169 provided in s. 775.082, s. 775.083, or s. 775.084.

170 (b) However, any person acting as an insurer without a
171 valid certificate of authority who violates this section commits
172 insurance fraud, punishable as provided in this paragraph. If
173 the amount of any insurance premium collected with respect to
174 any violation of this section:

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

180 2. Is \$20,000 or more, but less than \$100,000, the
181 offender commits a felony of the second degree, punishable as
182 provided in s. 775.082, s. 775.083, or s. 775.084. A person who
183 is convicted of a violation of this subparagraph shall be
184 sentenced to a minimum term of imprisonment of 18 months.

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

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

192 626.989 Investigation by department or Division of
193 Insurance Fraud; compliance; immunity; confidential information;
194 reports to division; division investigator's power of arrest.--



195 (7) Division investigators shall have the power to make
196 arrests for criminal violations established as a result of
197 investigations ~~only. The general laws applicable to arrests by~~
198 ~~law enforcement officers of this state shall also be applicable~~
199 ~~to such investigators.~~ Such investigators shall also be
200 considered state law enforcement officers for all purposes and
201 shall have the power to execute arrest warrants and search
202 warrants ~~for the same criminal violations;~~ to serve subpoenas
203 issued for the examination, investigation, and trial of all
204 offenses ~~determined by their investigations;~~ and to arrest upon
205 probable cause without warrant any person found in the act of
206 violating any of the provisions of applicable laws.
207 Investigators empowered to make arrests under this section shall
208 be empowered to bear arms in the performance of their duties. In
209 such a situation, the investigator must be certified in
210 compliance with the provisions of s. 943.1395 or must meet the
211 temporary employment or appointment exemption requirements of s.
212 943.131 until certified.

213 Section 6. Section 817.413, Florida Statutes, is created
214 to read:

215 817.413 Sales of used motor vehicle goods as new;
216 penalty.--

217 (1) With respect to a transaction for which any charges
218 will be paid from the proceeds of a motor vehicle insurance
219 policy, and in which the purchase price of motor vehicle goods
220 exceeds \$100, it is unlawful for the seller to knowingly
221 misrepresent orally, in writing, or by failure to speak, that



222 the goods are new or original when they are used or repossessed
 223 or that they have been used for sales demonstration.

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

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

229 860.15 Overcharging for repairs and parts; penalty.--

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

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

237 921.0022 Criminal Punishment Code; offense severity
 238 ranking chart.--

239 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.



243	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
244	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
245	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
246	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
247	327.35(2)(b)	3rd	Felony BUI.
248	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
249	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
250	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
251	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially



			false/misleading information.
252	<u>624.310(8)</u>	<u>3rd</u>	<u>Unlawful participation in the insurance industry.</u>
253	<u>624.401(4)(a)</u>	<u>3rd</u>	<u>Transacting insurance without a certificate of authority.</u>
254	<u>624.401(4)(b)</u>	<u>3rd</u>	<u>Transacting insurance without a certificate of authority; premium collected less than \$20,000.</u>
255	697.08	3 rd	Equity skimming.
256	790.15(3)	3 rd	Person directs another to discharge firearm from a vehicle.
257	796.05(1)	3 rd	Live on earnings of a prostitute.
258	806.10(1)	3 rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
259	806.10(2)	3 rd	Interferes with or assaults firefighter in performance of duty.
260	810.09(2)(c)	3 rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
261	812.014(2)(c)2.	3 rd	Grand theft; \$5,000 or more but less



			than \$10,000.
262	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
263	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
264	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
265	817.233	3rd	Burning to defraud insurer.
266	817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
267	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
268	<u>817.413(2)</u>	<u>3rd</u>	<u>Overcharging for repairs and parts</u>
269	817.505(4)	3rd	Patient brokering.
270	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
271	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a



272	831.29	2nd	counterfeit payment instrument. Possession of instruments for counterfeiting drivers' licenses or identification cards.
273	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
274	843.19	3rd	Injure, disable, or kill police dog or horse.
275	<u>869.15(3)</u>	<u>3rd</u>	<u>Overcharging for repairs and parts.</u>
276	870.01(2)	3rd	Riot; inciting or encouraging.
277	893.13(1)(a)2.	3rd	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).
278	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.
279	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.

280 893.13(6)(a) 3rd Possession of any controlled substance
 other than felony possession of
 cannabis.

281 893.13(7)(a)8. 3rd Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled
 substance.

282 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.

283 893.13(7)(a)10. 3rd Affix false or forged label to package
 of controlled substance.

284 893.13(7)(a)11. 3rd Furnish false or fraudulent material
 information on any document or record
 required by chapter 893.

285 893.13(8)(a)1. 3rd Knowingly assist a patient, other
 person, or owner of an animal in
 obtaining a controlled substance
 through deceptive, untrue, or



286	893.13(8)(a)2.	3rd	fraudulent representations in or related to the practitioner's practice.
287	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.
288	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
289	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
290	944.47(1)(a)1.- 2.	3rd	Alter, destroy, or conceal investigation evidence.
291	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
292	985.3141	3rd	Possess contraband while upon the grounds of a correctional institution.
			Escapes from a juvenile facility (secure detention or residential



293			commitment facility).
294			(e) LEVEL 5
295	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
296	316.1935(4)	2nd	Aggravated fleeing or eluding.
297	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
298	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
299	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
300	<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>
301	790.01(2)	3rd	Carrying a concealed firearm.
302	790.162	2nd	Threat to throw or discharge destructive device.
302	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.



303	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
304	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
305	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
306	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
307	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
308	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
309	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
310	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
311	812.131(2)(b)	3rd	Robbery by sudden snatching.
312	812.16(2)	3rd	Owning, operating, or conducting a chop



			shop.
313	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
314	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
315	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.
316	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
317	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
318	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
319	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.
320			



321	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
322	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
323	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).
324	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 care facility or school.
325	893.13(1)(d)1.	1st	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.
	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.,



326	893.13(1)(f)1.	1st	(2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
327	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.
328	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).
329			(g) LEVEL 7
330	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
331	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
332	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
333	409.920(2)	3rd	Medicaid provider fraud.



334	456.065(2)	3rd	Practicing a health care profession without a license.
335	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
336	458.327(1)	3rd	Practicing medicine without a license.
337	459.013(1)	3rd	Practicing osteopathic medicine without a license.
338	460.411(1)	3rd	Practicing chiropractic medicine without a license.
339	461.012(1)	3rd	Practicing podiatric medicine without a license.
340	462.17	3rd	Practicing naturopathy without a license.
341	463.015(1)	3rd	Practicing optometry without a license.
342	464.016(1)	3rd	Practicing nursing without a license.
343	465.015(2)	3rd	Practicing pharmacy without a license.
344	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
345	467.201	3rd	Practicing midwifery without a license.



346	468.366	3rd	Delivering respiratory care services without a license.
347	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
348	483.901(9)	3rd	Practicing medical physics without a license.
349	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
350	484.053	3rd	Dispensing hearing aids without a license.
351	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.
352	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
353	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.



354	<u>624.401(4)(b)3.</u>	3rd	<u>Transacting insurance without a certificate of authority; premium collected \$100,000 or more.</u>
355	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
356	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
357	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
358	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
359	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
360	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.



361 784.045(1)(b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

362 784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

363 784.07(2)(d) 1st Aggravated battery on law enforcement
officer.

364 784.074(1)(a) 1st Aggravated battery on sexually violent
predators facility staff.

365 784.08(2)(a) 1st Aggravated battery on a person 65 years
of age or older.

366 784.081(1) 1st Aggravated battery on specified
official or employee.

367 784.082(1) 1st Aggravated battery by detained person
on visitor or other detainee.

368 784.083(1) 1st Aggravated battery on code inspector.

369 790.07(4) 1st Specified weapons violation subsequent
to previous conviction of s. 790.07(1)
or (2).

370 790.16(1) 1st Discharge of a machine gun under
specified circumstances.

371



372	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
373	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
374	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
375	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
376	796.03	2nd	Procuring any person under 16 years for prostitution.
377	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
378	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.
379	806.01(2)	2nd	Maliciously damage structure by fire or explosive.



380	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
381	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
382	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
383	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.
384	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
385	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
386	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
387	812.131(2)(a)	2nd	Robbery by sudden snatching.
388	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
	817.234(11)(c)	1st	Insurance fraud; property value



			\$100,000 or more.
389	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
390	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.
391	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
392	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
393	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
394	872.06	2nd	Abuse of a dead human body.
395	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.
396			



397	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.
398	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).
399	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
400	893.135(1)(b)1. a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
401	893.135(1)(c)1. a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
402	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
403	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
404	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
	893.135(1)(g)1.	1st	Trafficking in flunitrazepam, 4 grams



- 405 a. or more, less than 14 grams.
- 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric
- 406 a. acid (GHB), 1 kilogram or more, less than 5 kilograms.
- 893.135(1)(j)1. 1st Trafficking in 1,4-Butanediol, 1
- 407 a. kilogram or more, less than 5 kilograms.
- 893.135(1)(k)2. 1st Trafficking in Phenethylamines, 10
- 408 a. grams or more, less than 200 grams.
- 896.101(5)(a) 3rd Money laundering, financial
- 409 transactions exceeding \$300 but less than \$20,000.
- 896.104(4)(a)1. 3rd Structuring transactions to evade
- reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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 411 Section 9. If any provision of this act or the application
 412 thereof to any person or circumstance is held invalid, the
 413 invalidity does not affect other provisions or applications of
 414 the act which can be given effect without the invalid provision
 415 or application, and to this end the provisions of this act are
 416 declared severable.

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