



587632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2009	.	
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The Committee on Criminal and Civil Justice Appropriations
(Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete line 242

and insert:

Section 3. Paragraphs (b) and (e) of subsection (3) of
section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2



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	Florida Statute	Felony Degree	Description
11	379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
12	379.2431(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
13	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
14	517.07	3rd	Registration of securities and furnishing of prospectus required.
15	590.28(1)	3rd	Willful, malicious, or intentional burning.
16	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
17	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
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- 19 806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more
to public communication or any other
public service.
- 20 810.061(2) 3rd Impairing or impeding telephone or power
to a dwelling; facilitating or
furthering burglary.
- 21 810.09(2)(e) 3rd Trespassing on posted commercial
horticulture property.
- 22 812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$600 ~~\$300~~ or
more but less than \$5,000.
- 23 812.014(2)(d) 3rd Grand theft, 3rd degree; \$300 ~~\$100~~ or
more but less than \$600 ~~\$300~~, taken from
unenclosed curtilage of dwelling.
- 24 812.015(7) 3rd Possession, use, or attempted use of an
antishoplifting or inventory control
device countermeasure.
- 25 817.234(1)(a)2. 3rd False statement in support of insurance
claim.
- 26 817.481(3)(a) 3rd Obtain credit or purchase with false,
expired, counterfeit, etc., credit card,
value over \$300.



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27	817.52 (3)	3rd	Failure to redeliver hired vehicle.
28	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
29	817.60 (5)	3rd	Dealing in credit cards of another.
30	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
31	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
32	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
33	831.01	3rd	Forgery.
34	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
35	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
36	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
	831.09	3rd	Uttering forged notes, bills, checks,



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drafts, or promissory notes.

37	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
38	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
39	843.08	3rd	Falsely impersonating an officer.
40	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
41	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
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44	(e) LEVEL 5		
	Florida	Felony	
	Statute	Degree	Description
45	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
46	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
47	322.34 (6)	3rd	Careless operation of motor vehicle with



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suspended license, resulting in death or serious bodily injury.

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing HIV positive.

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

790.01 (2) 3rd Carrying a concealed firearm.



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56	790.162	2nd	Threat to throw or discharge destructive device.
57	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
58	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
59	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
60	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
61	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
62	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
63	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
64	812.015(8)	3rd	Retail theft; property stolen is valued



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at \$600 ~~\$300~~ or more and one or more specified acts.

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

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

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

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

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

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

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



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individuals.

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

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

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

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

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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.

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

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847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

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847.0137(2) & 3rd Transmission of pornography by



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- 80 (3) electronic device or equipment.
- 847.0138(2) & 3rd Transmission of material harmful to
81 (3) minors to a minor by electronic device
or equipment.
- 874.05(2) 2nd Encouraging or recruiting another to
join a criminal gang; second or
subsequent offense.
- 82 893.13(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).
- 83 893.13(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.
- 84 893.13(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.



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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.

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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.

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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).

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893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing of
controlled substance.

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90 Section 4. This act shall take effect October 1, 2009.

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92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:



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Delete line 31
and insert:

felony offense; amending s. 921.0022, F.S.; conforming
provisions to changes made by the act; providing an
effective date.