

HB 573

2007

1 A bill to be entitled

2 An act relating to criminal justice; amending s. 16.56,
3 F.S.; providing for jurisdiction of the Office of the
4 Statewide Prosecutor over certain obscenity offenses;
5 providing for jurisdiction over offenses facilitated by or
6 connected to the use of the Internet; creating s.
7 775.0847, F.S.; providing for reclassification of certain
8 offenses involving child pornography; amending s. 775.13,
9 F.S.; increasing penalties for violation of specified
10 felon registration provisions; amending s. 847.0135, F.S.;
11 making editorial changes; revising prohibitions on use of
12 certain computer services to facilitate certain sexual
13 conduct to include electronic storage devices, additional
14 persons, and additional conduct; providing for charging
15 each conversation in which specified conduct occurs as a
16 separate offense; prohibiting traveling to meet minors for
17 certain purposes; providing criminal penalties; revising a
18 provision relating to state criminal jurisdiction;
19 providing for effect of certain prosecutions; amending s.
20 910.15, F.S.; revising provisions relating to offenses
21 facilitated by communications systems; amending s.
22 921.0022, F.S.; conforming Criminal Punishment Code
23 offense severity ranking chart; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Subsection (1) of section 16.56, Florida
29 Statutes, is amended to read:

30 16.56 Office of Statewide Prosecution.--

31 (1) There is created in the Department of Legal Affairs an
32 Office of Statewide Prosecution. The office shall be a separate
33 "budget entity" as that term is defined in chapter 216. The
34 office may:

35 (a) Investigate and prosecute the offenses of:

36 1. Bribery, burglary, criminal usury, extortion, gambling,
37 kidnapping, larceny, murder, prostitution, perjury, robbery,
38 carjacking, and home-invasion robbery;

39 2. Any crime involving narcotic or other dangerous drugs;

40 3. Any violation of the provisions of the Florida RICO
41 (Racketeer Influenced and Corrupt Organization) Act, including
42 any offense listed in the definition of racketeering activity in
43 s. 895.02(1)(a), providing such listed offense is investigated
44 in connection with a violation of s. 895.03 and is charged in a
45 separate count of an information or indictment containing a
46 count charging a violation of s. 895.03, the prosecution of
47 which listed offense may continue independently if the
48 prosecution of the violation of s. 895.03 is terminated for any
49 reason;

50 4. Any violation of the provisions of the Florida Anti-
51 Fencing Act;

52 5. Any violation of the provisions of the Florida
53 Antitrust Act of 1980, as amended;

54 6. Any crime involving, or resulting in, fraud or deceit
55 upon any person;

56 7. Any violation of s. 847.0135, relating to computer
 57 pornography and child exploitation prevention, or any offense
 58 related to a violation of s. 847.0135 or any violation of
 59 chapter 827 where the crime is facilitated by or connected to
 60 the use of the Internet or any device capable of electronic data
 61 storage or transmission;

62 8. Any violation of the provisions of chapter 815;

63 9. Any criminal violation of part I of chapter 499;

64 10. Any violation of the provisions of the Florida Motor
 65 Fuel Tax Relief Act of 2004;

66 11. Any criminal violation of s. 409.920 or s. 409.9201;
 67 or

68 12. Any crime involving voter registration, voting, or
 69 candidate or issue petition activities;

70
 71 or any attempt, solicitation, or conspiracy to commit any of the
 72 crimes specifically enumerated above. The office shall have such
 73 power only when any such offense is occurring, or has occurred,
 74 in two or more judicial circuits as part of a related
 75 transaction, or when any such offense is connected with an
 76 organized criminal conspiracy affecting two or more judicial
 77 circuits.

78 (b) Investigate and prosecute any crime facilitated by or
 79 connected to the use of the Internet. Any such crime is a crime
 80 occurring in every judicial circuit within the state.

81 (c) ~~(b)~~ Upon request, cooperate with and assist state
 82 attorneys and state and local law enforcement officials in their
 83 efforts against organized crimes.

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84 (d)~~(e)~~ Request and receive from any department, division,
85 board, bureau, commission, or other agency of the state, or of
86 any political subdivision thereof, cooperation and assistance in
87 the performance of its duties.

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

90 775.0847 Possession or promotion of certain images of
91 child pornography; reclassification.--

92 (1) For purposes of this section:

93 (a) "Child" means any person, whose identity is known or
94 unknown, less than 18 years of age.

95 (b) "Sadomasochistic abuse" means flagellation or torture
96 by or upon a person or the condition of being fettered, bound,
97 or otherwise physically restrained, for the purpose of deriving
98 sexual satisfaction, or satisfaction brought about as a result
99 of sadistic violence, from inflicting harm on another or
100 receiving such harm oneself.

101 (c) "Sexual battery" means oral, anal, or vaginal
102 penetration by, or union with, the sexual organ of another or
103 the anal or vaginal penetration of another by any other object;
104 however, sexual battery does not include an act done for a bona
105 fide medical purpose.

106 (d) "Sexual bestiality" means any sexual act, actual or
107 simulated, between a person and an animal involving the sex
108 organ of the one and the mouth, anus, or vagina of the other.

109 (2) (a) The degree of a felony offense involving the
110 possession, production, or transmission of an image, in any
111 form, of child pornography or the sexual performance of a child

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112 shall be reclassified to the next higher degree as provided in
 113 paragraph (b) if the content of the image contains one or more
 114 of the following:

- 115 1. A child who is under the age of 5 years.
- 116 2. Sadomasochistic abuse involving a child.
- 117 3. Sexual battery involving a child.
- 118 4. Sexual bestiality involving a child.
- 119 5. Any video or live movie involving a child.

120 (b)1. In the case of a felony of the third degree, the
 121 offense is reclassified to a felony of the second degree.

122 2. In the case of a felony of the second degree, the
 123 offense is reclassified to a felony of the first degree.

124
 125 For purposes of sentencing under chapter 921 and determining
 126 incentive gain-time eligibility under chapter 944, a felony
 127 offense that is reclassified under this section is ranked one
 128 level above the ranking under s. 921.0022 or s. 921.0023 of the
 129 offense committed.

130 Section 3. Subsection (6) of section 775.13, Florida
 131 Statutes, is amended to read:

132 775.13 Registration of convicted felons, exemptions;
 133 penalties.--

134 (6) Failure of any such convicted felon to comply with
 135 this section constitutes a felony ~~misdemeanor~~ of the third
 136 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 137 775.083, or s. 775.084.

138 Section 4. Section 847.0135, Florida Statutes, is amended
 139 to read:

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140 847.0135 Computer pornography; traveling to meet minor;
 141 penalties.--

142 (1) SHORT TITLE.--This section shall be known and may be
 143 cited as the "Computer Pornography and Child Exploitation
 144 Prevention Act ~~of 1986~~."

145 (2) COMPUTER PORNOGRAPHY.--A person who:

146 (a) Knowingly compiles, enters into, or transmits by use
 147 of computer;

148 (b) Makes, prints, publishes, or reproduces by other
 149 computerized means;

150 (c) Knowingly causes or allows to be entered into or
 151 transmitted by use of computer; or

152 (d) Buys, sells, receives, exchanges, or disseminates,
 153
 154 any notice, statement, or advertisement of any minor's name,
 155 telephone number, place of residence, physical characteristics,
 156 or other descriptive or identifying information for purposes of
 157 facilitating, encouraging, offering, or soliciting sexual
 158 conduct of or with any minor, or the visual depiction of such
 159 conduct, commits a felony of the third degree, punishable as
 160 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 161 an undercover operative or law enforcement officer was involved
 162 in the detection and investigation of an offense under this
 163 section shall not constitute a defense to a prosecution under
 164 this section.

165 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 166 PROHIBITED.--Any person who knowingly uses ~~utilizes~~ a computer
 167 on-line service, Internet service, ~~or~~ local bulletin board

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168 service, or any other device capable of electronic data storage
 169 or transmission to seduce, solicit, lure, or entice, or attempt
 170 to seduce, solicit, lure, or entice, a child, a child's
 171 guardian, or another person believed by the person to be a child
 172 or a child's guardian, to commit any illegal act described in
 173 chapter 794, relating to sexual battery, chapter 800, relating
 174 to lewdness and indecent exposure, or chapter 827, or to
 175 otherwise engage in any unlawful sexual conduct with a child or
 176 with another person believed by the person to be a child
 177 ~~relating to child abuse,~~ commits a felony of the third degree,
 178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 179 Each separate conversation wherein this crime is committed may
 180 be charged as a separate offense.

181 (4) TRAVELING TO MEET A MINOR.--Any person who travels any
 182 distance either within this state, to this state, or from this
 183 state by any means, who attempts to do so, or who causes another
 184 to do so or to attempt to do so for the purpose of engaging in
 185 any illegal act described in chapter 794, chapter 800, or
 186 chapter 827, or to otherwise engage in other unlawful sexual
 187 conduct with a child or with another person believed by the
 188 person to be a child after using a computer on-line service,
 189 Internet service, local bulletin board service, or any other
 190 device capable of electronic data storage or transmission to
 191 seduce, solicit, lure, or entice, or to attempt to seduce,
 192 solicit, lure, or entice, a child or a child's guardian, or
 193 another person believed by the person to be a child or a child's
 194 guardian, for said purpose, commits a felony of the second

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195 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 196 775.084.

197 (5)~~(4)~~ OWNERS OR OPERATORS OF COMPUTER SERVICES
 198 LIABLE.--It is unlawful for any owner or operator of a computer
 199 on-line service, Internet service, or local bulletin board
 200 service knowingly to permit a subscriber to use ~~utilize~~ the
 201 service to commit a violation of this section. Any person who
 202 violates this section commits a misdemeanor of the first degree,
 203 punishable by a fine not exceeding \$2,000.

204 (6)~~(5)~~ STATE CRIMINAL JURISDICTION.--A person is subject
 205 to prosecution in this state pursuant to chapter 910 for any
 206 conduct proscribed by this section which the person engages in,
 207 while either within or outside this state, if by such conduct
 208 the person commits a violation of this section involving a child
 209 residing in this state, a child's guardian, or another person
 210 believed by the person to be a child or a child's guardian
 211 residing in this state.

212 (7) EFFECT OF PROSECUTION.--Prosecution of any person for
 213 an offense under this section shall not prohibit prosecution of
 214 that person in this state or another jurisdiction for a
 215 violation of any law of this state, including a law providing
 216 for greater penalties than prescribed in this section or any
 217 other crime punishing the sexual performance or the sexual
 218 exploitation of children.

219 Section 5. Subsection (1) of section 910.15, Florida
 220 Statutes, is amended to read:

221 910.15 Crimes facilitated by ~~Theft and fraudulent~~
 222 ~~practices concerning~~ communication systems.--

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223 (1) A person charged with committing a crime facilitated
 224 by a communication through use of the mail, telephone, or
 225 newspaper, or by radio, television, Internet, or another means
 226 of electronic data communication may be tried in the county in
 227 which the dissemination originated, in which the dissemination
 228 was made, or in which any act necessary to consummate the
 229 offense occurred +

230 ~~(a) A fraudulent practice in a manner in which it may~~
 231 ~~reasonably be assumed that a communication made to facilitate~~
 232 ~~the fraudulent practice, or a false or misleading~~
 233 ~~representation, could or would be disseminated across~~
 234 ~~jurisdictional lines; or~~

235 ~~(b) A theft involving the use of the mail, telephone,~~
 236 ~~newspaper, radio, television, or other means of communication,~~
 237
 238 may be tried in the county in which the dissemination
 239 originated, in which the dissemination was made, or in which any
 240 act necessary to consummate the offense occurred.

241 Section 6. Paragraphs (c) and (g) of subsection (3) of
 242 section 921.0022, Florida Statutes, are amended to read:

243 921.0022 Criminal Punishment Code; offense severity
 244 ranking chart.--

245 (3) OFFENSE SEVERITY RANKING CHART

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| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

247

(c) LEVEL 3

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|-----|-----------------------|-----|---|
| 248 | 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
| 249 | 316.066 (6) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 250 | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
| 251 | 316.1935 (2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 252 | 319.30 (4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |

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| 253 | 319.33 (1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 254 | 319.33 (1) (c) | 3rd | Procure or pass title on stolen vehicle. |
| 255 | 319.33 (4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 256 | 327.35 (2) (b) | 3rd | Felony BUI. |
| 257 | 328.05 (2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 258 | 328.07 (4) | 3rd | Manufacture, |

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259

370.12 (1) (e) 5. 3rd

exchange, or possess vessel with counterfeit or wrong ID number.

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.

260

370.12 (1) (e) 6. 3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

261

376.302 (5) 3rd

Fraud related to reimbursement for

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| 262 | 400.903 (3) | 3rd | cleanup expenses under the Inland Protection Trust Fund. |
| 263 | 440.105 (3) (b) | 3rd | Operating a clinic without a license or filing false license application or other required information. |
| 264 | 440.1051 (3) | 3rd | Receipt of fee or consideration without approval by judge of compensation claims. |
| 265 | 501.001 (2) (b) | 2nd | False report of workers' compensation fraud or retaliation for making such a report. |
| | | | Tampers with a consumer product or the container using |

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| 266 | 624.401 (4) (a) | 3rd | materially false/misleading information. |
| 267 | 624.401 (4) (b) 1. | 3rd | Transacting insurance without a certificate of authority. |
| 268 | 626.902 (1) (a) & (b) | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |
| 269 | 697.08 | 3rd | Representing an unauthorized insurer. |
| 270 | <u>775.13 (6)</u> | <u>3rd</u> | <u>Failure to register as a convicted felon</u> |
| 271 | 790.15 (3) | 3rd | Person directs another to discharge firearm from a |

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| 272 | 796.05 (1) | 3rd | vehicle. |
| 273 | 806.10 (1) | 3rd | Live on earnings of a prostitute. |
| 274 | 806.10 (2) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 275 | 810.09 (2) (c) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 276 | 812.014 (2) (c) 2. | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 277 | 812.0145 (2) (c) | 3rd | Grand theft; \$5,000 or more but less than \$10,000. |
| | | | Theft from person 65 |

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| 278 | 815.04 (4) (b) | 2nd | years of age or older; \$300 or more but less than \$10,000. |
| 279 | 817.034 (4) (a) 3. | 3rd | Computer offense devised to defraud or obtain property. |
| 280 | 817.233 | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 281 | 817.234 (8) (b) - (c) | 3rd | Burning to defraud insurer. |
| 282 | 817.234 (11) (a) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| | | | Insurance fraud; property value less than \$20,000. |

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| 283 | 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 284 | 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 285 | 817.413 (2) | 3rd | Sale of used goods as new. |
| 286 | 817.505 (4) | 3rd | Patient brokering. |
| 287 | 828.12 (2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 288 | 831.28 (2) (a) | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a |

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| 289 | | | counterfeit payment instrument. |
| | 831.29 | 2nd | Possession of instruments for counterfeiting drivers' licenses or identification cards. |
| 290 | | | |
| | 838.021 (3) (b) | 3rd | Threatens unlawful harm to public servant. |
| 291 | | | |
| | 843.19 | 3rd | Injure, disable, or kill police dog or horse. |
| 292 | | | |
| | 860.15 (3) | 3rd | Overcharging for repairs and parts. |
| 293 | | | |
| | 870.01 (2) | 3rd | Riot; inciting or encouraging. |
| 294 | | | |
| | 893.13 (1) (a) 2. | 3rd | Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), |

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893.13 (1) (d) 2. 2nd

(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).

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.

296

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.

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297

893.13 (6) (a) 3rd

Possession of any controlled substance other than felony possession of cannabis.

298

893.13 (7) (a) 8. 3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

299

893.13 (7) (a) 9. 3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

300

893.13 (7) (a) 10. 3rd

Affix false or forged label to package of controlled substance.

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302

893.13 (7) (a) 11. 3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

303

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.

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

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304

893.13 (8) (a) 3. 3rd

obtaining a
controlled
substance.

Knowingly write a
prescription for a
controlled substance
for a fictitious
person.

305

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.

306

918.13 (1) (a) 3rd

Alter, destroy, or
conceal
investigation
evidence.

307

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

Introduce contraband
to correctional

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| 308 | 944.47 (1) (c) | 2nd | facility. |
| 309 | 985.721 | 3rd | Possess contraband while upon the grounds of a correctional institution. |
| 310 | | | Escapes from a juvenile facility (secure detention or residential commitment facility). |
| 311 | | | (g) LEVEL 7 |
| 312 | 316.027 (1) (b) | 1st | Accident involving death, failure to stop; leaving scene. |
| 313 | 316.193 (3) (c) 2. | 3rd | DUI resulting in serious bodily injury. |
| | 316.1935 (3) (b) | 1st | Causing serious bodily injury or death to another |

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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.

314

327.35 (3) (c) 2. 3rd

Vessel BUI resulting in serious bodily injury.

315

402.319 (2) 2nd

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

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409.920 (2) 3rd

Medicaid provider

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| 317 | 456.065 (2) | 3rd | fraud. Practicing a health care profession without a license. |
| 318 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 319 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 320 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 321 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 322 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |

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| 323 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 324 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 325 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 326 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 327 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 328 | 467.201 | 3rd | Practicing midwifery without a license. |
| 329 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 330 | 483.828 (1) | 3rd | Practicing as clinical laboratory |

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| 331 | 483.901 (9) | 3rd | personnel without a license. |
| 332 | 484.013 (1) (c) | 3rd | Practicing medical physics without a license. |
| 333 | 484.053 | 3rd | Preparing or dispensing optical devices without a prescription. |
| 334 | 494.0018 (2) | 1st | Dispensing hearing aids without a license. 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. |
| 335 | 560.123 (8) (b) 1. | 3rd | Failure to report currency or payment |

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| 336 | 560.125 (5) (a) | 3rd | instruments exceeding \$300 but less than \$20,000 by money transmitter. |
| 337 | 655.50 (10) (b) 1. | 3rd | Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 338 | 775.21 (10) (a) | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| | | | Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations. |

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775.21(10)(b) 3rd

Sexual predator
working where
children regularly
congregate.

775.21(10)(g) 3rd

Failure to report or
providing false
information about a
sexual predator;
harbor or conceal a
sexual predator.

782.051(3) 2nd

Attempted felony
murder of a person
by a person other
than the perpetrator
or the perpetrator
of an attempted
felony.

782.07(1) 2nd

Killing of a human
being by the act,
procurement, or
culpable negligence
of another
(manslaughter).

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| 344 | 782.071 | 2nd | Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 345 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 346 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 347 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |

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| 348 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 349 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 350 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 351 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 352 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 353 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
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| 355 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 356 | 784.083 (1) | 1st | Aggravated battery on code inspector. |
| 357 | 790.07 (4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 358 | 790.16 (1) | 1st | Discharge of a machine gun under specified circumstances. |
| 359 | 790.165 (2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| | 790.165 (3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or |

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| 360 | 790.166 (3) | 2nd | attempting to commit a felony. |
| 361 | 790.166 (4) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 362 | 796.03 | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 363 | 800.04 (5) (c) 1. | 2nd | Procuring any person under 16 years for prostitution. |
| 364 | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| | | | Lewd or lascivious |

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| 365 | 806.01 (2) | 2nd | molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 366 | 810.02 (3) (a) | 2nd | Maliciously damage structure by fire or explosive. |
| 367 | 810.02 (3) (b) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 368 | 810.02 (3) (d) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 369 | 812.014 (2) (a) 1. | 1st | Burglary of occupied conveyance; unarmed; no assault or battery. |
| | | | Property stolen, valued at \$100,000 or more or a |

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| 370 | 812.014 (2) (b) 2. | 2nd | semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 371 | 812.014 (2) (b) 3. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 372 | 812.0145 (2) (a) | 1st | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 373 | 812.019 (2) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| | | | Stolen property; initiates, organizes, plans, etc., the theft of property and |

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| 374 | 812.131 (2) (a) | 2nd | traffics in stolen property. |
| 375 | 812.133 (2) (b) | 1st | Robbery by sudden snatching. |
| 376 | 817.234 (8) (a) | 2nd | Carjacking; no firearm, deadly weapon, or other weapon. |
| 377 | 817.234 (9) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 378 | 817.234 (11) (c) | 1st | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 379 | 817.2341 (2) (b) & | 1st | Insurance fraud; property value \$100,000 or more. |
| | | | Making false entries |

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(3) (b)

of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

380

825.102 (3) (b)

2nd

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

381

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.

382

827.03 (3) (b)

2nd

Neglect of a child causing great bodily

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| 383 | | | harm, disability, or disfigurement. |
| | 827.04 (3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| 384 | | | |
| | 837.05 (2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 385 | | | |
| | 838.015 | 2nd | Bribery. |
| 386 | | | |
| | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 387 | | | |
| | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 388 | | | |
| | 838.22 | 2nd | Bid tampering. |
| 389 | | | |
| | 847.0135 (3) | 3rd | Solicitation of a |

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| 390 | 872.06 | 2nd | child, via a computer service, to commit an unlawful sex act. |
| 391 | 893.13 (1) (c) 1. | 1st | Abuse of a dead human body. 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. |
| 392 | 893.13 (1) (e) 1. | 1st | Sell, manufacture, or deliver cocaine or other drug |

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| 393 | 893.13 (4) (a) | 1st | <p>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.</p> |
| 394 | 893.135 (1) (a) 1. | 1st | <p>Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4. drugs).</p> |
| 395 | 893.135 (1) (b) 1.a. | 1st | <p>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p> |
| 396 | | | <p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p> |

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| 397 | 893.135 (1) (c) 1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 398 | 893.135 (1) (d) 1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 399 | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 400 | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 401 | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 401 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 |

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| 402 | 893.135 (1) (j) 1.a. | 1st | kilogram or more, less than 5 kilograms. |
| 403 | 893.135 (1) (k) 2.a. | 1st | Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 404 | 896.101 (5) (a) | 3rd | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 405 | 896.104 (4) (a) 1. | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| | | | Structuring transactions to evade reporting or registration requirements, financial transactions |

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| 406 | 943.0435(4)(c) | 2nd | exceeding \$300 but less than \$20,000. |
| 407 | 943.0435(8) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 408 | 943.0435(9)(a) | 3rd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 409 | 943.0435(13) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| | | | Failure to report or providing false information about a sexual offender; harbor or conceal a |

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| 410 | 943.0435 (14) | 3rd | sexual offender. |
| 411 | 944.607 (9) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 412 | 944.607 (10) (a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 413 | 944.607 (12) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 414 | 944.607 (13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| | | | Sexual offender; |

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

415

416

Section 7. This act shall take effect October 1, 2007.