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Proposed Committee Substitute by the Committee on Criminal Justice

1 A bill to be entitled

2 An act relating to sex trafficking; amending s. 559.927,
3 F.S.; defining the term "travel for commercial sexual
4 purposes"; amending s. 559.928, F.S.; requiring the seller
5 of travel to include in the initial registration
6 documents, and in the annual affidavit to renew the
7 registration, sent to the Department of Agriculture and
8 Consumer Services a statement that the seller of travel
9 does not offer for sale, facilitate, or promote travel
10 services for commercial sexual purposes; providing that
11 the department may deny or refuse to renew the
12 registration of any seller of travel based upon a
13 determination that the seller of travel has offered for
14 sale, facilitated, advertised, or promoted travel services
15 for commercial sexual purposes; amending s. 559.9335,
16 F.S.; providing that an offer of sale, an advertisement,
17 or a promotion of travel services for commercial sexual
18 purposes is a violation of part IX of ch. 559, F.S.;
19 amending s. 559.937, F.S.; providing that a seller of
20 travel who offers for sale, facilitates, advertises, or
21 promotes travel services for commercial sexual purposes
22 commits a felony of the second degree; providing criminal
23 penalties; authorizing a court to freeze the assets of a
24 seller of travel who has or is about to commit such
25 offense; providing procedures; amending s. 772.102, F.S.;
26 expanding the definition of the term "criminal activity"
27 to include the offense of facilitating certain offenses
28 for purposes of seeking civil remedies for criminal
29 offenses; amending s. 775.21, F.S.; conforming cross-



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30 references; creating s. 796.011, F.S.; providing
31 definitions; amending s. 796.03, F.S.; increasing
32 penalties for procuring a minor for prostitution; amending
33 s. 796.04, F.S.; providing enhanced penalties for forcing,
34 compelling, or coercing another to become a prostitute;
35 renumbering and amending s. 796.035, F.S., and amending s.
36 796.045, F.S.; increasing penalties for selling or buying
37 minors into sex trafficking or prostitution; revising
38 provisions relating to sex trafficking; increasing
39 penalties; amending s. 796.05, F.S.; revising provisions
40 prohibiting deriving support or maintenance from earnings
41 of prostitution; providing penalties; amending s. 796.06,
42 F.S.; revising provisions prohibiting rental of certain
43 facilities for prohibited activities; amending s. 796.07,
44 F.S.; revising provisions prohibiting prostitution,
45 lewdness, and assignation; providing penalties; amending
46 s. 796.09, F.S.; revising provisions providing a civil
47 action against persons who coerce or induce certain
48 activities; requiring the court to award prevailing
49 plaintiffs reasonable attorney's fees and costs; creating
50 s. 796.10, F.S.; defining the term "business entity";
51 providing that a business entity convicted of a violation
52 of chapter 796, F.S., may be subject to specified
53 sanctions and forfeiture of property; amending s. 823.05,
54 F.S.; providing that a place used for specified violations
55 relating to prostitution may be declared a public nuisance
56 and abated or enjoined; amending s. 893.138, F.S.;
57 providing additional prostitution offenses that may
58 subject a place to being declared a public nuisance by a
59 county or municipality and abated pursuant to specified



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60 provisions; amending s. 895.02, F.S.; redefining the term
61 "racketeering activity" to revise the offenses included
62 for purposes of the Florida RICO Act; amending s.
63 921.0022, F.S.; conforming the offense severity ranking
64 chart of the Criminal Punishment Code; amending ss.
65 322.28, 943.0435, 944.606, and 944.607, F.S.; conforming
66 cross-references; providing an effective date.

67

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

69

70 Section 1. Present subsection (11) of section 559.927,
71 Florida Statutes, is redesignated as subsection (12), and a new
72 subsection (11) is added to that section, to read:

73 559.927 Definitions.--For the purposes of this part, the
74 term:

75 (11) "Travel for commercial sexual purposes" means travel,
76 transportation, or vacation services provided for the purposes of
77 enabling the customer to engage in prostitution or engage a
78 prostitute as defined in s. 796.07 or to engage in a sexual act,
79 sexual contact, sexual touching, or sexual activity, as defined
80 in s. 796.07, for which anything of value is given to, promised
81 to, or received by a person.

82 Section 2. Subsections (1), (3), and (9) of section
83 559.928, Florida Statutes, are amended to read:

84 559.928 Registration.--

85 (1) Each seller of travel shall annually register with the
86 department, providing: its legal business or trade name, mailing
87 address, and business locations; the full names, addresses,
88 telephone numbers, and social security numbers of its owners or
89 corporate officers and directors and the Florida agent of the



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90 corporation; a statement whether it is a domestic or foreign
91 corporation, its state and date of incorporation, its charter
92 number, and, if a foreign corporation, the date it registered
93 with the State of Florida, and occupational license where
94 applicable; the date on which a seller of travel registered its
95 fictitious name if the seller of travel is operating under a
96 fictitious or trade name; the name of all other corporations,
97 business entities, and trade names through which each owner of
98 the seller of travel operated, was known, or did business as a
99 seller of travel within the preceding 5 years; a list of all
100 authorized independent agents, including the agent's trade name,
101 full name, mailing address, business address, telephone numbers,
102 and social security number; the business location and address of
103 each branch office and full name and address of the manager or
104 supervisor; and proof of purchase of adequate bond or
105 establishment of a letter of credit or certificate of deposit as
106 required in this part. The registration documents sent to the
107 department must include a statement that the seller of travel
108 does not offer for sale, facilitate, or promote travel services
109 for commercial sexual purposes. A certificate evidencing proof of
110 registration shall be issued by the department and must be
111 prominently displayed in the seller of travel's primary place of
112 business.

113 (3) Each independent agent shall annually file an affidavit
114 with the department prior to engaging in business in this state.
115 This affidavit must include the independent agent's full name,
116 legal business or trade name, mailing address, business address,
117 telephone number, social security number, and the name or names
118 and addresses of each seller of travel represented by the
119 independent agent. The affidavit must also state that the



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120 independent agent does not offer for sale, facilitate, or promote
121 travel services for commercial sexual purposes. A letter
122 evidencing proof of filing must be issued by the department and
123 must be prominently displayed in the independent agent's primary
124 place of business. As used in this subsection, the term
125 "independent agent" means a person who represents a seller of
126 travel by soliciting persons on its behalf; who has a written
127 contract with a seller of travel which is operating in compliance
128 with this part and any rules adopted thereunder; who does not
129 receive a fee, commission, or other valuable consideration
130 directly from the purchaser for the seller of travel; who does
131 not at any time have any unissued ticket stock or travel
132 documents in his or her possession; and who does not have the
133 ability to issue tickets, vacation certificates, or any other
134 travel document. The term "independent agent" does not include an
135 affiliate of the seller of travel, as that term is used in s.
136 559.935(3), or the employees of the seller of travel or of such
137 affiliates.

138 (9) The department may deny or refuse to renew the
139 registration of any seller of travel based upon a determination
140 that the seller of travel, or any of its directors, officers,
141 owners, or general partners:

142 (a) Has failed to meet the requirements for registration as
143 provided in this part;

144 (b) Has been convicted of a crime involving fraud,
145 dishonest dealing, or any other act of moral turpitude;

146 (c) Has not satisfied a civil fine or penalty arising out
147 of any administrative or enforcement action brought by any
148 governmental agency or private person based upon conduct
149 involving fraud, dishonest dealing, or any violation of this



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150 part;

151 (d) Has pending against her or him any criminal,
152 administrative, or enforcement proceedings in any jurisdiction,
153 based upon conduct involving fraud, dishonest dealing, or any
154 other act of moral turpitude; ~~or~~

155 (e) Has offered for sale, facilitated, advertised, or
156 promoted travel services for commercial sexual purposes; or

157 (f)-(e) Has had a judgment entered against her or him in any
158 action brought by the department or the Department of Legal
159 Affairs pursuant to ss. 501.201-501.213 or this part.

160 Section 3. Subsection (25) is added to section 559.9335,
161 Florida Statutes, to read:

162 559.9335 Violations.--It is a violation of this part for
163 any person:

164 (25) To offer for sale, facilitate, advertise, or promote
165 travel services for commercial sexual purposes.

166 Section 4. Section 559.937, Florida Statutes, is amended to
167 read:

168 559.937 Criminal penalties; freezing of assets--

169 (1) Except as provided in subsection (2), any person or
170 business that ~~which~~ violates this part commits a misdemeanor of
171 the first degree, punishable as provided in s. 775.082 or s.
172 775.083.

173 (2) (a) A seller of travel or independent agent may not
174 offer for sale, promote, advertise, or otherwise facilitate
175 travel for commercial sexual purposes.

176 (b) A seller of travel or independent agent who violates
177 paragraph (a) commits a felony of the second degree, punishable
178 as provided in s. 775.082, s. 775.083, or s. 775.084.

179 (3) (a) A court may issue an attachment order directing a



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180 financial institution to freeze some or all of the funds or
181 assets deposited with or held by the financial institution by or
182 on behalf of a seller of travel or independent agent when there
183 exists a reasonable suspicion that the seller of travel or
184 independent agent has violated or is about to violate paragraph
185 (2) (a).

186 (b) A petition to attach assets must be filed by the
187 department and must contain:

188 1. A statement of facts relied upon by the department,
189 including the details of the particular offense that is about to
190 be committed or that has been committed; and

191 2. Identification of the name and financial institution
192 account number of the seller of travel or independent agent.

193 (c) If the court finds there exists a reasonable suspicion
194 that the seller of travel or independent agent has violated or is
195 about to violate paragraph (2) (a), that the accounts of the
196 seller of travel or independent agent can be specifically
197 identified, and that it is necessary to freeze the account
198 holder's funds or assets in order to ensure eventual restitution
199 to victims of the alleged offense, the court may order a
200 financial institution to freeze all or part of the deposited
201 funds or assets of the seller of travel or independent agent so
202 that the funds or assets may not be withdrawn or disposed of
203 until further order of the court.

204 Section 5. Paragraph (a) of subsection (1) of section
205 772.102, Florida Statutes, is amended to read:

206 772.102 Definitions.--As used in this chapter, the term:

207 (1) "Criminal activity" means to commit, to attempt to
208 commit, to conspire to commit, or to solicit, coerce, or
209 intimidate another person to commit:



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- 210 (a) Any crime that is chargeable by indictment or
211 information under the following provisions:
- 212 1. Section 210.18, relating to evasion of payment of
213 cigarette taxes.
- 214 2. Section 414.39, relating to public assistance fraud.
- 215 3. Section 440.105 or s. 440.106, relating to workers'
216 compensation.
- 217 4. Part IV of chapter 501, relating to telemarketing.
- 218 5. Chapter 517, relating to securities transactions.
- 219 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
220 to dogracing and horseracing.
- 221 7. Chapter 550, relating to jai alai frontons.
- 222 8. Chapter 552, relating to the manufacture, distribution,
223 and use of explosives.
- 224 9. Chapter 562, relating to beverage law enforcement.
- 225 10. Section 624.401, relating to transacting insurance
226 without a certificate of authority, s. 624.437(4)(c)1., relating
227 to operating an unauthorized multiple-employer welfare
228 arrangement, or s. 626.902(1)(b), relating to representing or
229 aiding an unauthorized insurer.
- 230 11. Chapter 687, relating to interest and usurious
231 practices.
- 232 12. Section 721.08, s. 721.09, or s. 721.13, relating to
233 real estate timeshare plans.
- 234 13. Chapter 782, relating to homicide.
- 235 14. Chapter 784, relating to assault and battery.
- 236 15. Chapter 787, relating to kidnapping or human
237 trafficking.
- 238 16. Chapter 790, relating to weapons and firearms.
- 239 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, s.



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- 240 | 796.06, or s. 796.07, relating to prostitution.
- 241 | 18. Chapter 806, relating to arson.
- 242 | 19. Section 810.02(2)(c), relating to specified burglary of
- 243 | a dwelling or structure.
- 244 | 20. Chapter 812, relating to theft, robbery, and related
- 245 | crimes.
- 246 | 21. Chapter 815, relating to computer-related crimes.
- 247 | 22. Chapter 817, relating to fraudulent practices, false
- 248 | pretenses, fraud generally, and credit card crimes.
- 249 | 23. Section 827.071, relating to commercial sexual
- 250 | exploitation of children.
- 251 | 24. Chapter 831, relating to forgery and counterfeiting.
- 252 | 25. Chapter 832, relating to issuance of worthless checks
- 253 | and drafts.
- 254 | 26. Section 836.05, relating to extortion.
- 255 | 27. Chapter 837, relating to perjury.
- 256 | 28. Chapter 838, relating to bribery and misuse of public
- 257 | office.
- 258 | 29. Chapter 843, relating to obstruction of justice.
- 259 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 260 | s. 847.07, relating to obscene literature and profanity.
- 261 | 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 262 | 849.25, relating to gambling.
- 263 | 32. Chapter 893, relating to drug abuse prevention and
- 264 | control.
- 265 | 33. Section 914.22 or s. 914.23, relating to witnesses,
- 266 | victims, or informants.
- 267 | 34. Section 918.12 or s. 918.13, relating to tampering with
- 268 | jurors and evidence.
- 269 | Section 6. Paragraph (a) of subsection (4) and paragraph



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270 (b) of subsection (10) of section 775.21, Florida Statutes, are
271 amended to read:

272 775.21 The Florida Sexual Predators Act.--

273 (4) SEXUAL PREDATOR CRITERIA.--

274 (a) For a current offense committed on or after October 1,
275 1993, upon conviction, an offender shall be designated as a
276 "sexual predator" under subsection (5), and subject to
277 registration under subsection (6) and community and public
278 notification under subsection (7) if:

279 1. The felony is:

280 a. A capital, life, or first-degree felony violation, or
281 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
282 is a minor and the defendant is not the victim's parent or
283 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
284 violation of a similar law of another jurisdiction; or

285 b. Any felony violation, or any attempt thereof, of s.
286 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
287 minor and the defendant is not the victim's parent or guardian;
288 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;
289 former s. 796.035; s. 796.045(2); s. 800.04; s. 825.1025(2)(b);
290 s. 827.071; s. 847.0145; or s. 985.701(1); or a violation of a
291 similar law of another jurisdiction, and the offender has
292 previously been convicted of or found to have committed, or has
293 pled nolo contendere or guilty to, regardless of adjudication,
294 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
295 the victim is a minor and the defendant is not the victim's
296 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
297 794.05; s. 796.03; former s. 796.035; s. 796.045(2); s. 800.04;
298 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
299 847.0135(4); s. 847.0145; or s. 985.701(1); or a violation of a



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300 similar law of another jurisdiction;

301 2. The offender has not received a pardon for any felony or
302 similar law of another jurisdiction that is necessary for the
303 operation of this paragraph; and

304 3. A conviction of a felony or similar law of another
305 jurisdiction necessary to the operation of this paragraph has not
306 been set aside in any postconviction proceeding.

307 (10) PENALTIES.--

308 (b) A sexual predator who has been convicted of or found to
309 have committed, or has pled nolo contendere or guilty to,
310 regardless of adjudication, any violation, or attempted
311 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
312 the victim is a minor and the defendant is not the victim's
313 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
314 794.05; s. 796.03; former s. 796.035; s. 796.045(2); s. 800.04;
315 s. 827.071; s. 847.0133; s. 847.0145; or s. 985.701(1); or a
316 violation of a similar law of another jurisdiction when the
317 victim of the offense was a minor, and who works, whether for
318 compensation or as a volunteer, at any business, school, day care
319 center, park, playground, or other place where children regularly
320 congregate, commits a felony of the third degree, punishable as
321 provided in s. 775.082, s. 775.083, or s. 775.084.

322 Section 7. Section 796.011, Florida Statutes, is created to
323 read:

324 796.011 Definitions.--As used in this chapter, the term:

325 (1) "Assignment" means the making of any appointment or
326 engagement for prostitution or lewdness or any act in furtherance
327 of such appointment or engagement.

328 (2) "Coerces" means uses force or intimidation, or any
329 practice of domination or restraint, in order to bring about or



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- 330 cause a person to take certain action. The term includes, but is
331 not limited to, the use of:
- 332 (a) Physical force or threat of physical force.
 - 333 (b) Physical or mental torture.
 - 334 (c) Kidnapping.
 - 335 (d) Blackmail.
 - 336 (e) Extortion or claims of indebtedness.
 - 337 (f) Threat of legal complaint or report of delinquency.
 - 338 (g) Threat to interfere with parental rights or
339 responsibilities, whether by judicial or administrative action or
340 otherwise.
 - 341 (h) Restraint of speech or communication with others.
 - 342 (i) Exploitation of a condition of developmental
343 disability, cognitive limitation, affective disorder, or
344 substance dependency.
 - 345 (j) Exploitation of victimization by sexual abuse.
 - 346 (k) Exploitation of pornographic performance.
 - 347 (l) Exploitation of human needs for food, shelter, safety,
348 or affection.
 - 349 (3) "Induces" means offers, promises, or withholds or
350 threatens to withhold, a benefit or advantage, whether legal,
351 financial, or otherwise, such as a promise of marriage,
352 employment, or material support or advantage, in order to bring
353 about or cause a person to take certain action.
 - 354 (4) "Lewdness" means any indecent or obscene act.
 - 355 (5) "Prostitution" means the giving or receiving of the
356 body for sexual activity for hire; however, the term does not
357 include sexual activity between spouses.
 - 358 (6) "Sexual activity" means oral, anal, or vaginal
359 penetration by, or union with, the sexual organ of another; anal



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360 or vaginal penetration of another by any other object; or the
361 handling or fondling of the sexual organ of another for the
362 purpose of masturbation; however, the term does not include acts
363 done for bona fide medical purposes.

364 Section 8. Section 796.03, Florida Statutes, is amended to
365 read:

366 796.03 Procuring minor ~~person under age of 18~~ for
367 prostitution.--A person who procures for prostitution, or causes
368 to be prostituted, any minor ~~person who is under the age of 18~~
369 ~~years~~ commits a felony of the first ~~second~~ degree, punishable as
370 provided in s. 775.082, s. 775.083, or s. 775.084.

371 Section 9. Section 796.04, Florida Statutes, is amended to
372 read:

373 796.04 Forcing, compelling, or coercing another to become a
374 prostitute.--

375 ~~(1) After May 1, 1943, It is shall be~~ unlawful for anyone
376 to force, compel, or coerce another to become a prostitute.

377 ~~(2) A person anyone~~ violating this section commits ~~shall be~~
378 ~~guilty of~~ a felony of the first ~~third~~ degree, punishable as
379 provided in s. 775.082, s. 775.083, or s. 775.084.

380 Section 10. Section 796.035, Florida Statutes, is
381 renumbered as subsection (2) of section 796.045, Florida
382 Statutes, and amended, and section 796.045, Florida Statutes, is
383 amended, to read:

384 796.045 Sex trafficking; penalties.--

385 (1) (a) Any person who knowingly recruits, entices, harbors,
386 transports, provides, or obtains by any means a person, knowing
387 that force, fraud, or coercion will be used to cause that person
388 to engage in prostitution, commits the offense of sex



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389 trafficking, a felony of the first ~~second~~ degree, punishable as
390 provided in s. 775.082, s. 775.083, or s. 775.084.

391 (b) A person commits a life felony ~~of the first degree,~~
392 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
393 if the offense ~~of sex trafficking~~ is committed against a minor
394 ~~person who is under the age of 14 or the~~ if such offense results
395 in death.

396 (2) ~~796.035 Selling or buying of minors into sex~~
397 ~~trafficking or prostitution; penalties.--~~Any parent, legal
398 guardian, or other person having custody or control of a minor
399 who sells or otherwise transfers custody or control of such
400 minor, or offers to sell or otherwise transfer custody of such
401 minor, with knowledge that, as a consequence of the sale or
402 transfer, force, fraud, or coercion will be used to cause the
403 minor to engage in prostitution or otherwise participate in the
404 trade of sex trafficking, commits a life felony ~~of the first~~
405 ~~degree,~~ punishable as provided in s. 775.082, s. 775.083, or s.
406 775.084.

407 Section 11. Section 796.05, Florida Statutes, is amended to
408 read:

409 796.05 Deriving support from the proceeds of
410 prostitution.--

411 (1) It shall be unlawful for any person with reasonable
412 belief or knowing another person is engaged in prostitution to
413 live or derive support or maintenance in whole or in part,
414 directly or indirectly, from what is believed to be the earnings
415 or proceeds of such person's prostitution.

416 (2) Anyone violating this section commits a felony of the
417 third degree, punishable as provided in s. 775.082, s. 775.083,
418 or s. 775.084.



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419 Section 12. Section 796.06, Florida Statutes, is amended to
420 read:

421 796.06 Use of space for prohibited activities; sanctions
422 ~~Renting space to be used for lewdness, assignation, or~~
423 ~~prostitution.--~~

424 (1) Any person who owns, lets, rents, maintains, controls,
425 or operates ~~It is unlawful to let, or rent~~ any place, structure,
426 building, or part thereof, or trailer or other conveyance, with
427 the knowledge or reasonable cause to believe that it is being
428 used, or will be used, in whole or in part, for the purpose of
429 any activity prohibited under this chapter commits a felony of
430 the third degree, punishable as provided in s. 775.082, s.
431 775.083, or s. 775.084 ~~lewdness, assignation, or prostitution.~~

432 ~~(2) A person who violates this section commits:~~

433 ~~(a) A misdemeanor of the second degree for a first~~
434 ~~violation, punishable as provided in s. 775.082 or s. 775.083.~~

435 ~~(b) A misdemeanor of the first degree for a second or~~
436 ~~subsequent violation, punishable as provided in s. 775.082 or s.~~
437 ~~775.083.~~

438 Section 13. Section 796.07, Florida Statutes, is amended to
439 read:

440 796.07 Prohibiting prostitution, lewdness, and assignation
441 ~~etc.; evidence; penalties; definitions.--~~

442 ~~(1) As used in this section:~~

443 ~~(a) "Prostitution" means the giving or receiving of the~~
444 ~~body for sexual activity for hire but excludes sexual activity~~
445 ~~between spouses.~~

446 ~~(b) "Lewdness" means any indecent or obscene act.~~



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447 ~~(c) "Assignment" means the making of any appointment or~~
448 ~~engagement for prostitution or lewdness, or any act in~~
449 ~~furtherance of such appointment or engagement.~~

450 ~~(d) "Sexual activity" means oral, anal, or vaginal~~
451 ~~penetration by, or union with, the sexual organ of another; anal~~
452 ~~or vaginal penetration of another by any other object; or the~~
453 ~~handling or fondling of the sexual organ of another for the~~
454 ~~purpose of masturbation; however, the term does not include acts~~
455 ~~done for bona fide medical purposes.~~

456 ~~(1)-(2)~~ It is unlawful for a person:

457 ~~(a) To own, establish, maintain, or operate any place,~~
458 ~~structure, building, or conveyance for the purpose of lewdness,~~
459 ~~assignment, or prostitution.~~

460 ~~(a)-(b)~~ To offer, or to offer or agree to secure, any person
461 ~~another~~ for the purpose of prostitution, lewdness, or assignment
462 ~~or for any other lewd or indecent act.~~

463 ~~(b)-(e)~~ To receive, or to offer or agree to receive, any
464 person into any place, structure, building, or trailer or other
465 conveyance for the purpose of prostitution, lewdness, or
466 assignment, ~~or to permit any person to remain there for such~~
467 ~~purpose.~~

468 ~~(c)-(d)~~ To direct, take, or transport, or to offer or agree
469 to direct, take, or transport, any person to any place,
470 structure, ~~or~~ building, or trailer or other conveyance or to any
471 other person, with knowledge or reasonable cause to believe that
472 the purpose of such directing, taking, or transporting is
473 prostitution, lewdness, or assignment.

474 ~~(d)-(e)~~ To offer to commit, or to commit, or to engage in,
475 prostitution, lewdness, or assignment.



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476 ~~(e)-(f)~~ To solicit, induce, entice, or procure any person
477 ~~another~~ to commit prostitution, lewdness, or assignation.

478 ~~(f)-(g)~~ To reside in, enter, or remain in, any place,
479 structure, or building, or to enter or remain in any trailer or
480 other conveyance, for the purpose of prostitution, lewdness, or
481 assignation.

482 ~~(g)-(h)~~ To aid, abet, or participate in prostitution,
483 lewdness, or assignation ~~any of the acts or things enumerated in~~
484 ~~this subsection.~~

485 ~~(h)-(i)~~ To purchase the services of any person engaged in
486 prostitution.

487 ~~(2)-(3)~~(a) In the trial of a person charged with a violation
488 of this section, testimony concerning the reputation of any
489 place, structure, building, or trailer or other conveyance
490 involved in the charge;~~;~~ testimony concerning the reputation of
491 any person residing in, operating, or frequenting such place,
492 structure, building, or trailer or other conveyance;~~;~~ and
493 testimony concerning the reputation of the defendant is
494 admissible in evidence in support of the charge.

495 (b) Notwithstanding any other provision of law, a police
496 officer may testify as an offended party in an action regarding
497 charges filed pursuant to this section.

498 ~~(3)-(4)~~ Except as otherwise provided in this chapter, a
499 person who violates any provision of this section commits:

500 (a) A misdemeanor of the second degree for a first
501 violation, punishable as provided in s. 775.082 or s. 775.083.

502 (b) A misdemeanor of the first degree for a second
503 violation, punishable as provided in s. 775.082 or s. 775.083.



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504 (c) A felony of the third degree for a third or subsequent
505 violation, punishable as provided in s. 775.082, s. 775.083, or
506 s. 775.084.

507 ~~(4)-(5)~~ A person who is charged with a third or subsequent
508 violation of this section shall be offered admission to a
509 pretrial intervention program or a substance-abuse treatment
510 program as provided in s. 948.08.

511 ~~(5)-(6)~~ In addition to the punishment provided in subsection
512 (3), a person who violates paragraph (1) (e) ~~(2)-(f)~~ shall be
513 assessed a civil penalty of \$500 if the violation results in any
514 judicial disposition other than acquittal or dismissal. The
515 proceeds from penalties assessed under this subsection shall be
516 paid to the circuit court administrator for the sole purpose of
517 paying the administrative costs of treatment-based drug court
518 programs provided under s. 397.334.

519 Section 14. Section 796.09, Florida Statutes, is amended to
520 read:

521 796.09 Coercion or inducement; civil cause of action;
522 evidence; defenses; attorney's fees.--

523 (1) A person has a cause of action for compensatory and
524 punitive damages against:

525 (a) A person who coerces or induces ~~coerced~~ that person
526 into prostitution.~~;~~

527 (b) A person who coerces or induces that person to remain
528 in prostitution.~~;~~~~or~~

529 (c) A person who collects or receives ~~uses coercion to~~
530 ~~collect or receive~~ any part of another ~~that~~ person's earnings
531 derived from prostitution.

532 ~~(2) As used in this section, the term "prostitution" has~~
533 ~~the same meaning as in s. 796.07.~~



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534 ~~(3) As used in this section, the term "coercion" means any~~
535 ~~practice of domination, restraint, or inducement for the purpose~~
536 ~~of or with the reasonably foreseeable effect of causing another~~
537 ~~person to engage in or remain in prostitution or to relinquish~~
538 ~~earnings derived from prostitution, and includes, but is not~~
539 ~~limited to:~~

- 540 ~~(a) Physical force or threats of physical force.~~
- 541 ~~(b) Physical or mental torture.~~
- 542 ~~(c) Kidnapping.~~
- 543 ~~(d) Blackmail.~~
- 544 ~~(e) Extortion or claims of indebtedness.~~
- 545 ~~(f) Threat of legal complaint or report of delinquency.~~
- 546 ~~(g) Threat to interfere with parental rights or~~
547 ~~responsibilities, whether by judicial or administrative action or~~
548 ~~otherwise.~~
- 549 ~~(h) Promise of legal benefit.~~
- 550 ~~(i) Promise of greater financial rewards.~~
- 551 ~~(j) Promise of marriage.~~
- 552 ~~(k) Restraint of speech or communication with others.~~
- 553 ~~(l) Exploitation of a condition of developmental~~
554 ~~disability, cognitive limitation, affective disorder, or~~
555 ~~substance dependency.~~
- 556 ~~(m) Exploitation of victimization by sexual abuse.~~
- 557 ~~(n) Exploitation of pornographic performance.~~
- 558 ~~(o) Exploitation of human needs for food, shelter, safety,~~
559 ~~or affection.~~

560 (2)(4) In the course of litigation under this section, any
561 transaction about which a plaintiff testifies or produces
562 evidence does not subject such plaintiff to criminal prosecution
563 or any penalty or forfeiture. Further, any testimony or evidence,



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564 | documentary or otherwise, or information directly or indirectly
565 | derived from such testimony or evidence which is given or
566 | produced by a plaintiff or a witness for a plaintiff shall not be
567 | used against these persons in any other investigation or
568 | proceeding. Such testimony or evidence, however, may be used
569 | against a plaintiff or a witness for a plaintiff upon any
570 | criminal investigation or proceeding for perjury committed while
571 | giving such testimony or producing such evidence.

572 | (3)-(5) It does not constitute a defense to a complaint
573 | under this section that:

574 | (a) The plaintiff was paid or otherwise compensated for
575 | acts of prostitution or other acts prohibited under this chapter;

576 | (b) The plaintiff engaged in acts of prostitution or other
577 | acts prohibited under this chapter prior to any involvement with
578 | the defendant; ~~or~~

579 | (c) The plaintiff made no attempt to escape, flee, or
580 | otherwise terminate contact with the defendant; ~~or~~

581 | (d) In the case of a cause of action based on inducement,
582 | the victim consented; or

583 | (e) The plaintiff stipulated or otherwise agreed that the
584 | prohibited acts did not occur as a result of coercion.

585 | (4)-(6) Evidence of convictions for prostitution or other
586 | acts prohibited under this chapter ~~or prostitution-related~~
587 | ~~offenses~~ are inadmissible in a proceeding brought under this
588 | section for purposes of attacking the plaintiff's credibility.

589 | (5)-(7) In any action brought under this section, the court
590 | ~~shall, in its discretion, may~~ award prevailing plaintiffs
591 | reasonable attorney's fees and costs.

592 | Section 15. Section 796.10, Florida Statutes, is created to
593 | read:



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594 796.10 Violations by a business entity; sanctions.--

595 (1) For purposes of this section, the term "business
596 entity" includes, but is not limited to, any corporation,
597 syndicate, association, firm, joint venture, partnership, limited
598 liability company, or business trust.

599 (2) If a business entity is convicted of a violation of
600 this chapter, the court may, when appropriate, order:

601 (a) Its dissolution or reorganization;

602 (b) The suspension or revocation of any license, including,
603 but not limited to, any occupational license, license under
604 chapter 561, permit, or prior approval granted to the business
605 entity by a state agency; or

606 (c) The surrender of its charter, if organized under the
607 laws of this state, or any certificate to conduct business in
608 this state, if it is not organized by the laws of this state.

609 (3) All property, real or personal, including money, used
610 in the course of, intended for use in the course of, derived
611 from, or realized through conduct in violation of a provision of
612 this chapter is subject to civil forfeiture to the state under
613 ss. 932.701-932.706.

614 Section 16. Section 823.05, Florida Statutes, is amended to
615 read:

616 823.05 Places declared a nuisance; abatement ~~may be abated~~
617 and injunction enjoined.--

618 (1) Whoever shall erect, establish, continue, or maintain,
619 own or lease any building, booth, tent or place which tends to
620 annoy the community or injure the health of the community, or
621 become manifestly injurious to the morals or manners of the
622 people as described in s. 823.01, or shall be frequented by the
623 class of persons mentioned in s. 856.02, or any house or place of



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624 prostitution, assignation, lewdness or place or building where
625 games of chance are engaged in violation of law or any place
626 where any law of the state is violated, shall be deemed guilty of
627 maintaining a nuisance, and the building, erection, place, tent
628 or booth and the furniture, fixtures and contents are declared a
629 nuisance. All such places or persons shall be abated or enjoined
630 as provided in ss. 60.05 and 60.06.

631 (2) Any place, structure, building, or part thereof, or
632 trailer or other conveyance that has been used as provided in s.
633 893.138(2), may be declared a public nuisance and abated or
634 enjoined as provided in ss. 60.05 and 60.06.

635 Section 17. Paragraph (a) of subsection (2) of section
636 893.138, Florida Statutes, is amended to read:

637 893.138 Local administrative action to abate drug-related,
638 prostitution-related, or stolen-property-related public nuisances
639 and criminal street gang activity.--

640 (2) Any place or premises that has been used:

641 (a) On more than two occasions within a 6-month period, as
642 the site of a violation of chapter 796 s. 796.07;

643
644 may be declared to be a public nuisance, and such nuisance may be
645 abated pursuant to the procedures provided in this section.

646 Section 18. Paragraph (a) of subsection (1) of section
647 895.02, Florida Statutes, is amended to read:

648 895.02 Definitions.--As used in ss. 895.01-895.08, the
649 term:

650 (1) "Racketeering activity" means to commit, to attempt to
651 commit, to conspire to commit, or to solicit, coerce, or
652 intimidate another person to commit:



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- 653 (a) Any crime that is chargeable by indictment or
654 information under the following provisions of the Florida
655 Statutes:
- 656 1. Section 210.18, relating to evasion of payment of
657 cigarette taxes.
 - 658 2. Section 403.727(3)(b), relating to environmental
659 control.
 - 660 3. Section 409.920 or s. 409.9201, relating to Medicaid
661 fraud.
 - 662 4. Section 414.39, relating to public assistance fraud.
 - 663 5. Section 440.105 or s. 440.106, relating to workers'
664 compensation.
 - 665 6. Section 443.071(4), relating to creation of a fictitious
666 employer scheme to commit unemployment compensation fraud.
 - 667 7. Section 465.0161, relating to distribution of medicinal
668 drugs without a permit as an Internet pharmacy.
 - 669 8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and
670 499.0691, relating to crimes involving contraband and adulterated
671 drugs.
 - 672 9. Part IV of chapter 501, relating to telemarketing.
 - 673 10. Chapter 517, relating to sale of securities and
674 investor protection.
 - 675 11. Section 550.235, s. 550.3551, or s. 550.3605, relating
676 to dogracing and horseracing.
 - 677 12. Chapter 550, relating to jai alai frontons.
 - 678 13. Section 551.109, relating to slot machine gaming.
 - 679 14. Chapter 552, relating to the manufacture, distribution,
680 and use of explosives.
 - 681 15. Chapter 560, relating to money transmitters, if the
682 violation is punishable as a felony.



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- 683 16. Chapter 562, relating to beverage law enforcement.
- 684 17. Section 624.401, relating to transacting insurance
685 without a certificate of authority, s. 624.437(4)(c)1., relating
686 to operating an unauthorized multiple-employer welfare
687 arrangement, or s. 626.902(1)(b), relating to representing or
688 aiding an unauthorized insurer.
- 689 18. Section 655.50, relating to reports of currency
690 transactions, when such violation is punishable as a felony.
- 691 19. Chapter 687, relating to interest and usurious
692 practices.
- 693 20. Section 721.08, s. 721.09, or s. 721.13, relating to
694 real estate timeshare plans.
- 695 21. Chapter 782, relating to homicide.
- 696 22. Chapter 784, relating to assault and battery.
- 697 23. Chapter 787, relating to kidnapping or human
698 trafficking.
- 699 24. Chapter 790, relating to weapons and firearms.
- 700 25. Section 796.03, ~~s. 796.035~~, s. 796.04, s. 796.045, s.
701 796.05, s. 796.06, or s. 796.07, relating to prostitution and sex
702 trafficking.
- 703 26. Chapter 806, relating to arson.
- 704 27. Section 810.02(2)(c), relating to specified burglary of
705 a dwelling or structure.
- 706 28. Chapter 812, relating to theft, robbery, and related
707 crimes.
- 708 29. Chapter 815, relating to computer-related crimes.
- 709 30. Chapter 817, relating to fraudulent practices, false
710 pretenses, fraud generally, and credit card crimes.
- 711 31. Chapter 825, relating to abuse, neglect, or
712 exploitation of an elderly person or disabled adult.



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- 713 32. Section 827.071, relating to commercial sexual
714 exploitation of children.
- 715 33. Chapter 831, relating to forgery and counterfeiting.
- 716 34. Chapter 832, relating to issuance of worthless checks
717 and drafts.
- 718 35. Section 836.05, relating to extortion.
- 719 36. Chapter 837, relating to perjury.
- 720 37. Chapter 838, relating to bribery and misuse of public
721 office.
- 722 38. Chapter 843, relating to obstruction of justice.
- 723 39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
724 s. 847.07, relating to obscene literature and profanity.
- 725 40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
726 849.25, relating to gambling.
- 727 41. Chapter 874, relating to criminal street gangs.
- 728 42. Chapter 893, relating to drug abuse prevention and
729 control.
- 730 43. Chapter 896, relating to offenses related to financial
731 transactions.
- 732 44. Sections 914.22 and 914.23, relating to tampering with
733 a witness, victim, or informant, and retaliation against a
734 witness, victim, or informant.
- 735 45. Sections 918.12 and 918.13, relating to tampering with
736 jurors and evidence.
- 737 Section 19. Paragraphs (a), (b), (d), (g), (h), and (i) of
738 subsection (3) of section 921.0022, Florida Statutes, are amended
739 to read:
- 740 921.0022 Criminal Punishment Code; offense severity ranking
741 chart.--
- 742 (3) OFFENSE SEVERITY RANKING CHART



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743 (a) LEVEL 1

744

Florida	Felony	Description
Statute	Degree	

745

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
--------------	-----	--

746

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
---------------	-----	--

747

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
--------------	-----	---

748

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
-------------	-----	---

749

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
-----------	-----	--

750

319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
--------------	-----	--

751

320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
--------------	-----	---

752



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753	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
754	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
755	322.212 (5) (a)	3rd	False application for driver's license or identification card.
756	414.39 (2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
757	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
758	443.071 (1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
759	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
	517.302 (1)	3rd	Violation of the Florida Securities



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and Investor Protection Act.

760

562.27(1) 3rd Possess still or still apparatus.

761

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

762

796.07(3)(c) 3rd Prostitution, 3rd or subsequent violation.

763

812.014(3)(c) 3rd Petit theft (3rd conviction); theft of any property not specified in subsection (2).

764

812.081(2) 3rd Unlawfully makes or causes to be made a reproduction of a trade secret.

765

815.04(4)(a) 3rd Offense against intellectual property (i.e., computer programs, data).

766

817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.

767

817.569(2) 3rd Use of public record or public records information to facilitate commission of a felony.

768

826.01 3rd Bigamy.

769



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770	828.122 (3)	3rd	Fighting or baiting animals.
771	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
772	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
773	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
774	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
775	838.15 (2)	3rd	Commercial bribe receiving.
776	838.16	3rd	Commercial bribery.
777	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
778	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
	849.01	3rd	Keeping gambling house.



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779	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
780	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
781	849.25(2)	3rd	Engaging in bookmaking.
782	860.08	3rd	Interfere with a railroad signal.
783	860.13(1)(a)	3rd	Operate aircraft while under the influence.
784	893.13(2)(a)2.	3rd	Purchase of cannabis.
785	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
786	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
787			
788	(b) LEVEL 2		
789	Florida Statute	Felony Degree	Description



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790	370.12 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
791	370.12 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
792	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.
793	517.07	3rd	Registration of securities and furnishing of prospectus required.
794	590.28 (1)	3rd	Willful, malicious, or intentional burning.
795	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
796	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
797	<u>796.06</u>	<u>3rd</u>	<u>Use of space for activity prohibited</u>



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in chapter 796.

798	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
799	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
800	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
801	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
802	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
803	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
804	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
805	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.



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806	817.52 (3)	3rd	Failure to redeliver hired vehicle.
807	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
808	817.60 (5)	3rd	Dealing in credit cards of another.
809	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
810	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
811	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
812	831.01	3rd	Forgery.
813	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
814	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
815	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.



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816	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
817	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
818	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
819	843.08	3rd	Falsely impersonating an officer.
820	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.
821	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
822	(d)	LEVEL 4	
823	Florida Statute	Felony Degree	Description
824			
825	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



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patrol vehicle with siren and lights activated.

826

499.0051(1) 3rd Failure to maintain or deliver pedigree papers.

827

499.0051(2) 3rd Failure to authenticate pedigree papers.

828

499.0051(6) 2nd Sale or delivery, or possession with intent to sell, contraband legend drugs.

829

784.07(2)(b) 3rd Battery of law enforcement officer, firefighter, intake officer, etc.

830

784.074(1)(c) 3rd Battery of sexually violent predators facility staff.

831

784.075 3rd Battery on detention or commitment facility staff.

832

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

833

784.08(2)(c) 3rd Battery on a person 65 years of age or older.

834

784.081(3) 3rd Battery on specified official or



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employee.

835

784.082 (3) 3rd Battery by detained person on
visitor or other detainee.

836

784.083 (3) 3rd Battery on code inspector.

837

784.085 3rd Battery of child by throwing,
tossing, projecting, or expelling
certain fluids or materials.

838

787.03 (1) 3rd Interference with custody; wrongly
takes minor from appointed guardian.

839

787.04 (2) 3rd Take, entice, or remove child beyond
state limits with criminal intent
pending custody proceedings.

840

787.04 (3) 3rd Carrying child beyond state lines
with criminal intent to avoid
producing child at custody hearing
or delivering to designated person.

841

790.115 (1) 3rd Exhibiting firearm or weapon within
1,000 feet of a school.

842

790.115 (2) (b) 3rd Possessing electric weapon or
device, destructive device, or other
weapon on school property.

843



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844	790.115 (2) (c)	3rd	Possessing firearm on school property.
845	<u>796.05</u>	<u>3rd</u>	<u>Deriving support from prostitution proceeds.</u>
846	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
847	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
848	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
849	810.06	3rd	Burglary; possession of tools.
850	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
851	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
852	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
	812.0195 (2)	3rd	Dealing in stolen property by use of



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the Internet; property stolen \$300
or more.

853

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

854

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

855

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

856

828.125 (1) 2nd Kill, maim, or cause great bodily
harm or permanent breeding
disability to any registered horse
or cattle.

857

837.02 (1) 3rd Perjury in official proceedings.

858

837.021 (1) 3rd Make contradictory statements in
official proceedings.

859

838.022 3rd Official misconduct.

860

839.13 (2) (a) 3rd Falsifying records of an individual
in the care and custody of a state
agency.

861

839.13 (2) (c) 3rd Falsifying records of the Department



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of Children and Family Services.

862

843.021 3rd Possession of a concealed handcuff key by a person in custody.

863

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

864

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

865

874.05(1) 3rd Encouraging or recruiting another to join a criminal street gang.

866

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).

867

914.14(2) 3rd Witnesses accepting bribes.

868

914.22(1) 3rd Force, threaten, etc., witness, victim, or informant.

869

914.23(2) 3rd Retaliation against a witness, victim, or informant, no bodily injury.

870



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871	918.12	3rd	Tampering with jurors.
872	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
873	(g) LEVEL 7		
874			
875	Florida Statute	Felony Degree	Description
876	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
877	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
878	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.
879	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent



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disfiguration, permanent disability,
or death.

880

409.920 (2) 3rd Medicaid provider fraud.

881

456.065 (2) 3rd Practicing a health care profession
without a license.

882

456.065 (2) 2nd Practicing a health care profession
without a license which results in
serious bodily injury.

883

458.327 (1) 3rd Practicing medicine without a
license.

884

459.013 (1) 3rd Practicing osteopathic medicine
without a license.

885

460.411 (1) 3rd Practicing chiropractic medicine
without a license.

886

461.012 (1) 3rd Practicing podiatric medicine
without a license.

887

462.17 3rd Practicing naturopathy without a
license.

888

463.015 (1) 3rd Practicing optometry without a
license.

889



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890	464.016 (1)	3rd	Practicing nursing without a license.
891	465.015 (2)	3rd	Practicing pharmacy without a license.
892	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
893	467.201	3rd	Practicing midwifery without a license.
894	468.366	3rd	Delivering respiratory care services without a license.
895	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
896	483.901 (9)	3rd	Practicing medical physics without a license.
897	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
898	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully



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obtained exceeded \$50,000 and there were five or more victims.

899

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

900

560.125 (5) (a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

901

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

902

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

903

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

904

775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

905



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906	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
907	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
908	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
909	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
910	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
911	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
912	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.



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913	784.048 (7)	3rd	Aggravated stalking; violation of court order.
914	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
915	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
916	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
917	784.081 (1)	1st	Aggravated battery on specified official or employee.
918	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
919	784.083 (1)	1st	Aggravated battery on code inspector.
920	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
921	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
922	790.165 (2)	2nd	Manufacture, sell, possess, or



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deliver hoax bomb.

923

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

924

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

925

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

926

794.08 (4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

927

796.03 1st Procuring any minor ~~person under 16~~
~~2nd~~ ~~years~~ for prostitution.

928

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

929

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but



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less than 16 years; offender 18
years or older.

930

806.01 (2) 2nd Maliciously damage structure by fire
or explosive.

931

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

932

810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

933

810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

934

810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.

935

812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000
or more or a semitrailer deployed by
a law enforcement officer; property
stolen while causing other property
damage; 1st degree grand theft.

936

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at
less than \$50,000, grand theft in
2nd degree.

937

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



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938	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
939	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
940	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
941	812.131 (2) (a)	2nd	Robbery by sudden snatching.
942	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
943	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
944	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
945	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
946	817.2341 (2) (b) & (3)	1st	Making false entries of material



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	(b)		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.
947	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
948	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.
949	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
950	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
951	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
952	838.015	2nd	Bribery.
953	838.016	2nd	Unlawful compensation or reward for



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official behavior.

954

838.021(3)(a) 2nd Unlawful harm to a public servant.

955

838.22 2nd Bid tampering.

956

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

957

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

958

872.06 2nd Abuse of a dead human body.

959

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.

960

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



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for religious services or a
specified business site.

961			
	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).
962			
	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
963			
	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
964			
	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
965			
	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
966			
	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
967			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
968			
	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
969			
	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric



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acid (GHB), 1 kilogram or more, less than 5 kilograms.

970

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

971

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

972

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

973

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

974

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

975

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

976

943.0435 (9) (a) 3rd Sexual offender; failure to comply



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with reporting requirements.

977	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
978	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
979	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
980	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
981	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
982	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
983	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
984	985.4815(12)	3rd	Failure to report or providing false



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

985

985.4815 (13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

986

987 (h) LEVEL 8

988

Florida	Felony	Description
Statute	Degree	

989

316.193 (3) (c) 3.a. 2nd DUI manslaughter.

990

316.1935 (4) (b) 1st Aggravated fleeing or attempted
eluding with serious bodily injury
or death.

991

327.35 (3) (c) 3. 2nd Vessel BUI manslaughter.

992

499.0051 (7) 1st Forgery of prescription or legend
drug labels.

993

499.0052 1st Trafficking in contraband legend
drugs.

994

560.123 (8) (b) 2. 2nd Failure to report currency or
payment instruments totaling or
exceeding \$20,000, but less than
\$100,000 by money transmitter.



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995	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
996	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
997	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
998	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
999	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
1000	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.



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1001	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1002	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
1003	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
1004	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1005	<u>796.045 (1) (a)</u>	<u>1st</u>	<u>Sex trafficking.</u>
1006	800.04 (4)	2nd	Lewd or lascivious battery.
1007	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1008	810.02 (2) (a)	1st, PB L	Burglary with assault or battery.
1009	810.02 (2) (b)	1st, PB	Burglary; armed with explosives or



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1010		L	dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1011			
	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1012			
	812.13 (2) (b)	1st	Robbery with a weapon.
1013			
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1014			
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1015			
	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
1016			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1017			
	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
1018			
	837.02 (2)	2nd	Perjury in official proceedings



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			relating to prosecution of a capital felony.
1019	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1020	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1021	860.16	1st	Aircraft piracy.
1022	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1023	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1024	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1025	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1026	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.



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1027	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1028	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
1029	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
1030	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1031	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1032	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1033	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1034	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1035	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.



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1036	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1037	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
1038	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1039	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
1040	(i) LEVEL 9		
1041	Florida Statute	Felony Degree	Description
1042			
1043	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1044	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.



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1045	499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
1046	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1047	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1048	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1049	775.0844	1st	Aggravated white collar crime.
1050	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1051	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
1052	782.051 (1)	1st	Attempted felony murder while



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			perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1053	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1054	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1055	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1056	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1057	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1058	790.161	1st	Attempted capital destructive device offense.
1059	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.



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1060	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1061	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1062	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1063	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1064	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1065	<u>796.045 (1) (b)</u>	<u>Life</u>	<u>Sex trafficking involving a minor or resulting in death.</u>
1066	<u>796.045 (2)</u>	<u>Life</u>	<u>Selling or buying of minors into sex trafficking or prostitution.</u>
1067	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1068			



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1069	812.13 (2) (a)	1st,PBL	Robbery with firearm or other deadly weapon.
1070	812.133 (2) (a)	1st,PBL	Carjacking; firearm or other deadly weapon.
1071	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1072	817.568 (7)	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1073	827.03 (2)	1st	Aggravated child abuse.
1074	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1075	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1076	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
	893.135	1st	Attempted capital trafficking



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1077			offense.
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1078			
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1079			
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1080			
	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1081			
	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1082			
	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1083			
	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1084			
	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1085			
	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
1086			



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1087 896.101(5)(c) 1st Money laundering, financial
instruments totaling or exceeding
\$100,000.

1088
1089 896.104(4)(a)3. 1st Structuring transactions to evade
1090 reporting or registration
1091 requirements, financial transactions
1092 totaling or exceeding \$100,000.

1088
1089 Section 20. Subsection (7) of section 322.28, Florida
1090 Statutes, is amended to read:

1091 322.28 Period of suspension or revocation.--

1092 (7) Following a second or subsequent violation of s.
1093 796.07(1)(e) ~~s. 796.07(2)(f)~~ which involves a motor vehicle and
1094 which results in any judicial disposition other than acquittal or
1095 dismissal, in addition to any other sentence imposed, the court
1096 shall revoke the person's driver's license or driving privilege,
1097 effective upon the date of the disposition, for a period of not
1098 less than 1 year. A person sentenced under this subsection may
1099 request a hearing under s. 322.271.

1100 Section 21. Paragraph (a) of subsection (1) of section
1101 943.0435, Florida Statutes, is amended to read:

1102 943.0435 Sexual offenders required to register with the
1103 department; penalty.--

1104 (1) As used in this section, the term:

1105 (a)1. "Sexual offender" means a person who meets the
1106 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1107 subparagraph c., or sub-subparagraph d., as follows:

1108 a.(I) Has been convicted of committing, or attempting,
1109 soliciting, or conspiring to commit, any of the criminal offenses



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1110 | proscribed in the following statutes in this state or similar
1111 | offenses in another jurisdiction: s. 787.01, s. 787.02, or s.
1112 | 787.025(2)(c), where the victim is a minor and the defendant is
1113 | not the victim's parent or guardian; s. 794.011, excluding s.
1114 | 794.011(10); s. 794.05; s. 796.03; former s. 796.035; s.
1115 | 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
1116 | 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.
1117 | 847.0145; or s. 985.701(1); or any similar offense committed in
1118 | this state which has been redesignated from a former statute
1119 | number to one of those listed in this sub-sub-subparagraph; and

1120 | (II) Has been released on or after October 1, 1997, from
1121 | the sanction imposed for any conviction of an offense described
1122 | in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph
1123 | (I), a sanction imposed in this state or in any other
1124 | jurisdiction includes, but is not limited to, a fine, probation,
1125 | community control, parole, conditional release, control release,
1126 | or incarceration in a state prison, federal prison, private
1127 | correctional facility, or local detention facility;

1128 | b. Establishes or maintains a residence in this state and
1129 | who has not been designated as a sexual predator by a court of
1130 | this state but who has been designated as a sexual predator, as a
1131 | sexually violent predator, or by another sexual offender
1132 | designation in another state or jurisdiction and was, as a result
1133 | of such designation, subjected to registration or community or
1134 | public notification, or both, or would be if the person were a
1135 | resident of that state or jurisdiction, without regard to whether
1136 | the person otherwise meets the criteria for registration as a
1137 | sexual offender;

1138 | c. Establishes or maintains a residence in this state who
1139 | is in the custody or control of, or under the supervision of, any



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1140 | other state or jurisdiction as a result of a conviction for
1141 | committing, or attempting, soliciting, or conspiring to commit,
1142 | any of the criminal offenses proscribed in the following statutes
1143 | or similar offense in another jurisdiction: s. 787.01, s. 787.02,
1144 | or s. 787.025(2)(c), where the victim is a minor and the
1145 | defendant is not the victim's parent or guardian; s. 794.011,
1146 | excluding s. 794.011(10); s. 794.05; s. 796.03; former s.
1147 | 796.035; s. 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s.
1148 | 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s.
1149 | 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1150 | committed in this state which has been redesignated from a former
1151 | statute number to one of those listed in this sub-subparagraph;
1152 | or

1153 | d. On or after July 1, 2007, has been adjudicated
1154 | delinquent for committing, or attempting, soliciting, or
1155 | conspiring to commit, any of the criminal offenses proscribed in
1156 | the following statutes in this state or similar offenses in
1157 | another jurisdiction when the juvenile was 14 years of age or
1158 | older at the time of the offense:

1159 | (I) Section 794.011, excluding s. 794.011(10);

1160 | (II) Section 800.04(4)(b) where the victim is under 12
1161 | years of age or where the court finds sexual activity by the use
1162 | of force or coercion;

1163 | (III) Section 800.04(5)(c)1. where the court finds
1164 | molestation involving unclothed genitals; or

1165 | (IV) Section 800.04(5)(d) where the court finds the use of
1166 | force or coercion and unclothed genitals.

1167 | 2. For all qualifying offenses listed in sub-subparagraph
1168 | (1)(a)1.d., the court shall make a written finding of the age of
1169 | the offender at the time of the offense.



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1171 For each violation of a qualifying offense listed in this
1172 subsection, the court shall make a written finding of the age of
1173 the victim at the time of the offense. For a violation of s.
1174 800.04(4), the court shall additionally make a written finding
1175 indicating that the offense did or did not involve sexual
1176 activity and indicating that the offense did or did not involve
1177 force or coercion. For a violation of s. 800.04(5), the court
1178 shall additionally make a written finding that the offense did or
1179 did not involve unclothed genitals or genital area and that the
1180 offense did or did not involve the use of force or coercion.

1181 Section 22. Paragraph (b) of subsection (1) of section
1182 944.606, Florida Statutes, is amended to read:

1183 944.606 Sexual offenders; notification upon release.--

1184 (1) As used in this section:

1185 (b) "Sexual offender" means a person who has been convicted
1186 of committing, or attempting, soliciting, or conspiring to
1187 commit, any of the criminal offenses proscribed in the following
1188 statutes in this state or similar offenses in another
1189 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1190 the victim is a minor and the defendant is not the victim's
1191 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
1192 794.05; s. 796.03; former s. 796.035; s. 796.045(2); s. 800.04;
1193 s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1194 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1195 985.701(1); or any similar offense committed in this state which
1196 has been redesignated from a former statute number to one of
1197 those listed in this subsection, when the department has received
1198 verified information regarding such conviction; an offender's
1199 computerized criminal history record is not, in and of itself,



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1200 | verified information.

1201 | Section 23. Paragraph (a) of subsection (1) of section
1202 | 944.607, Florida Statutes, is amended to read:

1203 | 944.607 Notification to Department of Law Enforcement of
1204 | information on sexual offenders.--

1205 | (1) As used in this section, the term:

1206 | (a) "Sexual offender" means a person who is in the custody
1207 | or control of, or under the supervision of, the department or is
1208 | in the custody of a private correctional facility:

1209 | 1. On or after October 1, 1997, as a result of a conviction
1210 | for committing, or attempting, soliciting, or conspiring to
1211 | commit, any of the criminal offenses proscribed in the following
1212 | statutes in this state or similar offenses in another
1213 | jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1214 | the victim is a minor and the defendant is not the victim's
1215 | parent or guardian; s. 794.011, excluding s. 794.011(10); s.
1216 | 794.05; s. 796.03; former s. 796.035; s. 796.045(2); s. 800.04;
1217 | s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1218 | 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1219 | 985.701(1); or any similar offense committed in this state which
1220 | has been redesignated from a former statute number to one of
1221 | those listed in this paragraph; or

1222 | 2. Who establishes or maintains a residence in this state
1223 | and who has not been designated as a sexual predator by a court
1224 | of this state but who has been designated as a sexual predator,
1225 | as a sexually violent predator, or by another sexual offender
1226 | designation in another state or jurisdiction and was, as a result
1227 | of such designation, subjected to registration or community or
1228 | public notification, or both, or would be if the person were a
1229 | resident of that state or jurisdiction, without regard as to



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1230 | whether the person otherwise meets the criteria for registration
1231 | as a sexual offender.
1232 | Section 24. This act shall take effect July 1, 2008.