

1 A bill to be entitled

2 An act relating to false and fraudulent insurance claims;
3 amending s. 400.9905, F.S.; redefining the term "clinic"
4 for purposes of the Health Care Clinic Act to exclude from
5 coverage under the act those entities providing oncology,
6 radiation therapy, and urology services; amending s.
7 400.9905, F.S.; redefining the term "clinic" for purposes
8 of the Health Care Clinic Act to exclude from coverage
9 under the act those entities providing pediatric
10 cardiology services; amending s. 817.234, F.S.; providing
11 penalties for specified insurance fraud violations
12 involving personal injury protection insurance; providing
13 for professional license suspensions for certain health
14 care practitioners convicted of such violations; amending
15 s. 921.0022, F.S.; conforming the offense severity ranking
16 chart of the Criminal Punishment Code; providing an
17 effective date.

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

20
21 Section 1. Paragraphs (a), (b), (c), and (d) of subsection
22 (4) of section 400.9905, Florida Statutes, are amended to read:

23 400.9905 Definitions.--

24 (4) "Clinic" means an entity at which health care services
25 are provided to individuals and which tenders charges for
26 reimbursement for such services, including a mobile clinic and a
27 portable equipment provider. For purposes of this part, the term

28 does not include and the licensure requirements of this part do
29 not apply to:

30 (a) Entities licensed or registered by the state under
31 chapter 395; entities that provide oncology, radiation therapy,
32 and urology services by physicians licensed under chapter 458 or
33 chapter 459 that do not submit claims for reimbursement to
34 insurers under ss. 627.730-627.7405; or entities licensed or
35 registered by the state and providing only health care services
36 within the scope of services authorized under their respective
37 licenses granted under ss. 383.30-383.335, chapter 390, chapter
38 394, chapter 397, this chapter except part X, chapter 429,
39 chapter 463, chapter 465, chapter 466, chapter 478, part I of
40 chapter 483, chapter 484, or chapter 651; end-stage renal
41 disease providers authorized under 42 C.F.R. part 405, subpart
42 U; or providers certified under 42 C.F.R. part 485, subpart B or
43 subpart H; or any entity that provides neonatal or pediatric
44 hospital-based health care services or other health care
45 services by licensed practitioners solely within a hospital
46 licensed under chapter 395.

47 (b) Entities that own, directly or indirectly, entities
48 licensed or registered by the state pursuant to chapter 395;
49 entities that own, directly or indirectly, an entity that
50 provides oncology, radiation therapy, and urology services by
51 physicians licensed under chapter 458 or chapter 459 that do not
52 submit claims for reimbursement to insurers under ss. 627.730-
53 627.7405; or entities that own, directly or indirectly, entities
54 licensed or registered by the state and providing only health
55 care services within the scope of services authorized pursuant

56 to their respective licenses granted under ss. 383.30-383.335,
57 chapter 390, chapter 394, chapter 397, this chapter except part
58 X, chapter 429, chapter 463, chapter 465, chapter 466, chapter
59 478, part I of chapter 483, chapter 484, chapter 651; end-stage
60 renal disease providers authorized under 42 C.F.R. part 405,
61 subpart U; or providers certified under 42 C.F.R. part 485,
62 subpart B or subpart H; or any entity that provides neonatal or
63 pediatric hospital-based health care services by licensed
64 practitioners solely within a hospital licensed under chapter
65 395.

66 (c) Entities that are owned, directly or indirectly, by an
67 entity licensed or registered by the state pursuant to chapter
68 395; entities that are owned, directly or indirectly, by an
69 entity that provides oncology, radiation therapy, and urology
70 services by physicians licensed under chapter 458 or chapter 459
71 that do not submit claims for reimbursement to insurers under
72 ss. 627.730-627.7405; or entities that are owned, directly or
73 indirectly, by an entity licensed or registered by the state and
74 providing only health care services within the scope of services
75 authorized pursuant to their respective licenses granted under
76 ss. 383.30-383.335, chapter 390, chapter 394, chapter 397, this
77 chapter except part X, chapter 429, chapter 463, chapter 465,
78 chapter 466, chapter 478, part I of chapter 483, chapter 484, or
79 chapter 651; end-stage renal disease providers authorized under
80 42 C.F.R. part 405, subpart U; or providers certified under 42
81 C.F.R. part 485, subpart B or subpart H; or any entity that
82 provides neonatal or pediatric hospital-based health care

83 services by licensed practitioners solely within a hospital
 84 under chapter 395.

85 (d) Entities that are under common ownership, directly or
 86 indirectly, with an entity licensed or registered by the state
 87 pursuant to chapter 395; entities that are under common
 88 ownership, directly or indirectly, with an entity that provides
 89 oncology, radiation therapy, and urology services by physicians
 90 licensed under chapter 458 or chapter 459 that do not submit
 91 claims for reimbursement to insurers under ss. 627.730-627.7405;
 92 or entities that are under common ownership, directly or
 93 indirectly, with an entity licensed or registered by the state
 94 and providing only health care services within the scope of
 95 services authorized pursuant to their respective licenses
 96 granted under ss. 383.30-383.335, chapter 390, chapter 394,
 97 chapter 397, this chapter except part X, chapter 429, chapter
 98 463, chapter 465, chapter 466, chapter 478, part I of chapter
 99 483, chapter 484, or chapter 651; end-stage renal disease
 100 providers authorized under 42 C.F.R. part 405, subpart U; or
 101 providers certified under 42 C.F.R. part 485, subpart B or
 102 subpart H; or any entity that provides neonatal or pediatric
 103 hospital-based health care services by licensed practitioners
 104 solely within a hospital licensed under chapter 395.

105 Section 2. Paragraph (1) of subsection (4) of section
 106 400.9905, Florida Statutes, is amended to read:

107 400.9905 Definitions.--

108 (4) "Clinic" means an entity at which health care services
 109 are provided to individuals and which tenders charges for
 110 reimbursement for such services, including a mobile clinic and a

111 | portable equipment provider. For purposes of this part, the term
112 | does not include and the licensure requirements of this part do
113 | not apply to:

114 | (1) Orthotic or prosthetic or pediatric cardiology
115 | clinical facilities that are a publicly traded corporation or
116 | that are wholly owned, directly or indirectly, by a publicly
117 | traded corporation. As used in this paragraph, a publicly traded
118 | corporation is a corporation that issues securities traded on an
119 | exchange registered with the United States Securities and
120 | Exchange Commission as a national securities exchange.

121 | Section 3. Subsections (2), (11), and (12) of section
122 | 817.234, Florida Statutes, are amended to read:

123 | 817.234 False and fraudulent insurance claims.--

124 | (2) (a) Any physician licensed under chapter 458,
125 | osteopathic physician licensed under chapter 459, chiropractic
126 | physician licensed under chapter 460, or other practitioner
127 | licensed under the laws of this state who knowingly and
128 | willfully assists, conspires with, or urges any insured party to
129 | fraudulently violate any of the provisions of this section or
130 | part XI of chapter 627, or any person who, due to such
131 | assistance, conspiracy, or urging by said physician, osteopathic
132 | physician, chiropractic physician, or practitioner, knowingly
133 | and willfully benefits from the proceeds derived from the use of
134 | such fraud, commits insurance fraud, punishable as provided in
135 | subsection (11). In the event that a physician, osteopathic
136 | physician, chiropractic physician, or practitioner is
137 | adjudicated guilty of a violation of this section, the Board of
138 | Medicine as set forth in chapter 458, the Board of Osteopathic

139 Medicine as set forth in chapter 459, the Board of Chiropractic
 140 Medicine as set forth in chapter 460, or other appropriate
 141 licensing authority shall hold an administrative hearing to
 142 consider the imposition of administrative sanctions as provided
 143 by law against said physician, osteopathic physician,
 144 chiropractic physician, or practitioner.

145 (b) In the event that a physician licensed under chapter
 146 458, an osteopathic physician licensed under chapter 459, a
 147 chiropractic physician licensed under chapter 460, or other
 148 practitioner licensed under the laws of this state is convicted
 149 of insurance fraud that involves a claim for personal injury
 150 protection benefits as required by s. 627.736, the Board of
 151 Medicine as set forth in chapter 458, the Board of Osteopathic
 152 Medicine as set forth in chapter 459, the Board of Chiropractic
 153 Medicine as set forth in chapter 460, or other appropriate
 154 licensing authority shall, in addition to any other punishment
 155 less than revocation or relinquishment of the license, suspend
 156 the license of such physician, osteopathic physician,
 157 chiropractic physician, or practitioner for 12 months.

158 (c)(b) In addition to any other provision of law,
 159 systematic upcoding by a provider, as defined in s. 641.19(14),
 160 with the intent to obtain reimbursement otherwise not due from
 161 an insurer is punishable as provided in s. 641.52(5).

162 (11) (a) If the value of any property involved in a
 163 violation of this section:

164 1.(a) Is less than \$20,000, the offender commits a felony
 165 of the third degree, punishable as provided in s. 775.082, s.
 166 775.083, or s. 775.084.

167 ~~2.(b)~~ Is \$20,000 or more, but less than \$100,000, the
 168 offender commits a felony of the second degree, punishable as
 169 provided in s. 775.082, s. 775.083, or s. 775.084.

170 ~~3.(e)~~ Is \$100,000 or more, the offender commits a felony
 171 of the first degree, punishable as provided in s. 775.082, s.
 172 775.083, or s. 775.084.

173 (b) Notwithstanding any other provision of law, any person
 174 who is convicted of insurance fraud that involves a claim for
 175 personal injury protection benefits as required by s. 627.736:

176 1. Commits a felony of the second degree, punishable as
 177 provided by s. 775.082 and by a fine of \$200,000.

178 2. A second or subsequent time commits a felony of the
 179 second degree, punishable as provided by s. 755.082 and by a
 180 fine of \$500,000.

181 (12) As used in this section:

182 (a) "Conviction" has the same meaning as provided in s.
 183 775.0837.

184 (b)(a) "Property" means property as defined in s. 812.012.

185 (c)(b) "Value" means value as defined in s. 812.012.

186 Section 4. Paragraphs (c), (e), (g), and (h) of subsection
 187 (3) of section 921.0022, Florida Statutes, are amended to read:

188 921.0022 Criminal Punishment Code; offense severity
 189 ranking chart.--

190 (3) OFFENSE SEVERITY RANKING CHART

191
 192 (c) LEVEL 3
 193

	Florida Statute	Felony Degree	Description
194	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
195	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
196	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
197	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
198	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
199	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
200	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
201	319.33 (4)	3rd	With intent to defraud, possess,

sell, etc., a blank, forged, or unlawfully obtained title or registration.

202

327.35 (2) (b) 3rd Felony BUI.

203

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

204

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

205

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.

206

370.12 (1) (e) 6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

207

376.302 (5) 3rd Fraud related to reimbursement for

cleanup expenses under the Inland Protection Trust Fund.

208

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

209

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

210

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

211

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

212

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

213

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

214

697.08 3rd Equity skimming.

215

216	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
217	796.05 (1)	3rd	Live on earnings of a prostitute.
218	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
219	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
220	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
221	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
222	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
223	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida

Communications Fraud Act), property
valued at less than \$20,000.

224

817.233 3rd Burning to defraud insurer.

225

817.234 (8) (b) - (c) 3rd Unlawful solicitation of persons
involved in motor vehicle accidents.

226

817.234 (11) (a) 1. 3rd Insurance fraud; property value less
than \$20,000.

227

817.236 3rd Filing a false motor vehicle
insurance application.

228

817.2361 3rd Creating, marketing, or presenting a
false or fraudulent motor vehicle
insurance card.

229

817.413 (2) 3rd Sale of used goods as new.

230

817.505 (4) 3rd Patient brokering.

231

828.12 (2) 3rd Tortures any animal with intent to
inflict intense pain, serious
physical injury, or death.

232

831.28 (2) (a) 3rd Counterfeiting a payment instrument

with intent to defraud or possessing
a counterfeit payment instrument.

233

831.29 2nd Possession of instruments for
counterfeiting drivers' licenses or
identification cards.

234

838.021(3)(b) 3rd Threatens unlawful harm to public
servant.

235

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

236

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

237

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

238

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).

239

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.

240

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.

241

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

242

893.13 (7) (a) 8. 3rd Withhold information from
 practitioner regarding previous
 receipt of or prescription for a
 controlled substance.

243

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain
 controlled substance by fraud,
 forgery, misrepresentation, etc.

244

893.13 (7) (a) 10. 3rd Affix false or forged label to
 package of controlled substance.

245

246

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

247

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.

248

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.

249

893.13 (8) (a) 3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

893.13 (8) (a) 4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the

practitioner.

250

918.13 (1) (a) 3rd Alter, destroy, or conceal
investigation evidence.

251

944.47 (1) (a) 1.-2. 3rd Introduce contraband to correctional
facility.

252

944.47 (1) (c) 2nd Possess contraband while upon the
grounds of a correctional
institution.

253

985.721 3rd Escapes from a juvenile facility
(secure detention or residential
commitment facility).

254

255 (e) LEVEL 5

256

Florida	Felony	Description
Statute	Degree	

257

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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258

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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259

260	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
261	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
262	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
263	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
264	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
265	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
266	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

267	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
268	790.01 (2)	3rd	Carrying a concealed firearm.
269	790.162	2nd	Threat to throw or discharge destructive device.
270	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
271	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
272	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
273	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
274	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
275	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

276	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
277	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
278	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
279	812.131 (2) (b)	3rd	Robbery by sudden snatching.
280	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
281	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
282	817.234 (11) <u>(a) 2.</u> (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	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.

283

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

284

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

285

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

286

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

287

827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

288

839.13 (2) (b) 2nd Falsifying records of an individual

in the care and custody of a state agency involving great bodily harm or death.

289

843.01 3rd Resist officer with violence to person; resist arrest with violence.

290

847.0137(2)&(3) 3rd Transmission of pornography by electronic device or equipment.

291

847.0138(2)&(3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

292

874.05(2) 2nd Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.

293

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).

294

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,

(2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

295

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.

296

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.

297

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of

public housing facility.

298

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).

299

300

301 (g) LEVEL 7

302

Florida	Felony	Description
Statute	Degree	

303

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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304

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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305

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.
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306

307	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
308	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
309	409.920 (2)	3rd	Medicaid provider fraud.
310	456.065 (2)	3rd	Practicing a health care profession without a license.
311	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
312	458.327 (1)	3rd	Practicing medicine without a license.
313	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
314	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without

a license.

315

462.17 3rd Practicing naturopathy without a license.

316

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

317

464.016 (1) 3rd Practicing nursing without a license.

318

465.015 (2) 3rd Practicing pharmacy without a license.

319

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

320

467.201 3rd Practicing midwifery without a license.

321

468.366 3rd Delivering respiratory care services without a license.

322

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

323

483.901 (9) 3rd Practicing medical physics without a license.

324

325	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
326	484.053	3rd	Dispensing hearing aids without a license.
327	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.
328	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
329	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
330	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to register;

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

331

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

332

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

333

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

334

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

335

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

336

782.072 2nd Killing of a human being by the
 operation of a vessel in a reckless

manner (vessel homicide).

337

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

338

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

339

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

340

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

341

784.048 (7) 3rd Aggravated stalking; violation of court order.

342

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

343

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

344

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

345

346	784.081 (1)	1st	Aggravated battery on specified official or employee.
347	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
348	784.083 (1)	1st	Aggravated battery on code inspector.
349	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
350	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
351	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
352	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
353	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

354	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
355	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.
356	796.03	2nd	Procuring any person under 16 years for prostitution.
357	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
358	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.
359	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
360	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.

361	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
362	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
363	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
364	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.
365	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
366	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
367	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.0145 (2) (a)	1st	Theft from person 65 years of age or

older; \$50,000 or more.

368

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

369

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

370

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

371

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

372

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

373

817.234 (11) (a) 3. 1st Insurance fraud; property value
~~(e)~~ \$100,000 or more.

374

817.234 (11) (b) 1. 2nd Insurance fraud involving a claim for personal injury protection benefits.

375

817.2341 (2) (b) & 1st Making false entries of material fact

376	(3) (b)		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.
377	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
378	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.
379	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
380	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
381	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

382	838.015	2nd	Bribery.
383	838.016	2nd	Unlawful compensation or reward for official behavior.
384	838.021(3)(a)	2nd	Unlawful harm to a public servant.
385	838.22	2nd	Bid tampering.
386	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
387	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
388	872.06	2nd	Abuse of a dead human body.
389	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.

390	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.
391	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).
392	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
393	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
394	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
395	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
396	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

397	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
398	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
399	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
400	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
401	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
402	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
403	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 requirements.

404

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

405

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

406

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

407

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

408

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

409

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

410

944.607(12) 3rd Failure to report or providing false information about a sexual offender;

harbor or conceal a sexual offender.

411

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

412

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

413

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

414

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

415

416 (h) LEVEL 8

417

Florida	Felony	Description
Statute	Degree	

418

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

419

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

420

421	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
422	499.0051 (7)	1st	Forgery of prescription or legend drug labels.
423	499.0052	1st	Trafficking in contraband legend drugs.
424	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.
425	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.
426	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
427	777.03 (2) (a)	1st	Accessory after the fact, capital felony.

428	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.
429	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
430	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
431	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
432	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
433	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

434	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
435	800.04 (4)	2nd	Lewd or lascivious battery.
436	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
437	810.02 (2) (a)	1st, PB L	Burglary with assault or battery.
438	810.02 (2) (b)	1st, PB L	Burglary; armed with explosives or dangerous weapon.
439	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
440	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
441	812.13 (2) (b)	1st	Robbery with a weapon.
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm,

deadly weapon, or other weapon.

442

817.234 (11) (b) 2. 2nd Insurance fraud involving a claim for personal injury protection benefits; second or subsequent offense.

443

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

444

825.102 (2) 2nd Aggravated abuse of an elderly person or disabled adult.

445

825.1025 (2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

446

825.103 (2) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

447

837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

448

837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

449

450	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
451	860.16	1st	Aircraft piracy.
452	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).
453	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
454	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
455	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
456	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
457	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

458	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
459	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
460	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
461	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
462	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
463	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
464	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
465	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

895.03 (2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

466

895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

467

896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

468

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.

469

470 Section 5. This act shall take effect October 1, 2008.