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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/10/2008	.	
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1 The Committee on Criminal and Civil Justice Appropriations (Dean)
2 recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete lines 612 through 1617

6 and insert:

7 Section 17. Paragraph (a) of subsection (1) and subsection
8 (3) of section 895.02, Florida Statutes, are amended to read:

9 895.02 Definitions.--As used in ss. 895.01-895.08, the
10 term:

11 (1) "Racketeering activity" means to commit, to attempt to
12 commit, to conspire to commit, or to solicit, coerce, or
13 intimidate another person to commit:

14 (a) Any crime that is chargeable by petition, indictment,
15 or information under the following provisions of the Florida
16 Statutes:



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- 17 1. Section 210.18, relating to evasion of payment of
18 cigarette taxes.
- 19 2. Section 316.1935, relating to fleeing or attempting to
20 elude a law enforcement officer and aggravated fleeing or
21 eluding.
- 22 ~~3.2.~~ Section 403.727(3) (b), relating to environmental
23 control.
- 24 ~~4.3.~~ Section 409.920 or s. 409.9201, relating to Medicaid
25 fraud.
- 26 ~~5.4.~~ Section 414.39, relating to public assistance fraud.
- 27 ~~6.5.~~ Section 440.105 or s. 440.106, relating to workers'
28 compensation.
- 29 ~~7.6.~~ Section 443.071(4), relating to creation of a
30 fictitious employer scheme to commit unemployment compensation
31 fraud.
- 32 ~~8.7.~~ Section 465.0161, relating to distribution of
33 medicinal drugs without a permit as an Internet pharmacy.
- 34 ~~9.8.~~ Sections 499.0051, 499.0052, 499.00535, 499.00545, and
35 499.0691, relating to crimes involving contraband and adulterated
36 drugs.
- 37 ~~10.9.~~ Part IV of chapter 501, relating to telemarketing.
- 38 ~~11.10.~~ Chapter 517, relating to sale of securities and
39 investor protection.
- 40 ~~12.11.~~ Section 550.235, s. 550.3551, or s. 550.3605,
41 relating to dogracing and horseracing.
- 42 ~~13.12.~~ Chapter 550, relating to jai alai frontons.
- 43 ~~14.13.~~ Section 551.109, relating to slot machine gaming.
- 44 ~~15.14.~~ Chapter 552, relating to the manufacture,
45 distribution, and use of explosives.



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46 ~~16.15.~~ Chapter 560, relating to money transmitters, if the
47 violation is punishable as a felony.

48 ~~17.16.~~ Chapter 562, relating to beverage law enforcement.

49 ~~18.17.~~ Section 624.401, relating to transacting insurance
50 without a certificate of authority, s. 624.437(4)(c)1., relating
51 to operating an unauthorized multiple-employer welfare
52 arrangement, or s. 626.902(1)(b), relating to representing or
53 aiding an unauthorized insurer.

54 ~~19.18.~~ Section 655.50, relating to reports of currency
55 transactions, when such violation is punishable as a felony.

56 ~~20.19.~~ Chapter 687, relating to interest and usurious
57 practices.

58 ~~21.20.~~ Section 721.08, s. 721.09, or s. 721.13, relating to
59 real estate timeshare plans.

60 22. Section 775.13(5)(b), relating to registration of
61 persons found to have committed any offense for the purpose of
62 benefiting, promoting, or furthering the interests of a criminal
63 gang.

64 23. Section 777.03, relating to commission of crimes by
65 accessories after the fact.

66 ~~24.21.~~ Chapter 782, relating to homicide.

67 ~~25.22.~~ Chapter 784, relating to assault and battery.

68 ~~26.23.~~ Chapter 787, relating to kidnapping or human
69 trafficking.

70 ~~27.24.~~ Chapter 790, relating to weapons and firearms.

71 28. Chapter 794, relating to sexual battery, but only if
72 such crime was committed with the intent to benefit, promote, or
73 further the interests of a criminal gang, or for the purpose of
74 increasing a criminal gang member's own standing or position
75 within a criminal gang.



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76 ~~29.25.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
77 s. 796.05, or s. 796.07, relating to prostitution and sex
78 trafficking.

79 ~~30.26.~~ Chapter 806, relating to arson and criminal
80 mischief.

81 ~~31.27.~~ Chapter 810 ~~Section 810.02(2)(e)~~, relating to
82 ~~specified~~ burglary and trespass ~~of a dwelling or structure~~.

83 ~~32.28.~~ Chapter 812, relating to theft, robbery, and related
84 crimes.

85 ~~33.29.~~ Chapter 815, relating to computer-related crimes.

86 ~~34.30.~~ Chapter 817, relating to fraudulent practices, false
87 pretenses, fraud generally, and credit card crimes.

88 ~~35.31.~~ Chapter 825, relating to abuse, neglect, or
89 exploitation of an elderly person or disabled adult.

90 ~~36.32.~~ Section 827.071, relating to commercial sexual
91 exploitation of children.

92 ~~37.33.~~ Chapter 831, relating to forgery and counterfeiting.

93 ~~38.34.~~ Chapter 832, relating to issuance of worthless
94 checks and drafts.

95 ~~39.35.~~ Section 836.05, relating to extortion.

96 ~~40.36.~~ Chapter 837, relating to perjury.

97 ~~41.37.~~ Chapter 838, relating to bribery and misuse of
98 public office.

99 ~~42.38.~~ Chapter 843, relating to obstruction of justice.

100 ~~43.39.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
101 or s. 847.07, relating to obscene literature and profanity.

102 ~~44.40.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
103 s. 849.25, relating to gambling.

104 ~~45.41.~~ Chapter 874, relating to criminal ~~street~~ gangs.



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105 ~~46.42.~~ Chapter 893, relating to drug abuse prevention and
106 control.

107 ~~47.43.~~ Chapter 896, relating to offenses related to
108 financial transactions.

109 ~~48.44.~~ Sections 914.22 and 914.23, relating to tampering
110 with or harassing a witness, victim, or informant, and
111 retaliation against a witness, victim, or informant.

112 ~~49.45.~~ Sections 918.12 and 918.13, relating to tampering
113 with jurors and evidence.

114 (3) "Enterprise" means any individual, sole proprietorship,
115 partnership, corporation, business trust, union chartered under
116 the laws of this state, or other legal entity, or any unchartered
117 union, association, or group of individuals associated in fact
118 although not a legal entity; and it includes illicit as well as
119 licit enterprises and governmental, as well as other, entities. A
120 criminal ~~street~~ gang, as defined in s. 874.03, constitutes an
121 enterprise.

122 Section 18. Subsection (2) of section 903.046, Florida
123 Statutes, is amended to read:

124 903.046 Purpose of and criteria for bail determination.--

125 (2) When determining whether to release a defendant on bail
126 or other conditions, and what that bail or those conditions may
127 be, the court shall consider:

128 (a) The nature and circumstances of the offense charged.

129 (b) The weight of the evidence against the defendant.

130 (c) The defendant's family ties, length of residence in the
131 community, employment history, financial resources, and mental
132 condition.

133 (d) The defendant's past and present conduct, including any
134 record of convictions, previous flight to avoid prosecution, or



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135 failure to appear at court proceedings. However, any defendant
136 who had failed to appear on the day of any required court
137 proceeding in the case at issue, but who had later voluntarily
138 appeared or surrendered, shall not be eligible for a recognizance
139 bond; and any defendant who failed to appear on the day of any
140 required court proceeding in the case at issue and who was later
141 arrested shall not be eligible for a recognizance bond or for any
142 form of bond which does not require a monetary undertaking or
143 commitment equal to or greater than \$2,000 or twice the value of
144 the monetary commitment or undertaking of the original bond,
145 whichever is greater. Notwithstanding anything in this section,
146 the court has discretion in determining conditions of release if
147 the defendant proves circumstances beyond his or her control for
148 the failure to appear. This section may not be construed as
149 imposing additional duties or obligations on a governmental
150 entity related to monetary bonds.

151 (e) The nature and probability of danger which the
152 defendant's release poses to the community.

153 (f) The source of funds used to post bail or procure an
154 appearance bond, particularly whether the proffered funds, real
155 property, property, or any proposed collateral or bond premium
156 may be linked to or derived from the crime alleged to have been
157 committed or from any other criminal or illicit activities. The
158 burden of establishing the noninvolvement in or nonderivation
159 from criminal or other illicit activity of such proffered funds,
160 real property, property, or any proposed collateral or bond
161 premium falls upon the defendant or other person proffering them
162 to obtain the defendant's release.



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163 (g) Whether the defendant is already on release pending
164 resolution of another criminal proceeding or on probation,
165 parole, or other release pending completion of a sentence.

166 (h) The street value of any drug or controlled substance
167 connected to or involved in the criminal charge. It is the
168 finding and intent of the Legislature that crimes involving drugs
169 and other controlled substances are of serious social concern,
170 that the flight of defendants to avoid prosecution is of similar
171 serious social concern, and that frequently such defendants are
172 able to post monetary bail using the proceeds of their unlawful
173 enterprises to defeat the social utility of pretrial bail.
174 Therefore, the courts should carefully consider the utility and
175 necessity of substantial bail in relation to the street value of
176 the drugs or controlled substances involved.

177 (i) The nature and probability of intimidation and danger
178 to victims.

179 (j) Whether there is probable cause to believe that the
180 defendant committed a new crime while on pretrial release.

181 (k) Any other facts that the court considers relevant.

182 (l) Whether the crime charged is a violation of chapter 874
183 or alleged to be subject to enhanced punishment under chapter
184 874. If any such violation is charged against a defendant or if
185 the defendant is charged with a crime that is alleged to be
186 subject to such enhancement, he or she shall not be eligible for
187 release on bail or surety bond until the first appearance on the
188 case in order to ensure the full participation of the prosecutor
189 and the protection of the public.

190 Section 19. Section 914.22, Florida Statutes, is amended to
191 read:



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192 914.22 Tampering with or harassing a witness, victim, or
193 informant; penalties.--

194 (1) A person who knowingly uses intimidation or physical
195 force, or threatens another person, or attempts to do so, or
196 engages in misleading conduct toward another person, or offers
197 pecuniary benefit or gain to another person, with intent to cause
198 or induce any person to:

199 (a) Withhold testimony, or withhold a record, document, or
200 other object, from an official investigation or official
201 proceeding;

202 (b) Alter, destroy, mutilate, or conceal an object with
203 intent to impair the integrity or availability of the object for
204 use in an official investigation or official proceeding;

205 (c) Evade legal process summoning that person to appear as
206 a witness, or to produce a record, document, or other object, in
207 an official investigation or an official proceeding;

208 (d) Be absent from an official proceeding to which such
209 person has been summoned by legal process;

210 (e) Hinder, delay, or prevent the communication to a law
211 enforcement officer or judge of information relating to the
212 commission or possible commission of an offense or a violation of
213 a condition of probation, parole, or release pending a judicial
214 proceeding; or

215 (f) Testify untruthfully in an official investigation or an
216 official proceeding,

217
218 commits the crime of tampering with a witness, victim, or
219 informant ~~a felony of the third degree, punishable as provided in~~
220 ~~s. 775.082, s. 775.083, or s. 775.084.~~

221 (2) Tampering with a witness, victim, or informant is a:



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222 (a) Felony of the third degree, punishable as provided in
223 s. 775.082, s. 775.083, or s. 775.084, where the official
224 investigation or official proceeding affected involves the
225 investigation or prosecution of a misdemeanor.

226 (b) Felony of the second degree, punishable as provided in
227 s. 775.082, s. 775.083, or s. 775.084, where the official
228 investigation or official proceeding affected involves the
229 investigation or prosecution of a third degree felony.

230 (c) Felony of the first degree, punishable as provided in
231 s. 775.082, s. 775.083, or s. 775.084, where the official
232 investigation or official proceeding affected involves the
233 investigation or prosecution of a second degree felony.

234 (d) Felony of the first degree, punishable by a term of
235 years not exceeding life or as provided in s. 775.082, s.
236 775.083, or s. 775.084, where the official investigation or
237 official proceeding affected involves the investigation or
238 prosecution of a first degree felony or a first degree felony
239 punishable by a term of years not exceeding life.

240 (e) Life felony, punishable as provided in s. 775.082, s.
241 775.083, or s. 775.084, where the official investigation or
242 official proceeding affected involves the investigation or
243 prosecution of a life or capital felony.

244 (f) Felony of the third degree, punishable as provided in
245 s. 775.082, s. 775.083, or s. 775.084, where the offense level of
246 the affected official investigation or official proceeding is
247 indeterminable or where the affected official investigation or
248 official proceeding involves a noncriminal investigation or
249 proceeding.

250 (3)(2) Whoever intentionally harasses another person and
251 thereby hinders, delays, prevents, or dissuades any person from:



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252 (a) Attending or testifying in an official proceeding or
253 cooperating in an official investigation;

254 (b) Reporting to a law enforcement officer or judge the
255 commission or possible commission of an offense or a violation of
256 a condition of probation, parole, or release pending a judicial
257 proceeding;

258 (c) Arresting or seeking the arrest of another person in
259 connection with an offense; or

260 (d) Causing a criminal prosecution, or a parole or
261 probation revocation proceeding, to be sought or instituted, or
262 from assisting in such prosecution or proceeding;

263
264 or attempts to do so, commits the crime of harassing a witness,
265 victim, or informant is guilty of a misdemeanor of the first
266 degree, punishable as provided in s. 775.082 or s. 775.083.

267 (4) Harassing a witness, victim, or informant is a:

268 (a) Misdemeanor of the first degree, punishable as provided
269 in s. 775.082 or s. 775.083, where the official investigation or
270 official proceeding affected involves the investigation or
271 prosecution of a misdemeanor.

272 (b) Felony of the third degree, punishable as provided in
273 s. 775.082, s. 775.083, or s. 775.084, where the official
274 investigation or official proceeding affected involves the
275 investigation or prosecution of a third degree felony.

276 (c) Felony of the second degree, punishable as provided in
277 s. 775.082, s. 775.083, or s. 775.084, where the official
278 investigation or official proceeding affected involves the
279 investigation or prosecution of a second degree felony.

280 (d) Felony of the first degree, punishable as provided in
281 s. 775.082, s. 775.083, or s. 775.084, where the official



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282 investigation or official proceeding affected involves the
283 investigation or prosecution of a first degree felony.

284 (e) Felony of the first degree, punishable by a term of
285 years not exceeding life or as provided in s. 775.082, s.
286 775.083, or s. 775.084, where the official investigation or
287 official proceeding affected involves the investigation or
288 prosecution of a felony of the first degree punishable by a term
289 of years not exceeding life or a prosecution of a life or capital
290 felony.

291 (f) Felony of the third degree, punishable as provided in
292 s. 775.082, s. 775.083, or s. 775.084, where the offense level of
293 the affected official investigation or official proceeding is
294 indeterminable or where the affected official investigation or
295 official proceeding involves a noncriminal investigation or
296 proceeding.

297 (5)(3) For the purposes of this section:

298 (a) An official proceeding need not be pending or about to
299 be instituted at the time of the offense; and

300 (b) The testimony or the record, document, or other object
301 need not be admissible in evidence or free of a claim of
302 privilege.

303 (6)(4) In a prosecution for an offense under this section,
304 no state of mind need be proved with respect to the circumstance:

305 (a) That the official proceeding before a judge, court,
306 grand jury, or government agency is before a judge or court of
307 the state, a state or local grand jury, or a state agency; or

308 (b) That the judge is a judge of the state or that the law
309 enforcement officer is an officer or employee of the state or a
310 person authorized to act for or on behalf of the state or serving
311 the state as an adviser or consultant.



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312 Section 20. Section 943.031, Florida Statutes, is amended
313 to read:

314 943.031 Florida Violent Crime and Drug Control Council.--

315 (1) FINDINGS.--The Legislature finds that there is a need
316 to develop and implement a statewide strategy to address violent
317 criminal activity, including crimes committed by criminal gangs,
318 and drug control efforts by state and local law enforcement
319 agencies, including investigations of illicit money laundering.
320 In recognition of this need, the Florida Violent Crime and Drug
321 Control Council is created within the department. The council
322 shall serve in an advisory capacity to the department.

323 (2) ~~(1)~~ MEMBERSHIP.--The council shall consist of 14
324 members, as follows:

325 (a) The Attorney General or a designate.

326 (b) A designate of the executive director of the Department
327 of Law Enforcement.

328 (c) The secretary of the Department of Corrections or a
329 designate.

330 (d) The Secretary of Juvenile Justice or a designate.

331 (e) The Commissioner of Education or a designate.

332 (f) The president of the Florida Network of Victim/Witness
333 Services, Inc., or a designate.

334 (g) The director of the Office of Drug Control within the
335 Executive Office of the Governor, or a designate.

336 (h) The Chief Financial Officer, or a designate.

337 (i) Six members appointed by the Governor, consisting of
338 two sheriffs, two chiefs of police, one medical examiner, and one
339 state attorney or their designates.

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341 The Governor, when making appointments under this subsection,
342 must take into consideration representation by geography,
343 population, ethnicity, and other relevant factors to ensure that
344 the membership of the council is representative of the state at
345 large. Designates appearing on behalf of a council member who is
346 unable to attend a meeting of the council are empowered to vote
347 on issues before the council to the same extent the designating
348 council member is so empowered.

349 (3)~~(2)~~ TERMS OF MEMBERSHIP; OFFICERS; COMPENSATION;
350 STAFF.--

351 (a) Members appointed by the Governor shall be appointed
352 for terms of 2 years. The other members are standing members of
353 the council. In no event shall a member serve beyond the time he
354 or she ceases to hold the office or employment which was the
355 basis for appointment to the council. In the event of a vacancy,
356 an appointment to fill the vacancy shall be only for the
357 unexpired term.

358 (b) The Legislature finds that the council serves a
359 legitimate state, county, and municipal purpose and that service
360 on the council is consistent with a member's principal service in
361 a public office or employment. Membership on the council does not
362 disqualify a member from holding any other public office or being
363 employed by a public entity, except that no member of the
364 Legislature shall serve on the council.

365 (c) The members of the council shall elect a chair and a
366 vice chair every 2 years, to serve for a 2-year term. As deemed
367 appropriate, other officers may be elected by the members.

368 (d) Members of the council or their designates shall serve
369 without compensation but are entitled to reimbursement for per
370 diem and travel expenses pursuant to s. 112.061. Reimbursements



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371 made pursuant to this paragraph may be paid from either the
372 Violent Crime Investigative Emergency and Drug Control Strategy
373 Implementation Account within the Department of Law Enforcement
374 Operating Trust Fund or from other appropriations provided to the
375 department by the Legislature in the General Appropriations Act.

376 (e) The department shall provide the council with staff
377 necessary to assist the council in the performance of its duties.

378 ~~(4)~~ ~~(3)~~ MEETINGS.--The council must meet at least
379 semiannually. Additional meetings may be held when it is
380 determined by the chair that extraordinary circumstances require
381 an additional meeting of the council. A majority of the members
382 of the council constitutes a quorum.

383 ~~(5)~~ ~~(4)~~ DUTIES OF COUNCIL.--The council shall provide advice
384 and make recommendations, as necessary, to the executive director
385 of the department.

386 (a) The council may advise the executive director on the
387 feasibility of undertaking initiatives which include, but are not
388 limited to, the following:

389 1. Establishing a program which provides grants to criminal
390 justice agencies that develop and implement effective violent
391 crime prevention and investigative programs and which provides
392 grants to law enforcement agencies for the purpose of drug
393 control, criminal gang, and illicit money laundering
394 investigative efforts or task force efforts that are determined
395 by the council to significantly contribute to achieving the
396 state's goal of reducing drug-related crime as articulated by the
397 Office of Drug Control, that represent significant criminal gang
398 investigative efforts, that represent a significant illicit money
399 laundering investigative effort, or that otherwise significantly
400 support statewide strategies developed by the Statewide Drug



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401 Policy Advisory Council established under s. 397.333, subject to
402 the limitations provided in this section. The grant program may
403 include an innovations grant program to provide startup funding
404 for new initiatives by local and state law enforcement agencies
405 to combat violent crime or to implement drug control, criminal
406 gang, or illicit money laundering investigative efforts or task
407 force efforts by law enforcement agencies, including, but not
408 limited to, initiatives such as:

409 a. Providing enhanced community-oriented policing.

410 b. Providing additional undercover officers and other
411 investigative officers to assist with violent crime
412 investigations in emergency situations.

413 c. Providing funding for multiagency or statewide drug
414 control, criminal gang, or illicit money laundering investigative
415 efforts or task force efforts that cannot be reasonably funded
416 completely by alternative sources and that significantly
417 contribute to achieving the state's goal of reducing drug-related
418 crime as articulated by the Office of Drug Control, that
419 represent significant criminal gang investigative efforts, that
420 represent a significant illicit money laundering investigative
421 effort, or that otherwise significantly support statewide
422 strategies developed by the Statewide Drug Policy Advisory
423 Council established under s. 397.333.

424 2. Expanding the use of automated fingerprint
425 identification systems at the state and local level.

426 3. Identifying methods to prevent violent crime.

427 4. Identifying methods to enhance multiagency or statewide
428 drug control, criminal gang, or illicit money laundering
429 investigative efforts or task force efforts that significantly
430 contribute to achieving the state's goal of reducing drug-related



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431 crime as articulated by the Office of Drug Control, that
432 represent significant criminal gang investigative efforts, that
433 represent a significant illicit money laundering investigative
434 effort, or that otherwise significantly support statewide
435 strategies developed by the Statewide Drug Policy Advisory
436 Council established under s. 397.333.

437 5. Enhancing criminal justice training programs which
438 address violent crime, drug control, ~~or~~ illicit money laundering
439 investigative techniques, or efforts to control and eliminate
440 criminal gangs.

441 6. Developing and promoting crime prevention services and
442 educational programs that serve the public, including, but not
443 limited to:

444 a. Enhanced victim and witness counseling services that
445 also provide crisis intervention, information referral,
446 transportation, and emergency financial assistance.

447 b. A well-publicized rewards program for the apprehension
448 and conviction of criminals who perpetrate violent crimes.

449 7. Enhancing information sharing and assistance in the
450 criminal justice community by expanding the use of community
451 partnerships and community policing programs. Such expansion may
452 include the use of civilian employees or volunteers to relieve
453 law enforcement officers of clerical work in order to enable the
454 officers to concentrate on street visibility within the
455 community.

456 (b) The full council shall:

457 1. Receive periodic reports from regional violent crime
458 investigation and statewide drug control strategy implementation
459 coordinating teams which relate to violent crime trends or the
460 investigative needs or successes in the regions, including



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461 discussions regarding the activity of significant criminal gangs
462 in the region, factors, and trends relevant to the implementation
463 of the statewide drug strategy, and the results of drug control
464 and illicit money laundering investigative efforts funded in part
465 by the council.

466 2. Maintain and use ~~utilize~~ criteria for the disbursement
467 of funds from the Violent Crime Investigative Emergency and Drug
468 Control Strategy Implementation Account or any other account from
469 which the council may disburse proactive investigative funds as
470 may be established within the Department of Law Enforcement
471 Operating Trust Fund or other appropriations provided to the
472 Department of Law Enforcement by the Legislature in the General
473 Appropriations Act. The criteria shall allow for the advancement
474 of funds to reimburse agencies regarding violent crime
475 investigations as approved by the full council and the
476 advancement of funds to implement proactive drug control
477 strategies or significant criminal gang investigative efforts as
478 authorized by the Drug Control Strategy and Criminal Gang
479 Committee or the Victim and Witness Protection Review Committee.
480 Regarding violent crime investigation reimbursement, an expedited
481 approval procedure shall be established for rapid disbursement of
482 funds in violent crime emergency situations.

483 (c) As used in this section, "significant criminal gang
484 investigative efforts" eligible for proactive funding must
485 involve at a minimum an effort against a known criminal gang
486 that:

487 1. Involves multiple law enforcement agencies.

488 2. Reflects a dedicated significant investigative effort on
489 the part of each participating agency in personnel, time devoted



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490 to the investigation, and agency resources dedicated to the
491 effort.

492 3. Reflects a dedicated commitment by a prosecuting
493 authority to ensure that cases developed by the investigation
494 will be timely and effectively prosecuted.

495 4. Demonstrates a strategy and commitment to dismantling
496 the criminal gang via seizures of assets, significant money
497 laundering and organized crime investigations and prosecutions,
498 or similar efforts.

499
500 The council may require satisfaction of additional elements, to
501 include reporting criminal investigative and criminal
502 intelligence information related to criminal gang activity and
503 members in a manner required by the department, as a prerequisite
504 for receiving proactive criminal gang funding.

505 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.--

506 (a) The Drug Control Strategy and Criminal Gang Committee
507 is created within the Florida Violent Crime and Drug Control
508 Council, consisting of the following council members:

509 1. The Attorney General or a designate.

510 2. The designate of the executive director of the
511 Department of Law Enforcement.

512 3. The secretary of the Department of Corrections or a
513 designate.

514 4. The director of the Office of Drug Control within the
515 Executive Office of the Governor or a designate.

516 5. The state attorney, the two sheriffs, and the two chiefs
517 of police, or their designates.

518 (b) The committee shall



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519 ~~3.~~ review and approve all requests for disbursement of
520 funds from the Violent Crime Investigative Emergency and Drug
521 Control Strategy Implementation Account within the Department of
522 Law Enforcement Operating Trust Fund and from other
523 appropriations provided to the department by the Legislature in
524 the General Appropriations Act. An expedited approval procedure
525 shall be established for rapid disbursement of funds in violent
526 crime emergency situations.

527 (c) Those receiving any proactive funding provided by the
528 council through the committee shall be required to report the
529 results of the investigations to the council once the
530 investigation has been completed. The committee shall also
531 require ongoing status reports on ongoing investigations using
532 such findings in its closed sessions.

533 ~~(7)(5)~~ REPORTS.--The council shall report annually on its
534 activities, on or before December 30 of each calendar year, to
535 the executive director, the President of the Senate, the Speaker
536 of the House of Representatives, and the chairs of the Senate and
537 House committees having principal jurisdiction over criminal law.
538 Comments and responses of the executive director to the report
539 are to be included.

540 ~~(8)(6)~~ VICTIM AND WITNESS PROTECTION REVIEW COMMITTEE.--

541 (a) The Victim and Witness Protection Review Committee is
542 created within the Florida Violent Crime and Drug Control
543 Council, consisting of the statewide prosecutor or a state
544 attorney, a sheriff, a chief of police, and the designee of the
545 executive director of the Department of Law Enforcement. The
546 committee shall be appointed from the membership of the council
547 by the chair of the council after the chair has consulted with
548 the executive director of the Department of Law Enforcement.



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549 | Committee members shall meet in conjunction with the meetings of
550 | the council.

551 | (b) The committee shall:

552 | 1. Maintain and use ~~utilize~~ criteria for disbursing funds
553 | to reimburse law enforcement agencies for costs associated with
554 | providing victim and witness protective or temporary relocation
555 | services.

556 | 2. Review and approve or deny, in whole or in part, all
557 | reimbursement requests submitted by law enforcement agencies.

558 | (c) The lead law enforcement agency providing victim or
559 | witness protective or temporary relocation services pursuant to
560 | the provisions of s. 914.25 may submit a request for
561 | reimbursement to the Victim and Witness Protection Review
562 | Committee in a format approved by the committee. The lead law
563 | enforcement agency shall submit such reimbursement request on
564 | behalf of all law enforcement agencies that cooperated in
565 | providing protective or temporary relocation services related to
566 | a particular criminal investigation or prosecution. As part of
567 | the reimbursement request, the lead law enforcement agency must
568 | indicate how any reimbursement proceeds will be distributed among
569 | the agencies that provided protective or temporary relocation
570 | services.

571 | (d) The committee, in its discretion, may use funds
572 | available to the committee to provide all or partial
573 | reimbursement to the lead law enforcement agency for such costs,
574 | or may decline to provide any reimbursement.

575 | (e) The committee may conduct its meeting by teleconference
576 | or conference phone calls when the chair of the committee finds
577 | that the need for reimbursement is such that delaying until the



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578 | next scheduled council meeting will adversely affect the
579 | requesting agency's ability to provide the protection services.

580 | ~~(9) (7)~~ CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
581 | MEETINGS AND RECORDS.--

582 | (a) The Legislature finds that during limited portions of
583 | the meetings of the Florida Violent Crime and Drug Control
584 | Council it is necessary that the council be presented with and
585 | discuss details, information, and documents related to active
586 | criminal investigations or matters constituting active criminal
587 | intelligence, as those concepts are defined by s. 119.011. These
588 | presentations and discussions are necessary for the council to
589 | make its funding decisions as required by the Legislature. The
590 | Legislature finds that to reveal the contents of documents
591 | containing active criminal investigative or intelligence
592 | information or to allow active criminal investigative or active
593 | criminal intelligence matters to be discussed in a meeting open
594 | to the public negatively impacts the ability of law enforcement
595 | agencies to efficiently continue their investigative or
596 | intelligence gathering activities. The Legislature finds that
597 | information coming before the council that pertains to active
598 | criminal investigations or intelligence should remain
599 | confidential and exempt from public disclosure. The Legislature
600 | finds that the Florida Violent Crime and Drug Control Council
601 | may, by declaring only those portions of council meetings in
602 | which active criminal investigative or active criminal
603 | intelligence information is to be presented or discussed closed
604 | to the public, assure an appropriate balance between the policy
605 | of this state that meetings be public and the policy of this
606 | state to facilitate efficient law enforcement efforts.



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607 (b) The Florida Violent Crime and Drug Control Council
608 shall be considered a "criminal justice agency" within the
609 definition of s. 119.011(4).

610 (c)1. The Florida Violent Crime and Drug Control Council
611 may close portions of meetings during which the council will hear
612 or discuss active criminal investigative information or active
613 criminal intelligence information, and such portions of meetings
614 shall be exempt from the provisions of s. 286.011 and s. 24(b),
615 Art. I of the State Constitution, provided that the following
616 conditions are met:

617 a. The chair of the council shall advise the council at a
618 public meeting that, in connection with the performance of a
619 council duty, it is necessary that the council hear or discuss
620 active criminal investigative information or active criminal
621 intelligence information.

622 b. The chair's declaration of necessity for closure and the
623 specific reasons for such necessity shall be stated in writing in
624 a document that shall be a public record and shall be filed with
625 the official records of the council.

626 c. The entire closed session shall be recorded. The
627 recording shall include the times of commencement and termination
628 of the closed session, all discussion and proceedings, and the
629 names of all persons present. No portion of the session shall be
630 off the record. Such recording shall be maintained by the
631 council.

632 2. Only members of the council, Department of Law
633 Enforcement staff supporting the council's function, and other
634 persons whose presence has been authorized by the chair of the
635 council shall be allowed to attend the exempted portions of the
636 council meetings. The council shall assure that any closure of



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637 | its meetings as authorized by this section is limited so that the
638 | general policy of this state in favor of public meetings is
639 | maintained.

640 | (d) A tape recording of, and any minutes and notes
641 | generated during, that portion of a Florida Violent Crime and
642 | Drug Control Council meeting which is closed to the public
643 | pursuant to this section are confidential and exempt from s.
644 | 119.07(1) and s. 24(a), Art. I of the State Constitution until
645 | such time as the criminal investigative information or criminal
646 | intelligence information ceases to be active.

647 | Section 21. Section 948.033, Florida Statutes, is created
648 | to read:

649 | 948.033 Condition of probation or community control;
650 | criminal gang.--Effective for a probationer or community
651 | controllee whose crime was committed on or after October 1, 2008,
652 | and who has been found to have committed the crime for the
653 | purpose of benefiting, promoting, or furthering the interests of
654 | a criminal gang, the court shall, in addition to any other
655 | conditions imposed, impose a condition prohibiting the
656 | probationer or community controllee from knowingly associating
657 | with other criminal gang members or associates, except as
658 | authorized by law enforcement officials, prosecutorial
659 | authorities, or the court, for the purpose of aiding in the
660 | investigation of criminal activity.

661 | Section 22. Section 947.18, Florida Statutes, is amended to
662 | read:

663 | 947.18 Conditions of parole.--No person shall be placed on
664 | parole merely as a reward for good conduct or efficient
665 | performance of duties assigned in prison. No person shall be
666 | placed on parole until and unless the commission finds that there



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667 is reasonable probability that, if the person is placed on
668 parole, he or she will live and conduct himself or herself as a
669 respectable and law-abiding person and that the person's release
670 will be compatible with his or her own welfare and the welfare of
671 society. No person shall be placed on parole unless and until the
672 commission is satisfied that he or she will be suitably employed
673 in self-sustaining employment or that he or she will not become a
674 public charge. The commission shall determine the terms upon
675 which such person shall be granted parole. If the person's
676 conviction was for a controlled substance violation, one of the
677 conditions must be that the person submit to random substance
678 abuse testing intermittently throughout the term of supervision,
679 upon the direction of the correctional probation officer as
680 defined in s. 943.10(3). In addition to any other lawful
681 condition of parole, the commission may make the payment of the
682 debt due and owing to the state under s. 960.17 or the payment of
683 the attorney's fees and costs due and owing to the state under s.
684 938.29 a condition of parole subject to modification based on
685 change of circumstances. If the person's conviction was for a
686 crime that was found to have been committed for the purpose of
687 benefiting, promoting, or furthering the interests of a criminal
688 gang, one of the conditions must be that the person be prohibited
689 from knowingly associating with other criminal gang members or
690 associates, except as authorized by law enforcement officials,
691 prosecutorial authorities, or the court, for the purpose of
692 aiding in the investigation of criminal activity.

693 Section 23. Subsection (11) is added to section 947.1405,
694 Florida Statutes, to read:

695 947.1405 Conditional release program.--



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696 (11) Effective for a releasee whose crime was committed on
697 or after October 1, 2008, and who has been found to have
698 committed the crime for the purpose of benefiting, promoting, or
699 furthering the interests of a criminal gang, the commission
700 shall, in addition to any other conditions imposed, impose a
701 condition prohibiting the releasee from knowingly associating
702 with other criminal gang members or associates, except as
703 authorized by law enforcement officials, prosecutorial
704 authorities, or the court, for the purpose of aiding in the
705 investigation of criminal activity.

706 Section 24. Subsection (2) of section 893.138, Florida
707 Statutes, is amended to read:

708 893.138 Local administrative action to abate drug-related,
709 prostitution-related, or stolen-property-related public nuisances
710 and criminal ~~street~~ gang activity.--

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

712 (a) On more than two occasions within a 6-month period, as
713 the site of a violation of s. 796.07;

714 (b) On more than two occasions within a 6-month period, as
715 the site of the unlawful sale, delivery, manufacture, or
716 cultivation of any controlled substance;

717 (c) On one occasion as the site of the unlawful possession
718 of a controlled substance, where such possession constitutes a
719 felony and that has been previously used on more than one
720 occasion as the site of the unlawful sale, delivery, manufacture,
721 or cultivation of any controlled substance;

722 (d) By a criminal ~~street~~ gang for the purpose of conducting
723 ~~a pattern of~~ criminal ~~street~~ gang activity as defined by s.
724 874.03; or



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725 (e) On more than two occasions within a 6-month period, as
726 the site of a violation of s. 812.019 relating to dealing in
727 stolen property
728
729 may be declared to be a public nuisance, and such nuisance may be
730 abated pursuant to the procedures provided in this section.

731 Section 25. Paragraphs (d), (e), and (g) of subsection (3)
732 of section 921.0022, Florida Statutes, are amended to read:

733 921.0022 Criminal Punishment Code; offense severity ranking
734 chart.--

735 (3) OFFENSE SEVERITY RANKING CHART

736 (d) LEVEL 4
737

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
499.0051(2)	3rd	Failure to authenticate pedigree papers.
499.0051(6)	2nd	Sale or delivery, or possession with



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intent to sell, contraband legend
drugs.

742

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

743

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

744

784.075 3rd Battery on detention or commitment
facility staff.

745

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

746

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

747

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

748

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

749

784.083(3) 3rd Battery on code inspector.

750

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



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751	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
752	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
753	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
754	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
755	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
756	790.115(2)(c)	3rd	Possessing firearm on school property.
757	800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
758	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
759			



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760	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
761	810.06	3rd	Burglary; possession of tools.
762	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
763	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
764	812.014 (2) (c) 4.- 10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
765	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
766	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
767	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
768	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.



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769	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
770	837.02(1)	3rd	Perjury in official proceedings.
771	837.021(1)	3rd	Make contradictory statements in official proceedings.
772	838.022	3rd	Official misconduct.
773	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
774	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
775	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
776	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).



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777	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
778	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).
779	914.14 (2)	3rd	Witnesses accepting bribes.
780	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
781	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
782	918.12	3rd	Tampering with jurors.
783	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
784			
785	(e) LEVEL 5		
786			
	Florida Statute	Felony Degree	Description
787	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.



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788	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
789	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
790	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
791	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
792	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
793	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
794	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
795	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
796			



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797	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
798	790.01 (2)	3rd	Carrying a concealed firearm.
799	790.162	2nd	Threat to throw or discharge destructive device.
800	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
801	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
802	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
803	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
804	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
805	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than



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\$50,000.

806

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

807

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

808

812.131 (2) (b) 3rd Robbery by sudden snatching.

809

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

810

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

811

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000 or more but less than \$100,000.

812

817.2341 (1), (2) 3rd Filing false financial statements, (a) & (3) (a) making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

813

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment



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

814

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

815

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

816

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

817

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

818

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.

819

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

820

847.0137 (2) & (3) 3rd Transmission of pornography by



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electronic device or equipment.

821

847.0138(2)&(3) 3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

822

874.05(2) 2nd

Encouraging or recruiting another to join a criminal ~~street~~ gang; second or subsequent offense.

823

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).

824

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.

825

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



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university.

826

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.

827

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.

828

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).

829

830

(g) LEVEL 7

831

Florida
Statute

Felony
Degree

Description

832

316.027(1)(b)

1st

Accident involving



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833	316.193 (3) (c) 2.	3rd	death, failure to stop; leaving scene.
834	316.1935 (3) (b)	1st	DUI resulting in serious bodily injury. 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.
835	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
836	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great



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837			bodily harm, permanent disfiguration, permanent disability, or death.
838	409.920 (2)	3rd	Medicaid provider fraud.
839	456.065 (2)	3rd	Practicing a health care profession without a license.
840	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
841	458.327 (1)	3rd	Practicing medicine without a license.
842	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
	460.411 (1)	3rd	Practicing chiropractic



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843			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
844			
	462.17	3rd	Practicing naturopathy without a license.
845			
	463.015 (1)	3rd	Practicing optometry without a license.
846			
	464.016 (1)	3rd	Practicing nursing without a license.
847			
	465.015 (2)	3rd	Practicing pharmacy without a license.
848			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
849			
	467.201	3rd	Practicing midwifery without a license.
850			
	468.366	3rd	Delivering respiratory care services without a



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851			license.
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
852			
	483.901 (9)	3rd	Practicing medical physics without a license.
853			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
854			
	484.053	3rd	Dispensing hearing aids without a license.
855			
	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.
856			



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857	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
858	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
859	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.



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860	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
861	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
862	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
863	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
864	782.071	2nd	Killing of a human being or viable



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865	782.072	2nd	fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
866	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
867	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
868	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
869	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court



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870			order.
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
871			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
872			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
873			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
874			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
875			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
876			
	784.083 (1)	1st	Aggravated battery



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877			on code inspector.
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
878			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
879			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
880			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
881			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
882			



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790.166(4)

2nd

Possessing,
displaying, or
threatening to use a
hoax weapon of mass
destruction while
committing or
attempting to commit
a felony.

883

790.23

1st, PBL

Possession of a
firearm by a person
who qualifies for
the penalty
enhancements
provided for in s.
874.04.

884

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.

885

796.03

2nd

Procuring any person
under 16 years for
prostitution.

886



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887	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
888	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.
889	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
890	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
891	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or



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892			battery.
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
893			
	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.
894			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
895			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
896			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from



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897	812.0145(2) (a)	1st	authorized emergency vehicle.
898	812.019(2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
899	812.131(2) (a)	2nd	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
900	812.133(2) (b)	1st	Robbery by sudden snatching.
901	817.234(8) (a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
902			Solicitation of motor vehicle accident victims with intent to defraud.



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903	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
904	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
905	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 entity.
906	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
	825.103 (2) (b)	2nd	Exploiting an



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907			elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
907	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
908	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
909	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
910	838.015	2nd	Bribery.
911	838.016	2nd	Unlawful compensation or reward for official behavior.



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912	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
913	838.22	2nd	Bid tampering.
914	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
915	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
916	872.06	2nd	Abuse of a dead human body.
917	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,



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918

893.13(1)(e)1. 1st

county, or municipal park or publicly owned recreational facility or community center.

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.

919

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).

920

893.135(1)(a)1. 1st

Trafficking in cannabis, more than 25 lbs., less than



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921			2,000 lbs.
	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
922			
	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
923			
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
924			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
925			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
926			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less



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927	893.135 (1) (h) 1.a.	1st	than 14 grams. Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
928	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
929	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
930	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
931	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration



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932	943.0435 (4) (c)	2nd	requirements, financial transactions exceeding \$300 but less than \$20,000.
933	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
934	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
935	943.0435 (13)	3rd	Sexual offender; failure to comply with reporting requirements.
			Failure to report or providing false information about a sexual offender;



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936	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
937	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
938	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
939	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
940	944.607(13)	3rd	Sexual offender; failure to report



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941	985.4815(10)	3rd	and reregister; failure to respond to address verification.
942	985.4815(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
943	985.4815(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944			Sexual offender; failure to report and reregister; failure to respond to address verification.

944
945
946 ===== T I T L E A M E N D M E N T =====

947 And the title is amended as follows:

948
949 Delete lines 40 through 71



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950 | and insert:

951 | for specified purposes; providing penalties; amending s.
952 | 895.02, F.S.; adding certain offenses to the definition of
953 | "racketeering activity"; conforming terminology to changes
954 | made by this act; amending s. 903.046, F.S.; adding to the
955 | list of items a court may consider when determining
956 | whether to release a defendant on bail; amending s.
957 | 914.22, F.S.; revising the penalties for tampering with or
958 | harassing witnesses; amending s. 943.031, F.S.; revising
959 | provisions relating to the Florida Violent Crime and Drug
960 | Control Council; providing duties concerning criminal
961 | gangs; creating the Drug Control Strategy and Criminal
962 | Gangs Committee; providing for duties of the committee
963 | concerning funding of certain programs; providing for
964 | reports; creating s. 948.033, F.S.;