

1 A bill to be entitled
 2 An act relating to criminal offenses; providing a short
 3 title; creating s. 775.0847, F.S.; providing for the
 4 reclassification of felonies committed against the elderly
 5 or disabled; amending s. 784.08, F.S.; providing for the
 6 reclassification of misdemeanors committed against persons
 7 65 years of age or older; amending s. 812.0145, F.S.;
 8 providing for a mandatory term of imprisonment for certain
 9 thefts against persons 65 years of age or older; amending
 10 s. 825.103, F.S.; providing for a mandatory term of
 11 imprisonment for certain acts of exploitation against an
 12 elderly person or disabled adult; amending ss. 775.0877
 13 and 921.0022, F.S., relating to orders for HIV testing for
 14 certain offenses and the sentencing guidelines; revising
 15 an offense description and conforming cross-references to
 16 changes made by the act; providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. This act may be cited as "The Seniors' Safety
 21 Act."

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

24 775.0847 Felonies committed against the elderly or
 25 disabled; reclassification of offenses.--Whenever a person is
 26 charged with committing a felony offense upon a person 65 years
 27 of age or older or an elderly person or disabled adult as
 28 defined in chapter 825, regardless of whether the person charged

29 knew or had reason to know the age, infirmity, or disability of
 30 the victim, the offense for which the person is charged shall be
 31 reclassified as follows:

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

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

36 (3) In the case of a felony of the first degree, the
 37 offense is reclassified to a felony of the first degree,
 38 punishable by life imprisonment.

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

41 784.08 Assault or battery on persons 65 years of age or
 42 older; reclassification of offenses; minimum sentence.--

43 (2) Whenever a person is charged with committing an
 44 ~~assault or aggravated assault~~ or a battery ~~or aggravated battery~~
 45 upon a person 65 years of age or older, regardless of whether
 46 the person charged knew he or she knows or had has reason to
 47 know the age of the victim, the offense for which the person is
 48 charged shall be reclassified as follows:

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

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

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

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

57 Section 4. Section 812.0145, Florida Statutes, is amended
 58 to read:

59 812.0145 Theft from persons 65 years of age or older;
 60 penalties ~~reclassification of offenses.--~~

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

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

79 (a) This subsection does not prevent a court from imposing
 80 a greater sentence of incarceration as authorized by law. ~~If the~~
 81 ~~funds, assets, or property involved in the theft from a person~~
 82 ~~65 years of age or older is valued at \$50,000 or more, the~~
 83 ~~offender commits a felony of the first degree, punishable as~~
 84 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

85 **(b) If the minimum mandatory term of imprisonment imposed**
 86 **under this section exceeds the maximum sentence authorized by s.**
 87 **775.082, s. 775.084, or the Criminal Punishment Code under**
 88 **chapter 921, the mandatory minimum sentence must be imposed. If**
 89 **the mandatory minimum term of imprisonment under this section is**
 90 **less than the sentence authorized by s. 775.082, s. 775.084, or**
 91 **the Criminal Punishment Code under chapter 921, the sentence**
 92 **imposed by the court must include the mandatory minimum term of**
 93 **imprisonment required in this subsection. ~~If the funds, assets,~~**
 94 **~~or property involved in the theft from a person 65 years of age~~**
 95 **~~or older is valued at \$10,000 or more, but less than \$50,000,~~**
 96 **~~the offender commits a felony of the second degree, punishable~~**
 97 **~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~**

98 ~~(c) If the funds, assets, or property involved in the~~
 99 ~~theft from a person 65 years of age or older is valued at \$300~~
 100 ~~or more, but less than \$10,000, the offender commits a felony of~~
 101 ~~the third degree, punishable as provided in s. 775.082, s.~~
 102 ~~775.083, or s. 775.084.~~

103 Section 5. Subsections (3) and (4) are added to section
 104 825.103, Florida Statutes, to read:

105 825.103 Exploitation of an elderly person or disabled
 106 adult; penalties.--

107 **(3) Notwithstanding any other law, if the funds, assets,**
 108 **or property involved in the exploitation of an elderly person or**
 109 **a disabled adult is valued at \$10,000 or more, the court shall**
 110 **sentence the offender to a mandatory minimum term of**
 111 **imprisonment of 3 years.**

112 **(4) If the minimum mandatory term of imprisonment imposed**

113 under subsection (3) exceeds the maximum sentence authorized by
 114 s. 775.082, s. 775.084, or the Criminal Punishment Code under
 115 chapter 921, the mandatory minimum sentence must be imposed. If
 116 the mandatory minimum term of imprisonment under this section is
 117 less than the sentence authorized by s. 775.082, s. 775.084, or
 118 the Criminal Punishment Code under chapter 921, the sentence
 119 imposed by the court must include the mandatory minimum term of
 120 imprisonment required in subsection (3). This subsection does
 121 not prevent a court from imposing a greater sentence of
 122 incarceration as authorized by law.

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

125 775.0877 Criminal transmission of HIV; procedures;
 126 penalties.--

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

132 (a) Section 794.011, relating to sexual battery,

133 (b) Section 826.04, relating to incest,

134 (c) Section 800.04(1), (2), and (3), relating to lewd,
 135 lascivious, or indecent assault or act upon any person less than
 136 16 years of age,

137 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(b)
 138 ~~784.08(2)(d)~~, relating to assault,

139 (e) Sections 784.021 and, 784.07(2)(c), ~~and 784.08(2)(b)~~,
 140 relating to aggravated assault,

141 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(a)
 142 ~~784.08(2)(e)~~, relating to battery,
 143 (g) Sections 784.045 and~~7~~ 784.07(2)(d), ~~and 784.08(2)(a)~~,
 144 relating to aggravated battery,
 145 (h) Section 827.03(1), relating to child abuse,
 146 (i) Section 827.03(2), relating to aggravated child abuse,
 147 (j) Section 825.102(1), relating to abuse of an elderly
 148 person or disabled adult,
 149 (k) Section 825.102(2), relating to aggravated abuse of an
 150 elderly person or disabled adult,
 151 (l) Section 827.071, relating to sexual performance by
 152 person less than 18 years of age,
 153 (m) Sections 796.03, 796.07, and 796.08, relating to
 154 prostitution, or
 155 (n) Section 381.0041(11)(b), relating to donation of
 156 blood, plasma, organs, skin, or other human tissue,
 157
 158 the court shall order the offender to undergo HIV testing, to be
 159 performed under the direction of the Department of Health in
 160 accordance with s. 381.004, unless the offender has undergone
 161 HIV testing voluntarily or under ~~pursuant to~~ procedures
 162 established in s. 381.004(3)(h)6. or s. 951.27, or any other
 163 applicable law or rule providing for HIV testing of criminal
 164 offenders or inmates, subsequent to her or his arrest for an
 165 offense enumerated in paragraphs (a)-(n) for which she or he was
 166 convicted or to which she or he pled nolo contendere or guilty.
 167 The results of an HIV test performed on an offender under
 168 ~~pursuant to~~ this subsection are not admissible in any criminal

169 proceeding arising out of the alleged offense.

170 Section 7. Paragraphs (b), (c), (d), (e), (f), and (g) of
 171 subsection (3) of section 921.0022, Florida Statutes, are
 172 amended to read:

173 921.0022 Criminal Punishment Code; offense severity
 174 ranking chart.--

175 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(b) LEVEL 2
370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
370.12(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus

181

HB 399

2006

182	590.28(1)	3rd	required. <u>Intentional or reckless burning of lands</u> Willful, malicious, or intentional burning.
183	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
184	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
185	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
186	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
187	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
188	812.014(2)(c)1	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
189			

HB 399

2006

190	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
191	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
192	817.234(1)(a)2	3rd	False statement in support of insurance claim.
193	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
194	817.52(3)	3rd	Failure to redeliver hired vehicle.
195	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
196	817.60(5)	3rd	Dealing in credit cards of another.
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.

HB 399

2006

197	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
198	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
199	831.01	3rd	Forgery.
200	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
201	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
202	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
203	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
204	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
205	832.05(3)(a)	3rd	Cashing or depositing item with

HB 399

2006

			intent to defraud.
206	843.08	3rd	Falsely impersonating an officer.
207	893.13(2)(a)2.	3rd	Purchase of any 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 other than cannabis.
208	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
209			(c) LEVEL 3
210	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
211	316.066(3) (d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
212	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
213	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
214	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification

HB 399

2006

			number plate removed.
215	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
216	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
217	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
218	327.35(2)(b)	3rd	Felony BUI.
219	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
220	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
221	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

HB 399

2006

			turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
222	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
223	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
224	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
225	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
226	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
227	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
228			

HB 399

2006

229	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
230	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
231	626.902(1) (a) & (b)	3rd	Representing an unauthorized insurer.
232	697.08	3rd	Equity skimming.
233	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
234	796.05(1)	3rd	Live on earnings of a prostitute.
235	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
236	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
237	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but

HB 399

2006

			less than \$10,000.
238	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
239	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
240	817.034(4)(a)3	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
241	817.233	3rd	Burning to defraud insurer.
242	817.234(8) (b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
243	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
244	817.236	3rd	Filing a false motor vehicle insurance application.
245	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
246			

HB 399

2006

247	817.413(2)	3rd	Sale of used goods as new.
248	817.505(4)	3rd	Patient brokering.
249	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
250	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
251	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
252	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
253	843.19	3rd	Injure, disable, or kill police dog or horse.
254	860.15(3)	3rd	Overcharging for repairs and parts.
255	870.01(2)	3rd	Riot; inciting or encouraging.
	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s.

HB 399

2006

256	893.13(1)(d)2.	2nd	<p>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).</p> <p>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.</p>
257	893.13(1)(f)2.	2nd	<p>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.</p>
258	893.13(6)(a)	3rd	<p>Possession of any controlled substance other than felony possession of cannabis.</p>
259	893.13(7)(a)8.	3rd	<p>Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</p>
260	893.13(7)(a)9.	3rd	<p>Obtain or attempt to obtain</p>

HB 399

2006

261	893.13(7)(a)10. 3rd	controlled substance by fraud, forgery, misrepresentation, etc.
262	893.13(7)(a)11. 3rd	Affix false or forged label to package of controlled substance.
263	893.13(8)(a)1. 3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
264	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.
265	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.
266		Knowingly write a prescription for a controlled substance for a fictitious person.

HB 399

2006

	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.
267	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
268	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
269	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
270	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
271			(d) LEVEL 4
272	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and

HB 399

2006

			lights activated.
273	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
274	499.0051(2)	3rd	Failure to authenticate pedigree papers.
275	499.0051(6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
276	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
277	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
278	784.075	3rd	Battery on detention or commitment facility staff.
279	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
280	784.08(2) <u>(a)</u> (e)	3rd	Battery on a person 65 years of age or older.
281	784.081(3)	3rd	Battery on specified official or

HB 399

2006

			employee.
282	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
283	784.083(3)	3rd	Battery on code inspector.
284	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
285	787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.
286	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
287	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
288	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
289	790.115(2)(b)	3rd	Possessing electric weapon or

HB 399

2006

			device, destructive device, or other weapon on school property.
290	790.115(2)(c)	3rd	Possessing firearm on school property.
291	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
292	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
293	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
294	810.06	3rd	Burglary; possession of tools.
295	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
296	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
297	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
298	812.0195(2)	3rd	Dealing in stolen property by use

HB 399

2006

			of the Internet; property stolen \$300 or more.
299	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
300	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
301	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
302	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
303	837.02(1)	3rd	Perjury in official proceedings.
304	837.021(1)	3rd	Make contradictory statements in official proceedings.
305	838.022	3rd	Official misconduct.
306	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
307			

HB 399

2006

308	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
309	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
310	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
311	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
312	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
313	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
314	914.14(2)	3rd	Witnesses accepting bribes.
315	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

HB 399

2006

	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
316	918.12	3rd	Tampering with jurors.
317	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
318			(e) LEVEL 5
319	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
320	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
321	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
322	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
323	381.0041 (11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
324	440.10(1)(g)	2nd	Failure to obtain workers'

HB 399

2006

			compensation coverage.
325	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
326	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
327	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
328	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
329	790.01(2)	3rd	Carrying a concealed firearm.
330	790.162	2nd	Threat to throw or discharge destructive device.
331	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
332	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.

HB 399

2006

333	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
334	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
335	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
336	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
337	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
338	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
339	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
340	812.131(2)(b)	3rd	Robbery by sudden snatching.
341	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
342			

HB 399

2006

343	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
344	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
345	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.
346	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.
347	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person

HB 399

2006

			or disabled adult.
348	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
349	827.071(5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
350	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.
351	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
352	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
353	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
354	874.05(2)	2nd	Encouraging or recruiting another

HB 399

2006

355 to join a criminal street gang;
second or subsequent offense.

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).

356 893.13(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.

357 893.13(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.

358 893.13(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.

359

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.

360

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).

361

(f) LEVEL 6

362

316.193(2)(b) 3rd

Felony DUI, 4th or subsequent conviction.

363

499.0051(3) 2nd

Forgery of pedigree papers.

364

HB 399

2006

365	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
366	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
367	775.0875(1)	3rd	Taking firearm from law enforcement officer.
368	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
369	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
370	784.041	3rd	Felony battery.
371	784.048(3)	3rd	Aggravated stalking; credible threat.
372	784.048(5)	3rd	Aggravated stalking of person under 16.
373	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
374	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.

HB 399

2006

375	784.081(2)	2nd	Aggravated assault on specified official or employee.
376	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
377	784.083(2)	2nd	Aggravated assault on code inspector.
378	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
379	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
380	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
381	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
382	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels,

HB 399

2006

			or vehicles.
383	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
384	794.05(1)	2nd	Unlawful sexual activity with specified minor.
385	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.
386	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
387	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
388	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
389	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
390	812.015(9)	2nd	Retail theft; property stolen

HB 399

2006

			\$300 or more; second or subsequent conviction.
391	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
392	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
393	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
394	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
395	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
396	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
397	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
398	827.03(1)	3rd	Abuse of a child.
399	827.03(3)(c)	3rd	Neglect of a child.
400			

HB 399

2006

401	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
402	836.05	2nd	Threats; extortion.
403	836.10	2nd	Written threats to kill or do bodily injury.
404	843.12	3rd	Aids or assists person to escape.
405	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
406	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
407	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
408	944.40	2nd	Escapes.
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.

HB 399

2006

409	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
410	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
411			(g) LEVEL 7
412	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
413	316.193(3)(c)2	3rd	DUI resulting in serious bodily injury.
414	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
415	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
416	402.319(2)	2nd	Misrepresentation and negligence

HB 399

2006

			or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
417	409.920(2)	3rd	Medicaid provider fraud.
418	456.065(2)	3rd	Practicing a health care profession without a license.
419	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
420	458.327(1)	3rd	Practicing medicine without a license.
421	459.013(1)	3rd	Practicing osteopathic medicine without a license.
422	460.411(1)	3rd	Practicing chiropractic medicine without a license.
423	461.012(1)	3rd	Practicing podiatric medicine without a license.
424	462.17	3rd	Practicing naturopathy without a license.
425			

HB 399

2006

426	463.015(1)	3rd	Practicing optometry without a license.
427	464.016(1)	3rd	Practicing nursing without a license.
428	465.015(2)	3rd	Practicing pharmacy without a license.
429	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
430	467.201	3rd	Practicing midwifery without a license.
431	468.366	3rd	Delivering respiratory care services without a license.
432	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
433	483.901(9)	3rd	Practicing medical physics without a license.
434	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
435	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of

HB 399

2006

ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

436 560.123(8)(b)1. 3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

437 560.125(5)(a) 3rd

Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

438 655.50(10)(b)1. 3rd

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

439 775.21(10)(a) 3rd

Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

440 775.21(10)(b) 3rd

Sexual predator working where children regularly congregate.

HB 399

2006

441	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
442	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
443	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
444	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
445	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
446	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
447			

HB 399

2006

448	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
449	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
450	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
451	784.048(7)	3rd	Aggravated stalking; violation of court order.
452	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
453	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
454	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
455	784.081(1)	1st	Aggravated battery on specified official or employee.
456	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
457	784.083(1)	1st	Aggravated battery on code inspector.

HB 399

2006

458	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
459	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
460	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
461	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
462	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
463	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
464	796.03	2nd	Procuring any person under 16 years for prostitution.
464	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age;

HB 399

2006

			offender less than 18 years.
465	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.
466	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
467	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
468	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
469	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
470	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
471	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
472	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree

HB 399

2006

			grand theft.
473	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
474	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
475	812.131(2)(a)	2nd	Robbery by sudden snatching.
476	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
477	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
478	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
479	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
480	817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an

HB 399

2006

			insuring entity which are a significant cause of the insolvency of that entity.
481	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
482	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.
483	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
484	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
485	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
486	838.015	2nd	Bribery.
487	838.016	2nd	Unlawful compensation or reward for official behavior.

HB 399

2006

488	838.021(3)(a)	2nd	Unlawful harm to a public servant.
489	838.22	2nd	Bid tampering.
490	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
491	872.06	2nd	Abuse of a dead human body.
492	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.
493	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.
494	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).
495	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
496	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
497	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
498	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
499	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
500	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
501			

HB 399

2006

502	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
503	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
504	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
505	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
506	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
507	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
507	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to

HB 399

2006

			comply with reporting requirements.
508	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
509	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
510	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
511	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
512	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
513	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
514	944.607(12)	3rd	Failure to report or providing

HB 399

2006

false information about a sexual
offender; harbor or conceal a
sexual offender.

515

944.607(13)

3rd

Sexual offender; failure to
report and reregister; failure to
respond to address verification.

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517

Section 8. This act shall take effect July 1, 2006.