

HB 1893

2004

A bill to be entitled

An act relating to criminal offenses; providing a popular name; creating s. 775.0847, F.S.; providing for reclassification of felony offenses committed against persons 65 years of age or older, elderly persons, and disabled adults; amending s. 784.08, F.S.; providing for the reclassification of misdemeanor assault and battery offenses when committed against persons 65 years of age or older; deleting provisions related to the reclassification of the felony offenses of aggravated assault and aggravated battery when committed against persons 65 years of age or older, to conform; amending s. 812.0145, F.S.; providing for a mandatory term of imprisonment upon conviction of certain theft offenses when committed against persons 65 years of age or older; amending s. 825.103, F.S.; providing for a mandatory term of imprisonment upon conviction of certain acts of exploitation against an elderly person or disabled adult; amending ss. 775.0877 and 921.0022, F.S.; revising cross references, to conform; providing applicability; providing an effective date.

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

Section 1. This act shall be known by the popular name the "Seniors' Safety Act."

Section 2. Section 775.0847, Florida Statutes, is created to read:

HB 1893

2004

29 775.0847 Felony offenses committed against the elderly or
 30 disabled; reclassification of offenses.--Whenever a person is
 31 charged with committing a felony offense upon a person who is 65
 32 years of age or older or who is an elderly person or disabled
 33 adult, as those terms are defined in s. 825.101, regardless of
 34 whether the person charged knew or had reason to know of the
 35 age, infirmity, or disability of the victim, the offense for
 36 which the person is charged shall be reclassified as follows:

37 (1) In the case of a felony of the third degree, the
 38 offense is reclassified to a felony of the second degree.

39 (2) In the case of a felony of the second degree, the
 40 offense is reclassified to a felony of the first degree.

41 (3) In the case of a felony of the first degree, the
 42 offense is reclassified to a felony of the first degree,
 43 punishable by life imprisonment.

44 Section 3. Subsection (2) of section 784.08, Florida
 45 Statutes, is amended to read:

46 784.08 Assault or battery on persons 65 years of age or
 47 older; reclassification of offenses; minimum sentence.--

48 (2) Whenever a person is charged with committing an
 49 ~~assault or aggravated assault~~ or a battery ~~or aggravated battery~~
 50 upon a person 65 years of age or older, regardless of whether he
 51 or she knows or has reason to know the age of the victim, the
 52 offense for which the person is charged shall be reclassified as
 53 follows:

54 ~~(a) In the case of aggravated battery, from a felony of~~
 55 ~~the second degree to a felony of the first degree.~~

56 ~~(b) In the case of aggravated assault, from a felony of~~
 57 ~~the third degree to a felony of the second degree.~~

HB 1893

2004

58 (a)(e) In the case of battery, from a misdemeanor of the
 59 first degree to a felony of the third degree.

60 (b)(d) In the case of assault, from a misdemeanor of the
 61 second degree to a misdemeanor of the first degree.

62 Section 4. Section 812.0145, Florida Statutes, is amended
 63 to read:

64 812.0145 Theft from persons 65 years of age or older;
 65 penalties ~~reclassification of offenses.--~~

66 (1) A person who is convicted of theft of more than \$1,000
 67 from a person 65 years of age or older shall be ordered by the
 68 sentencing judge to make restitution to the victim of such
 69 offense and to perform up to 500 hours of community service
 70 work. Restitution and community service work shall be in
 71 addition to any fine or sentence which may be imposed and shall
 72 not be in lieu thereof.

73 (2) Notwithstanding any other provision of law, if the
 74 funds, assets, or property involved in a theft from a person 65
 75 years of age or older is valued at \$10,000 or more, the court
 76 shall sentence the offender to a mandatory minimum term of
 77 imprisonment of 3 years. However, this mandatory minimum term of
 78 imprisonment does not apply to the theft of one or more motor
 79 vehicles, regardless of associated value. ~~Whenever a person is~~
 80 ~~charged with committing theft from a person 65 years of age or~~
 81 ~~older, when he or she knows or has reason to believe that the~~
 82 ~~victim was 65 years of age or older, the offense for which the~~
 83 ~~person is charged shall be reclassified as follows:~~

84 (a) This subsection does not prevent a court from imposing
 85 a greater sentence of incarceration as authorized by law ~~If the~~
 86 ~~funds, assets, or property involved in the theft from a person~~

HB 1893

2004

87 ~~65 years of age or older is valued at \$50,000 or more, the~~
 88 ~~offender commits a felony of the first degree, punishable as~~
 89 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

90 (b) If the mandatory minimum term of imprisonment imposed
 91 under this subsection exceeds the maximum sentence authorized by
 92 s. 775.082, s. 775.084, or the Criminal Punishment Code under
 93 chapter 921, the mandatory minimum term of imprisonment must be
 94 imposed. If the mandatory minimum term of imprisonment under
 95 this subsection is less than the sentence that could be imposed
 96 as authorized by s. 775.082, s. 775.084, or the Criminal
 97 Punishment Code under chapter 921, the sentence imposed by the
 98 court must include the mandatory minimum term of imprisonment as
 99 required in this subsection ~~If the funds, assets, or property~~
 100 ~~involved in the theft from a person 65 years of age or older is~~
 101 ~~valued at \$10,000 or more, but less than \$50,000, the offender~~
 102 ~~commits a felony of the second degree, punishable as provided in~~
 103 ~~s. 775.082, s. 775.083, or s. 775.084.~~

104 ~~(c) If the funds, assets, or property involved in the~~
 105 ~~theft from a person 65 years of age or older is valued at \$300~~
 106 ~~or more, but less than \$10,000, the offender commits a felony of~~
 107 ~~the third degree, punishable as provided in s. 775.082, s.~~
 108 ~~775.083, or s. 775.084.~~

109 Section 5. Subsections (3) and (4) are added to section
 110 825.103, Florida Statutes, to read:

111 825.103 Exploitation of an elderly person or disabled
 112 adult; penalties.--

113 (3) Notwithstanding any other provision of law, if the
 114 funds, assets, or property involved in the exploitation of an
 115 elderly person or a disabled adult is valued at \$10,000 or more,

HB 1893

2004

116 the court shall sentence the offender to a mandatory minimum
 117 term of imprisonment of 3 years.

118 (4) This section does not prevent a court from imposing a
 119 greater sentence of incarceration as authorized by law. If the
 120 mandatory minimum term of imprisonment imposed pursuant to
 121 subsection (3) exceeds the maximum sentence authorized by s.
 122 775.082, s. 775.084, or the Criminal Punishment Code under
 123 chapter 921, the mandatory minimum term of imprisonment must be
 124 imposed. If the mandatory minimum term of imprisonment under
 125 this section is less than the sentence that could be imposed as
 126 authorized by s. 775.082, s. 775.084, or the Criminal Punishment
 127 Code under chapter 921, the sentence imposed by the court must
 128 include the mandatory minimum term of imprisonment as required
 129 in subsection (3).

130 Section 6. Subsection (1) of section 775.0877, Florida
 131 Statutes, is amended to read:

132 775.0877 Criminal transmission of HIV; procedures;
 133 penalties.--

134 (1) In any case in which a person has been convicted of or
 135 has pled nolo contendere or guilty to, regardless of whether
 136 adjudication is withheld, any of the following offenses, or the
 137 attempt thereof, which offense or attempted offense involves the
 138 transmission of body fluids from one person to another:

- 139 (a) Section 794.011, relating to sexual battery,
- 140 (b) Section 826.04, relating to incest,
- 141 (c) Section 800.04(1), (2), and (3), relating to lewd,
- 142 lascivious, or indecent assault or act upon any person less than
- 143 16 years of age,

HB 1893

2004

- 144 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(b)~~(d)~~,
- 145 relating to assault,
- 146 (e) Sections 784.021 and~~7~~ 784.07(2)(c), ~~and 784.08(2)(b)~~,
- 147 relating to aggravated assault,
- 148 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(a)~~(e)~~,
- 149 relating to battery,
- 150 (g) Sections 784.045 and~~7~~ 784.07(2)(d), ~~and 784.08(2)(a)~~,
- 151 relating to aggravated battery,
- 152 (h) Section 827.03(1), relating to child abuse,
- 153 (i) Section 827.03(2), relating to aggravated child abuse,
- 154 (j) Section 825.102(1), relating to abuse of an elderly
- 155 person or disabled adult,
- 156 (k) Section 825.102(2), relating to aggravated abuse of an
- 157 elderly person or disabled adult,
- 158 (l) Section 827.071, relating to sexual performance by
- 159 person less than 18 years of age,
- 160 (m) Sections 796.03, 796.07, and 796.08, relating to
- 161 prostitution, or
- 162 (n) Section 381.0041(11)(b), relating to donation of
- 163 blood, plasma, organs, skin, or other human tissue,
- 164
- 165 the court shall order the offender to undergo HIV testing, to be
- 166 performed under the direction of the Department of Health in
- 167 accordance with s. 381.004, unless the offender has undergone
- 168 HIV testing voluntarily or pursuant to procedures established in
- 169 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
- 170 rule providing for HIV testing of criminal offenders or inmates,
- 171 subsequent to her or his arrest for an offense enumerated in
- 172 paragraphs (a)-(n) for which she or he was convicted or to which

HB 1893

2004

173 she or he pled nolo contendere or guilty. The results of an HIV
 174 test performed on an offender pursuant to this subsection are
 175 not admissible in any criminal proceeding arising out of the
 176 alleged offense.

177 Section 7. Paragraphs (c) through (g) of subsection (3) of
 178 section 921.0022, Florida Statutes, are amended to read:

179 921.0022 Criminal Punishment Code; offense severity
 180 ranking chart.--

181 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
119.10(3)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
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.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.

HB 1893

2004

189	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
190	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
191	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
192	327.35(2)(b)	3rd	Felony BUI.
193	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
194	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
195	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
196	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle

HB 1893

2004

Protection Act.

197

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

198

400.903(3) 3rd Operating a clinic without a license or filing false license application or other required information.

199

440.105(3)(b) 3rd Receipt of fee or consideration without approval by judge of compensation claims.

200

440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

201

501.001(2)(b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

202

624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

203

624.401(4)(b)1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

204

626.902 3rd Representing an unauthorized insurer.
(1)(a) & (b)

205

HB 1893

2004

206	697.08	3rd	Equity skimming.
207	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
208	796.05(1)	3rd	Live on earnings of a prostitute.
209	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
210	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
211	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
212	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
213	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
214	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
215	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

HB 1893

2004

216	817.233	3rd	Burning to defraud insurer.
217	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
218	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
219	817.236	3rd	Filing a false motor vehicle insurance application.
220	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
221	817.413(2)	3rd	Sale of used goods as new.
222	817.505(4)	3rd	Patient brokering.
223	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
224	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
225	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
	838.021(3)(b)	3rd	Threatens unlawful harm to public

HB 1893

2004

servant.

226

843.19 3rd Injure, disable, or kill police dog or horse.

227

860.15(3) 3rd Overcharging for repairs and parts.

228

870.01(2) 3rd Riot; inciting or encouraging.

229

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).

230

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 1,000 feet of university.

231

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 1,000 feet of public housing facility.

232

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

HB 1893

2004

- 233 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
- 234 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 235 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.
- 236 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 237 893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
- 238 893.13(8)(a)2. 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.
- 239 893.13(8)(a)3. 3rd Knowingly write a prescription for a

HB 1893

2004

controlled substance for a fictitious person.

240

893.13(8)(a)4. 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.

241

918.13(1)(a) 3rd

Alter, destroy, or conceal investigation evidence.

242

944.47 (1)(a)1.-2. 3rd

Introduce contraband to correctional facility.

243

944.47(1)(c) 2nd

Possess contraband while upon the grounds of a correctional institution.

244

985.3141 3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

245

(d) LEVEL 4

246

316.1935(3) 2nd

Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.

247

HB 1893

2004

248	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
249	499.0051(2)	3rd	Failure to authenticate pedigree papers.
250	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
251	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
252	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
253	784.075	3rd	Battery on detention or commitment facility staff.
254	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
255	784.08(2) <u>(a)</u> (e)	3rd	Battery on a person 65 years of age or older.
256	784.081(3)	3rd	Battery on specified official or employee.
257	784.082(3)	3rd	Battery by detained person on visitor or other detainee.

HB 1893

2004

258	784.083(3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
259	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
260	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
261	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
262	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
263	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
264	790.115(2)(c)	3rd	Possessing firearm on school property.
265	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
266	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no

HB 1893

2004

assault or battery.

267

810.02(4)(b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

268

810.06 3rd Burglary; possession of tools.

269

810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

270

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

271

812.014 3rd Grand theft, 3rd degree, a will, (2)(c)4.-10. firearm, motor vehicle, livestock, etc.

272

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

273

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

274

817.568(2)(a) 3rd Fraudulent use of personal identification information.

275

817.625(2)(a) 3rd Fraudulent use of scanning device or reencoder.

276

828.125(1) 2nd Kill, maim, or cause great bodily harm

HB 1893

2004

or permanent breeding disability to any registered horse or cattle.

277	837.02(1)	3rd	Perjury in official proceedings.
278	837.021(1)	3rd	Make contradictory statements in official proceedings.
279	838.022	3rd	Official misconduct.
280	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
281	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
282	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
283	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
284	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
285	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
286	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a),

HB 1893

2004

(2)(b), or (2)(c)4. drugs).

287	914.14(2)	3rd	Witnesses accepting bribes.
288	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
289	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
290	918.12	3rd	Tampering with jurors.
291	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
292			(e) LEVEL 5
293	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
294	316.1935(4)	2nd	Aggravated fleeing or eluding.
295	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
296	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
297	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
298	440.10(1)(g)	2nd	Failure to obtain workers' compensation

HB 1893

2004

coverage.

299

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

300

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

301

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

302

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

303

790.01(2) 3rd Carrying a concealed firearm.

304

790.162 2nd Threat to throw or discharge destructive device.

305

790.163(1) 2nd False report of deadly explosive or weapon of mass destruction.

306

790.221(1) 2nd Possession of short-barreled shotgun or machine gun.

307

790.23 2nd Felons in possession of firearms or electronic weapons or devices.

308

HB 1893 2004

309	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
310	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
311	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
312	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
313	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
314	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
315	812.131(2)(b)	3rd	Robbery by sudden snatching.
316	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
317	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
318	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

HB 1893

2004

319	817.2341(1), (2)(a)&(3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
320	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
321	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
322	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
323	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
324	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.
	843.01	3rd	Resist officer with violence to person;

HB 1893

2004

resist arrest with violence.

325

874.05(2) 2nd

Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.

326

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).

327

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, school, or state, county, or municipal park or publicly owned recreational facility or community center.

328

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 1,000 feet of university.

329

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.,

HB 1893

2004

(2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

330

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 1,000 feet of public housing facility.

331

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).

332

(f) LEVEL 6

333

316.193(2)(b) 3rd

Felony DUI, 4th or subsequent conviction.

334

499.0051(3) 2nd

Forgery of pedigree papers.

335

499.0051(4) 2nd

Purchase or receipt of legend drug from unauthorized person.

336

499.0051(5) 2nd

Sale of legend drug to unauthorized person.

337

775.0875(1) 3rd

Taking firearm from law enforcement officer.

338

HB 1893 2004

339	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
340	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
341	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
342	784.041	3rd	Felony battery.
343	784.048(3)	3rd	Aggravated stalking; credible threat.
344	784.048(5)	3rd	Aggravated stalking of person under 16.
345	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
346	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
347	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
348	784.081(2)	2nd	Aggravated assault on specified official or employee.
349	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
350	784.083(2)	2nd	Aggravated assault on code inspector.

HB 1893 2004

351	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
352	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
353	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
354	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
355	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
356	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
357	794.05(1)	2nd	Unlawful sexual activity with specified minor.
358	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.
359	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

HB 1893

2004

360	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
361	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
362	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
363	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
364	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
365	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
366	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
367	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
368	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
369	825.1025(3)	3rd	Lewd or lascivious molestation of an

HB 1893

2004

elderly person or disabled adult.

370

825.103(2)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

371

827.03(1) 3rd Abuse of a child.

372

827.03(3)(c) 3rd Neglect of a child.

373

827.071(2)&(3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

374

836.05 2nd Threats; extortion.

375

836.10 2nd Written threats to kill or do bodily injury.

376

843.12 3rd Aids or assists person to escape.

377

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

378

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

379

943.0435(9) 3rd Sex offenders; failure to comply with reporting requirements.

380

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment

HB 1893

2004

on an inmate or offender on community supervision, resulting in great bodily harm.

381

944.40 2nd

Escapes.

382

944.46 3rd

Harboring, concealing, aiding escaped prisoners.

383

944.47(1)(a)5. 2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

384

951.22(1) 3rd

Intoxicating drug, firearm, or weapon introduced into county facility.

385

(g) LEVEL 7

386

316.027(1)(b) 2nd

Accident involving death, failure to stop; leaving scene.

387

316.193(3)(c)2. 3rd

DUI resulting in serious bodily injury.

388

327.35(3)(c)2. 3rd

Vessel BUI resulting in serious bodily injury.

389

402.319(2) 2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

390

409.920(2) 3rd

Medicaid provider fraud.

HB 1893

2004

391	456.065(2)	3rd	Practicing a health care profession without a license.
392	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
393	458.327(1)	3rd	Practicing medicine without a license.
394	459.013(1)	3rd	Practicing osteopathic medicine without a license.
395	460.411(1)	3rd	Practicing chiropractic medicine without a license.
396	461.012(1)	3rd	Practicing podiatric medicine without a license.
397	462.17	3rd	Practicing naturopathy without a license.
398	463.015(1)	3rd	Practicing optometry without a license.
399	464.016(1)	3rd	Practicing nursing without a license.
400	465.015(2)	3rd	Practicing pharmacy without a license.
401	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
402	467.201	3rd	Practicing midwifery without a license.
403			

	HB 1893		2004
404	468.366	3rd	Delivering respiratory care services without a license.
405	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
406	483.901(9)	3rd	Practicing medical physics without a license.
407	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
408	484.053	3rd	Dispensing hearing aids without a license.
409	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.
410	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
411	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial

HB 1893

2004

transactions exceeding \$300 but less than \$20,000 by financial institution.

412 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

413 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

414 782.071 2nd Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

415 782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

416 784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

417 784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

418 784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

419 784.048(4) 3rd Aggravated stalking; violation of injunction or court order.

420

HB 1893

2004

421	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
422	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
423	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
424	784.081(1)	1st	Aggravated battery on specified official or employee.
425	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
426	784.083(1)	1st	Aggravated battery on code inspector.
427	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
428	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
429	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
430	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or

HB 1893

2004

attempting to use a hoax weapon of mass destruction.

431

790.166(4) 2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

432

796.03 2nd

Procuring any person under 16 years for prostitution.

433

800.04(5)(c)1. 2nd

Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

434

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.

435

806.01(2) 2nd

Maliciously damage structure by fire or explosive.

436

810.02(3)(a) 2nd

Burglary of occupied dwelling; unarmed; no assault or battery.

437

810.02(3)(b) 2nd

Burglary of unoccupied dwelling; unarmed; no assault or battery.

438

810.02(3)(d) 2nd

Burglary of occupied conveyance; unarmed; no assault or battery.

439

812.014(2)(a) 1st

Property stolen, valued at \$100,000 or

HB 1893

2004

more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.

440

812.014(2)(b)3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

441

~~812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.~~

442

812.019(2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

443

812.131(2)(a) 2nd Robbery by sudden snatching.

444

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

445

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

446

817.234(9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

447

817.234(11)(c) 1st Insurance fraud; property value \$100,000 or more.

448

817.2341 1st Making false entries of material fact
(2)(b)&(3)(b) or false statements regarding property

HB 1893

2004

values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

449

825.102(3)(b) 2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

450

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.

451

827.03(3)(b) 2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

452

827.04(3) 3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

453

837.05(2) 3rd

Giving false information about alleged capital felony to a law enforcement officer.

454

838.015 2nd

Bribery.

455

838.016 2nd

Unlawful compensation or reward for official behavior.

456

838.021(3)(a) 2nd

Unlawful harm to a public servant.

457

838.22 2nd

Bid tampering.

HB 1893

2004

458	872.06	2nd	Abuse of a dead human body.
459	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, school, or state, county, or municipal park or publicly owned recreational facility or community center.
460	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.
461	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).
462	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
463	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
464	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

HB 1893

2004

465	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
466	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
467	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
468	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
469	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
470	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
471	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
472	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
473	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

HB 1893

2004

474

475

476

Section 8. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after that date.