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A bill to be entitled  
 An act relating to criminal offenses; providing a short title; creating s. 775.0865, F.S.; providing for the reclassification of felonies committed against the elderly or disabled; amending s. 784.08, F.S.; providing for the reclassification of misdemeanors committed against persons 65 years of age or older; amending s. 812.0145, F.S.; providing for a mandatory term of imprisonment for certain thefts against persons 65 years of age or older; amending s. 825.103, F.S.; providing for a mandatory term of imprisonment for certain acts of exploitation against an elderly person or disabled adult; amending ss. 775.0877 and 921.0022, F.S., relating to orders for HIV testing for certain offenses and the sentencing guidelines; revising an offense description and conforming cross-references to changes made by the act; providing an effective date.

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

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

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

775.0865 Felonies committed against the elderly or disabled; reclassification of offenses.--Whenever a person is charged with committing a felony offense upon a person 65 years of age or older or an elderly person or disabled adult as defined in chapter 825, regardless of whether the person charged

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112            (4) 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  
 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)~~(d)~~,  
 138 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) ~~(e)~~,  
 142 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,  
 146 (i) Section 827.03(2), relating to aggravated child abuse,  
 147 (j) Section 825.102(1), relating to abuse of an elderly  
 148 person or disabled adult,  
 149 (k) Section 825.102(2), relating to aggravated abuse of an  
 150 elderly person or disabled adult,  
 151 (l) Section 827.071, relating to sexual performance by  
 152 person less than 18 years of age,  
 153 (m) Sections 796.03, 796.07, and 796.08, relating to  
 154 prostitution, or  
 155 (n) Section 381.0041(11)(b), relating to donation of  
 156 blood, plasma, organs, skin, or other human tissue,  
 157  
 158 the court shall order the offender to undergo HIV testing, to be  
 159 performed under the direction of the Department of Health in  
 160 accordance with s. 381.004, unless the offender has undergone  
 161 HIV testing voluntarily or under ~~pursuant to~~ procedures  
 162 established in s. 381.004(3)(h)6. or s. 951.27, or any other  
 163 applicable law or rule providing for HIV testing of criminal  
 164 offenders or inmates, subsequent to her or his arrest for an  
 165 offense enumerated in paragraphs (a)-(n) for which she or he was  
 166 convicted or to which she or he pled nolo contendere or guilty.  
 167 The results of an HIV test performed on an offender under  
 168 ~~pursuant to~~ this subsection are not admissible in any criminal

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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  
 172 amended to read:

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

175 (3) OFFENSE SEVERITY RANKING CHART

176 (c) LEVEL 3

177

Florida Statute	Felony Degree	Description
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178

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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179

316.066(6)(b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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180

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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181

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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182

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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184	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
185	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
186	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
187	327.35 (2) (b)	3rd	Felony BUI.
188	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
189	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	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



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Marine Turtle Protection Act.

190

370.12(1)(e)6. 3rd Soliciting to commit or conspiring to  
commit a 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 Tamper 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

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collected less than \$20,000.

197

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

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~~

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~~older; \$300 or more but less than  
\$10,000.~~

206

815.04 (4) (b)            2nd            Computer offense devised to defraud or  
obtain property.

207

817.034 (4) (a) 3.       3rd            Engages in scheme to defraud (Florida  
Communications Fraud Act), property  
valued at less than \$20,000.

208

817.233                    3rd            Burning to defraud insurer.

209

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

210

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

211

817.236                    3rd            Filing a false motor vehicle insurance  
application.

212

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

213

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

214

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215	817.505 (4)	3rd	Patient brokering.
216	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
217	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
218	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
219	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
220	843.19	3rd	Injure, disable, or kill police dog or horse.
221	860.15 (3)	3rd	Overcharging for repairs and parts.
222	870.01 (2)	3rd	Riot; inciting or encouraging.
	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.,

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(2) (c) 6., (2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (3), or (4) drugs).

223

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.

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.

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234	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.
235	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
236	944.47 (1) (a) 1. - 2.	3rd	Introduce contraband to correctional facility.
237	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
238	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
239	(d) LEVEL 4		
240	Florida Statute	Felony Degree	Description
241	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement

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officer who is in a patrol vehicle  
with siren and lights activated.

242

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

243

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

244

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

245

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

246

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

247

784.075 3rd Battery on detention or commitment  
facility staff.

248

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

249

784.08(2) (a) ~~(e)~~ 3rd Battery on a person 65 years of age or



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older.

250

784.081(3) 3rd Battery on specified official or employee.

251

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

252

784.083(3) 3rd Battery on code inspector.

253

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

254

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

255

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

256

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

257

790.115(1) 3rd Exhibiting firearm or weapon within

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1,000 feet of a school.

258

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

259

790.115 (2) (c) 3rd Possessing firearm on school property.

260

800.04 (7) (d) 3rd Lewd or lascivious exhibition; offender less than 18 years.

261

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

262

810.02 (4) (b) 3rd Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

263

810.06 3rd Burglary; possession of tools.

264

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

265

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

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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 in official proceedings.

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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), (2)(a), (2)(b), or (2)(c)4. drugs).

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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	(e) LEVEL 5		
289			
290	Florida Statute	Felony Degree	Description
291	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
292	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
293	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

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294	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
295	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
296	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
297	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
298	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
299	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
300	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
301	790.01 (2)	3rd	Carrying a concealed firearm.

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

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310	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
311	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
312	812.131 (2) (b)	3rd	Robbery by sudden snatching.
313	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
314	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
315	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
316	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.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of



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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.

317 817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

318 825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

319 827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

320 827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

321 839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

322 843.01 3rd Resist officer with violence to

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person; resist arrest with violence.

323

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

324

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

325

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

326

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).

327

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.

328

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329

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.

330

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.

331

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.

332

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).

333

(f) LEVEL 6

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343

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Forgery of pedigree papers.
499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.

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344	784.048 (3)	3rd	Aggravated stalking; credible threat.
345	784.048 (5)	3rd	Aggravated stalking of person under 16.
346	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
347	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
348	<del>784.08 (2) (b)</del>	2nd	<del>Aggravated assault on a person 65 years of age or older.</del>
349	784.081 (2)	2nd	Aggravated assault on specified official or employee.
350	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
351	784.083 (2)	2nd	Aggravated assault on code inspector.
352	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon on

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school property.

353

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

354

790.164(1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

355

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

356

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

357

794.05(1) 2nd Unlawful sexual activity with specified minor.

358

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.

359

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

360

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361	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
362	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
363	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
364	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
365	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
366	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
367	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
368	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
	817.4821 (5)	2nd	Possess cloning paraphernalia with

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intent to create cloned cellular  
telephones.

369

825.102 (1) 3rd Abuse of an elderly person or  
disabled adult.

370

825.102 (3) (c) 3rd Neglect of an elderly person or  
disabled adult.

371

825.1025 (3) 3rd Lewd or lascivious molestation of an  
elderly person or disabled adult.

372

825.103 (2) (c) 3rd Exploiting an elderly person or  
disabled adult and property is valued  
at less than \$20,000.

373

827.03 (1) 3rd Abuse of a child.

374

827.03 (3) (c) 3rd Neglect of a child.

375

827.071 (2) & (3) 2nd Use or induce a child in a sexual  
performance, or promote or direct  
such performance.

376

836.05 2nd Threats; extortion.

377

836.10 2nd Written threats to kill or do bodily



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injury.

378

843.12 3rd Aids or assists person to escape.

379

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

380

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

381

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.

382

944.40 2nd Escapes.

383

944.46 3rd Harboring, concealing, aiding escaped prisoners.

384

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

385

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951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

386

(g) LEVEL 7

387

388

Florida	Felony	Description
Statute	Degree	

389

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

390

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

391

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.

392

327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

393

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great

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bodily harm, permanent disfiguration,  
 permanent disability, or death.

394

409.920 (2) 3rd Medicaid provider fraud.

395

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

396

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

397

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

398

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

399

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

400

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

401

462.17 3rd Practicing naturopathy without a  
 license.

402

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403	463.015 (1)	3rd	Practicing optometry without a license.
404	464.016 (1)	3rd	Practicing nursing without a license.
405	465.015 (2)	3rd	Practicing pharmacy without a license.
406	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
407	467.201	3rd	Practicing midwifery without a license.
408	468.366	3rd	Delivering respiratory care services without a license.
409	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
410	483.901 (9)	3rd	Practicing medical physics without a license.
411	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without a

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license.

412

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.

413

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

414

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

415

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

416

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

417

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418	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
419	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
420	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
421	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
422	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
423	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or

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disfigurement.

424

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

425

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

426

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

427

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

428

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

429

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

430

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

431

784.081 (1) 1st Aggravated battery on specified  
official or employee.

432

784.082 (1) 1st Aggravated battery by detained person

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on visitor or other detainee.

433 784.083 (1) 1st Aggravated battery on code inspector.

434 790.07 (4) 1st Specified weapons violation  
subsequent to previous conviction of  
s. 790.07(1) or (2).

435 790.16 (1) 1st Discharge of a machine gun under  
specified circumstances.

436 790.165 (2) 2nd Manufacture, sell, possess, or  
deliver hoax bomb.

437 790.165 (3) 2nd Possessing, displaying, or  
threatening to use any hoax bomb  
while committing or attempting to  
commit a felony.

438 790.166 (3) 2nd Possessing, selling, using, or  
attempting to use a hoax weapon of  
mass destruction.

439 790.166 (4) 2nd Possessing, displaying, or  
threatening to use a hoax weapon of  
mass destruction while committing or  
attempting to commit a felony.

440



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441	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.
442	796.03	2nd	Procuring any person under 16 years for prostitution.
443	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
444	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.
445	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
446	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
447	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance;

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unarmed; no assault or battery.

448

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

449

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.

450

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

451

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

452

812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

453

~~812.0145(2)(a) 1st Theft from person 65 years of age or older; \$50,000 or more.~~

454

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

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property and traffics in stolen  
property.

455

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

456

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

457

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

458

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

459

817.234 (11) (c) 1st Insurance fraud; property value  
\$100,000 or more.

460

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

461

825.102 (3) (b) 2nd Neglecting an elderly person or

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disabled adult causing great bodily harm, disability, or disfigurement.

462

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.

463

827.03 (3) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

464

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

465

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

466

838.015 2nd Bribery.

467

838.016 2nd Unlawful compensation or reward for official behavior.

468

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

469

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470	838.22	2nd	Bid tampering.
471	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
472	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
473	872.06	2nd	Abuse of a dead human body.
474	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 a specified business

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site.

475 893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
476 (2)(b), or (2)(c)4. drugs).

477 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25  
478 lbs., less than 2,000 lbs.

479 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than 28  
480 grams, less than 200 grams.

481 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more  
482 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.

893.135(1)(e)1. 1st Trafficking in methaqualone, more  
than 200 grams, less than 5  
kilograms.

893.135(1)(f)1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams  
or more, less than 14 grams.

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484	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
485	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
486	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
487	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
488	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
489	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting

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requirements.

490

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

491

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

492

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

493

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

494

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

495

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

496

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

497



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498

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

499

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

500

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

501

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