

By Senator Fasano

11-00123-08

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1 A bill to be entitled

2 An act relating to criminal offenses; creating s.
3 775.0865, F.S.; providing for the reclassification of
4 felonies committed against the elderly or disabled;
5 amending s. 784.08, F.S.; providing for the
6 reclassification of misdemeanors committed against persons
7 65 years of age or older; amending s. 812.0145, F.S.;
8 providing for a mandatory term of imprisonment for certain
9 thefts against persons 65 years of age or older; amending
10 s. 825.103, F.S.; providing for a mandatory term of
11 imprisonment for certain acts of exploitation against an
12 elderly person or disabled adult; amending ss. 775.0877
13 and 921.0022, F.S., relating to orders for HIV testing for
14 certain offenses and the sentencing guidelines; revising
15 an offense description and conforming cross-references to
16 changes made by the act; providing an effective date.

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

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

22 Section 2. Section 775.0865, Florida Statutes, is created
23 to read:

24 775.0865 Felonies committed against the elderly or
25 disabled; reclassification of offenses.--Whenever a person is
26 charged with committing a felony offense upon a person 65 years
27 of age or older or an elderly person or disabled adult as defined
28 in chapter 825, regardless of whether the person charged knew or
29 had reason to know the age, infirmity, or disability of the

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30 victim, the offense for which the person is charged shall be
31 reclassified as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (b) If the minimum mandatory term of imprisonment imposed
86 under this section exceeds the maximum sentence authorized by s.
87 775.082, s. 775.084, or the Criminal Punishment Code under

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

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

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

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

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

112 (4) This subsection does not prevent a court from imposing
113 a greater sentence of incarceration as authorized by law. If the
114 minimum mandatory term of imprisonment imposed under subsection
115 (3) exceeds the maximum sentence authorized by s. 775.082, s.
116 775.084, or the Criminal Punishment Code under chapter 921, the

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117 mandatory minimum sentence must be imposed. If the mandatory
118 minimum term of imprisonment under this section is less than the
119 sentence authorized by s. 775.082, s. 775.084, or the Criminal
120 Punishment Code under chapter 921, the sentence imposed by the
121 court must include the mandatory minimum term of imprisonment
122 required in subsection (3).

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

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

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

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

133 (b) Section 826.04, relating to incest,

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

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

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

141 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(a)
142 ~~784.08(2)(e)~~, relating to battery,

143 (g) Sections 784.045 and, ~~784.07(2)(d), and 784.08(2)(a)~~,
144 relating to aggravated battery,

145 (h) Section 827.03(1), relating to child abuse,

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146 (i) Section 827.03(2), relating to aggravated child abuse,

147 (j) Section 825.102(1), relating to abuse of an elderly
148 person or disabled adult,

149 (k) Section 825.102(2), relating to aggravated abuse of an
150 elderly person or disabled adult,

151 (l) Section 827.071, relating to sexual performance by
152 person less than 18 years of age,

153 (m) Sections 796.03, 796.07, and 796.08, relating to
154 prostitution, or

155 (n) Section 381.0041(11)(b), relating to donation of blood,
156 plasma, organs, skin, or other human tissue,

157
158 the court shall order the offender to undergo HIV testing, to be
159 performed under the direction of the Department of Health in
160 accordance with s. 381.004, unless the offender has undergone HIV
161 testing voluntarily or under ~~pursuant to~~ procedures established
162 in s. 381.004(3)(h)6. or s. 951.27, or any other applicable law
163 or rule providing for HIV testing of criminal offenders or
164 inmates, subsequent to her or his arrest for an offense
165 enumerated in paragraphs (a)-(n) for which she or he was
166 convicted or to which she or he pled nolo contendere or guilty.
167 The results of an HIV test performed on an offender under
168 ~~pursuant to~~ this subsection are not admissible in any criminal
169 proceeding arising out of the alleged offense.

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

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

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175	(3)	OFFENSE SEVERITY RANKING CHART	
176	(c)	LEVEL 3	
177			
	Florida	Felony	Description
	Statute	Degree	
178	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
179	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
180	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
181	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
182	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
183	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
184	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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185	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
186	327.35 (2) (b)	3rd	Felony BUI.
187	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
188	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
189	370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
190	370.12 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a

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			violation of the Marine Turtle Protection Act.
191	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
192	400.903 (3)	3rd	Operating a clinic without a license or filing false license application or other required information.
193	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
194	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
195	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
196	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
197	626.902 (1) (a) & (b)	3rd	Representing an unauthorized

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			insurer.
198	697.08	3rd	Equity skimming.
199	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
200	796.05 (1)	3rd	Live on earnings of a prostitute.
201	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
202	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
203	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
204	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
205	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
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207	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
208	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
209	817.233	3rd	Burning to defraud insurer.
210	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
211	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
212	817.236	3rd	Filing a false motor vehicle insurance application.
213	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
214	817.413 (2)	3rd	Sale of used goods as new.
215	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury,

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			or death.
216	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
217	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
218	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
219	843.19	3rd	Injure, disable, or kill police dog or horse.
220	860.15 (3)	3rd	Overcharging for repairs and parts.
221	870.01 (2)	3rd	Riot; inciting or encouraging.
222	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
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	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
224	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.
225	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
226	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
227	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

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228	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
229	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
230	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.
231	893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
232	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
233	893.13 (8) (a) 4.	3rd	Write a prescription for a

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			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.
234	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
235	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
236	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
237	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
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240	(d) LEVEL 4		
241			
	Florida Statute	Felony Degree	Description
242	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety

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while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

243 499.0051 (1) 3rd Failure to maintain or deliver pedigree papers.

244 499.0051 (2) 3rd Failure to authenticate pedigree papers.

245 499.0051 (6) 2nd Sale or delivery, or possession with intent to sell, contraband legend drugs.

246 784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, intake officer, etc.

247 784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

248 784.075 3rd Battery on detention or commitment facility staff.

249 784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

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251	784.08 (2) <u>(a)</u> (e)	3rd	Battery on a person 65 years of age or older.
252	784.081 (3)	3rd	Battery on specified official or employee.
253	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
254	784.083 (3)	3rd	Battery on code inspector.
255	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
256	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
257	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
258	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

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259	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
260	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
261	790.115 (2) (c)	3rd	Possessing firearm on school property.
262	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
263	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
264	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
265	810.06	3rd	Burglary; possession of tools.
266	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree

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			\$10,000 or more but less than \$20,000.
267	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
268	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
269	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
270	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
271	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
272	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
273	837.02 (1)	3rd	Perjury in official proceedings.
274	837.021 (1)	3rd	Make contradictory statements

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			in official proceedings.
275	838.022	3rd	Official misconduct.
276	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
277	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
278	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
279	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
280	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
281	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
282	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d),

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			(2) (a), (2) (b), or (2) (c) 4. drugs).
283	914.14 (2)	3rd	Witnesses accepting bribes.
284	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
285	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
286	918.12	3rd	Tampering with jurors.
287	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
288			
289			
290	(e) LEVEL 5		
291			
	Florida Statute	Felony Degree	Description
292	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
293	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
294	322.34 (6)	3rd	Careless operation of motor

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			vehicle with suspended license, resulting in death or serious bodily injury.
295	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
296	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
297	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
298	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
299	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
300	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
301	626.902 (1) (c)	2nd	Representing an unauthorized

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			insurer; repeat offender.
302	790.01 (2)	3rd	Carrying a concealed firearm.
303	790.162	2nd	Threat to throw or discharge destructive device.
304	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
305	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
306	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
307	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
308	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
309	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
310	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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311	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
312	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
313	812.131 (2) (b)	3rd	Robbery by sudden snatching.
314	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
315	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
316	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
317	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
318	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

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received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

319

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

320

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

321

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

322

827.071 (5)

3rd

Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

323

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or

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			death.
324	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
325	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
326	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
327	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
328	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
329	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8.,

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(2) (c) 9., (3), or (4) drugs within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

330

893.13 (1) (d) 1.

1st

Sell, manufacture, or deliver cocaine (or other s.

893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs) within 1,000 feet of university.

331

893.13 (1) (e) 2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s.

893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

332

893.13 (1) (f) 1.

1st

Sell, manufacture, or deliver cocaine (or other s.

893.03 (1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c) 4.

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drugs) within 1,000 feet of public housing facility.

333

893.13 (4) (b)

2nd

Deliver to minor cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs).

334

335

336

(f) LEVEL 6

337

Florida
Statute

Felony
Degree

Description

338

316.193 (2) (b)

3rd

Felony DUI, 4th or subsequent conviction.

339

499.0051 (3)

2nd

Forgery of pedigree papers.

340

499.0051 (4)

2nd

Purchase or receipt of legend drug from unauthorized person.

341

499.0051 (5)

2nd

Sale of legend drug to unauthorized person.

342

775.0875 (1)

3rd

Taking firearm from law enforcement officer.

343

784.021 (1) (a)

3rd

Aggravated assault; deadly

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weapon without intent to kill.

344	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
345	784.041	3rd	Felony battery; domestic battery by strangulation.
346	784.048 (3)	3rd	Aggravated stalking; credible threat.
347	784.048 (5)	3rd	Aggravated stalking of person under 16.
348	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
349	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
350	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
351	784.081 (2)	2nd	Aggravated assault on specified official or employee.
352	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
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354	784.083 (2)	2nd	Aggravated assault on code inspector.
355	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
356	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
357	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
358	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
359	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
360	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
361	794.05 (1)	2nd	Unlawful sexual activity with specified minor.

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362	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
363	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
364	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
365	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
366	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
367	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
368	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; property stolen

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			\$3,000 or more; coordination of others.
369	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
370	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
371	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
372	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
373	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
374	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
375	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
376	827.03 (1)	3rd	Abuse of a child.
377	827.03 (3) (c)	3rd	Neglect of a child.
378			

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379	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
380	836.05	2nd	Threats; extortion.
381	836.10	2nd	Written threats to kill or do bodily injury.
382	843.12	3rd	Aids or assists person to escape.
383	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
384	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
385	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
386	944.40	2nd	Escapes.
387	944.46	3rd	Harboring, concealing, aiding escaped prisoners.

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388	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
389			
390			
391	(g) LEVEL 7		
392			
	Florida Statute	Felony Degree	Description
393	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
394	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
395	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

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			activated.
396	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
397	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
398	409.920 (2)	3rd	Medicaid provider fraud.
399	456.065 (2)	3rd	Practicing a health care profession without a license.
400	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
401	458.327 (1)	3rd	Practicing medicine without a license.
402	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
403	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
404	461.012 (1)	3rd	Practicing podiatric medicine

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			without a license.
405	462.17	3rd	Practicing naturopathy without a license.
406	463.015 (1)	3rd	Practicing optometry without a license.
407	464.016 (1)	3rd	Practicing nursing without a license.
408	465.015 (2)	3rd	Practicing pharmacy without a license.
409	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
410	467.201	3rd	Practicing midwifery without a license.
411	468.366	3rd	Delivering respiratory care services without a license.
412	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
413	483.901 (9)	3rd	Practicing medical physics without a license.
414	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a

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			prescription.
415	484.053	3rd	Dispensing hearing aids without a license.
416	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
417	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
418	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
419	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
420	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or

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			identification card; other registration violations.
421	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
422	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
423	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
424	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
425	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
426	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel

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			homicide).
427	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
428	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
429	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
430	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
431	784.048 (7)	3rd	Aggravated stalking; violation of court order.
432	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
433	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
434	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
435	784.081 (1)	1st	Aggravated battery on specified official or employee.

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436	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
437	784.083 (1)	1st	Aggravated battery on code inspector.
438	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
439	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
440	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
441	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
442	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
443	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction

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			while committing or attempting to commit a felony.
444	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.
445	796.03	2nd	Procuring any person under 16 years for prostitution.
446	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
447	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
448	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
449	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
450	810.02 (3) (b)	2nd	Burglary of unoccupied

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dwelling; unarmed; no assault
or battery.

451

810.02 (3) (d)

2nd

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

452

810.02 (3) (e)

2nd

Burglary of authorized
emergency vehicle.

453

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.

454

812.014 (2) (b) 2.

2nd

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

455

812.014 (2) (b) 3.

2nd

Property stolen, emergency
medical equipment; 2nd degree
grand theft.

456

812.014 (2) (b) 4.

2nd

Property stolen, law
enforcement equipment from
authorized emergency vehicle.

457

~~812.0145 (2) (a)~~

1st

~~Theft from person 65 years of~~

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			age or older; \$50,000 or more.
458	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
459	812.131 (2) (a)	2nd	Robbery by sudden snatching.
460	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
461	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
462	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
463	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
464	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that

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			entity.
465	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
466	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.
467	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
468	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
469	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
470	838.015	2nd	Bribery.
471	838.016	2nd	Unlawful compensation or reward for official behavior.
472	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
473			

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474	838.22	2nd	Bid tampering.
475	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
476	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
477	872.06	2nd	Abuse of a dead human body.
478	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.
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or

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			a specified business site.
479	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).
480	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
481	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
482	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
483	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
484	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
485	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
486			

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487	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
488	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
489	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
490	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
491	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
492	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting

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			requirements.
493	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
494	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
495	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
496	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
497	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
498	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
499	944.607 (12)	3rd	Failure to report or providing false information about a

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sexual offender; harbor or
conceal a sexual offender.

500

944.607(13)

3rd

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

501

985.4815(10)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

502

985.4815(12)

3rd

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

503

985.4815(13)

3rd

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

504

505

Section 8. This act shall take effect July 1, 2008.