

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to the use of hoax firearms; creating
3 s. 812.129, F.S.; defining the term "hoax firearm" for
4 specified purposes; amending ss. 812.13, 812.133, and
5 812.135, F.S.; revising provisions relating to
6 robbery, carjacking, and home-invasion robbery to
7 provide increased penalties when a hoax firearm is
8 carried in the course of committing the offense;
9 amending s. 921.0022, F.S.; conforming provisions of
10 the offense severity ranking chart of the Criminal
11 Punishment Code to changes made by the act; amending
12 s. 948.062, F.S.; conforming provisions; providing an
13 effective date.

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

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17 Section 1. Section 812.129, Florida Statutes, is created to
18 read:

19 812.129 Definition; ss. 812.13-813.135.—As used in ss.
20 812.13-813.135, the term "hoax firearm" means any device or
21 object that by its design, construction, content, or
22 characteristics appears to be a firearm as defined in s.
23 790.001, but that is, in fact, a facsimile or imitation of such
24 firearm.

25 Section 2. Paragraphs (a) and (c) of subsection (2) of
26 section 812.13, Florida Statutes, are amended to read:

27 812.13 Robbery.—

28 (2) (a) If in the course of committing the robbery the
29 offender carried a firearm or other deadly weapon or hoax

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30 firearm, then the robbery is a felony of the first degree,
31 punishable by imprisonment for a term of years not exceeding
32 life imprisonment or as provided in s. 775.082, s. 775.083, or
33 s. 775.084.

34 (c) If in the course of committing the robbery the offender
35 carried no firearm, deadly weapon, ~~or~~ other weapon, or hoax
36 firearm, then the robbery is a felony of the second degree,
37 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

38 Section 3. Subsection (2) of section 812.133, Florida
39 Statutes, is amended to read:

40 812.133 Carjacking.—

41 (2) (a) If in the course of committing the carjacking the
42 offender carried a firearm or other deadly weapon or hoax
43 firearm, then the carjacking is a felony of the first degree,
44 punishable by imprisonment for a term of years not exceeding
45 life imprisonment or as provided in s. 775.082, s. 775.083, or
46 s. 775.084.

47 (b) If in the course of committing the carjacking the
48 offender carried no firearm, deadly weapon, ~~or~~ other weapon, or
49 hoax firearm, then the carjacking is a felony of the first
50 degree, punishable as provided in s. 775.082, s. 775.083, or s.
51 775.084.

52 Section 4. Paragraphs (a) and (c) of subsection (2) of
53 section 812.135, Florida Statutes, are amended to read:

54 812.135 Home-invasion robbery.—

55 (2) (a) If in the course of committing the home-invasion
56 robbery the person carries a firearm or other deadly weapon or
57 hoax firearm, the person commits a felony of the first degree,
58 punishable by imprisonment for a term of years not exceeding

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59 life imprisonment as provided in s. 775.082, s. 775.083, or s.
60 775.084.

61 (c) If in the course of committing the home-invasion
62 robbery the person carries no firearm, deadly weapon, ~~or~~ other
63 weapon, or hoax firearm, the person commits a felony of the
64 first degree, punishable as provided in s. 775.082, s. 775.083,
65 or s. 775.084.

66 Section 5. Paragraphs (f), (g), (h), (i), and (j) of
67 subsection (3) of section 921.0022, Florida Statutes, are
68 amended to read:

69 921.0022 Criminal Punishment Code; offense severity ranking
70 chart.—

71 (3) OFFENSE SEVERITY RANKING CHART

72 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.

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78	775.0875(1)	3rd	Taking firearm from law enforcement officer.
79	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
80	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
81	784.041	3rd	Felony battery; domestic battery by strangulation.
82	784.048(3)	3rd	Aggravated stalking; credible threat.
83	784.048(5)	3rd	Aggravated stalking of person under 16.
84	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
85	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
86	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
87	784.081(2)	2nd	Aggravated assault on specified official or employee.
87	784.082(2)	2nd	Aggravated assault by detained person on

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visitor or other detainee.

784.083 (2) 2nd Aggravated assault on code inspector.

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 school property.

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

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

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

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

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

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than

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16 years; offender less than 18 years.

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

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

812.13 (2) (c) 2nd Robbery, no firearm, ~~or~~ other weapon, or hoax firearm (strong-arm robbery).

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

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817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
827.03 (1)	3rd	Abuse of a child.
827.03 (3) (c)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily

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injury.

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843.12 3rd Aids or assists person to escape.

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847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

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

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

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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.

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944.40 2nd Escapes.

944.46 3rd Harboring, concealing, aiding escaped prisoners.

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

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

(g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

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

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

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.

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

402.319(2) 2nd Misrepresentation and negligence or

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intentional act resulting in great
bodily harm, permanent disfiguration,
permanent disability, or death.

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409.920 (2) 3rd Medicaid provider fraud.

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

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

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

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

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

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

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462.17 3rd Practicing naturopathy without a
license.

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

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144	464.016 (1)	3rd	Practicing nursing without a license.
145	465.015 (2)	3rd	Practicing pharmacy without a license.
146	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
147	467.201	3rd	Practicing midwifery without a license.
148	468.366	3rd	Delivering respiratory care services without a license.
149	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
150	483.901 (9)	3rd	Practicing medical physics without a license.
151	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
152	484.053	3rd	Dispensing hearing aids without a license.
	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.

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- 560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
- 560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
- 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.
- 775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.
- 775.21 (10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
- 782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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

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

163

782.072 2nd Killing of a human being by the
operation of a vessel in a reckless
manner (vessel homicide).

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

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

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

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

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

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

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- 784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.
- 784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.
- 784.081 (1) 1st Aggravated battery on specified official or employee.
- 784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.
- 784.083 (1) 1st Aggravated battery on code inspector.
- 790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
- 790.16 (1) 1st Discharge of a machine gun under specified circumstances.
- 790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.
- 790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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179 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

180 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

181 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

182 794.08(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.

183 796.03 2nd Procuring any person under 16 years for prostitution.

184 800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

185 800.04(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.

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186	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
187	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
188	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
189	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
190	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
191	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.
192	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
193	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency

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vehicle.

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

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

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

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

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

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

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

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817.2341(2)(b) 1st Making false entries of material fact or
& (3)(b) false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

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- 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 elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
- 827.03 (3) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.
- 827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.
- 837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.
- 838.015 2nd Bribery.
- 838.016 2nd Unlawful compensation or reward for official behavior.
- 838.021 (3) (a) 2nd Unlawful harm to a public servant.
- 838.22 2nd Bid tampering.

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212 847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

213 847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

214 872.06 2nd Abuse of a dead human body.

215 874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

216 893.13(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.

217 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

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218	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).
219	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
220	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
221	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
222	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
223	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
224	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
225	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
226	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5
kilograms.

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893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10
grams or more, less than 200 grams.

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893.1351(2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

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896.101(5)(a) 3rd Money laundering, financial transactions
exceeding \$300 but less than \$20,000.

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896.104(4)(a)1. 3rd Structuring transactions to evade
reporting or registration requirements,
financial transactions exceeding \$300
but less than \$20,000.

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943.0435(4)(c) 2nd Sexual offender vacating permanent
residence; failure to comply with
reporting requirements.

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

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

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- 943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
- 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.
- 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
- 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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

(h) LEVEL 8

Florida	Felony	
Statute	Degree	Description

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

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

327.35(3)(c)3. 2nd Vessel BUI manslaughter.

499.0051(7) 1st Knowing trafficking in contraband prescription drugs.

499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.

560.123(8)(b)2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

560.125(5)(b) 2nd Money transmitter business by

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unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

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655.50(10)(b)2. 2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

254

777.03(2)(a) 1st

Accessory after the fact, capital felony.

255

782.04(4) 2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

256

782.051(2) 1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

257

782.071(1)(b) 1st

Committing vehicular homicide and failing to render aid or give information.

258

782.072(2) 1st

Committing vessel homicide and failing to render aid or give information.

259

790.161(3) 1st

Discharging a destructive device which

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results in bodily harm or property damage.

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794.011 (5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

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794.08 (3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

262

800.04 (4) 2nd Lewd or lascivious battery.

263

806.01 (1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

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810.02 (2) (a) 1st,PBL Burglary with assault or battery.

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810.02 (2) (b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

266

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

267

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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269	812.13(2)(b)	1st	Robbery with a weapon.
270	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or <u>other weapon, or hoax firearm.</u>
271	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
272	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
273	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
274	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
275	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
276	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
276	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in

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great bodily harm.

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860.16 1st

Aircraft piracy.

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893.13(1)(b) 1st

Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

279

893.13(2)(b) 1st

Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

280

893.13(6)(c) 1st

Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

281

893.135(1)(a)2. 1st

Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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893.135(1)(b)1.b. 1st

Trafficking in cocaine, more than 200 grams, less than 400 grams.

283

893.135(1)(c)1.b. 1st

Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

284

893.135(1)(d)1.b. 1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

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893.135(1)(e)1.b. 1st

Trafficking in methaqualone, more than

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5 kilograms, less than 25 kilograms.

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893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.

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893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

288

893.135(1)(h)1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

289

893.135(1)(j)1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

290

893.135(1)(k)2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

291

893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

292

895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.

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

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

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

896.104(4)(a)2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

(i) LEVEL 9

Florida	Felony	
Statute	Degree	Description

316.193(3)(c)3.b. 1st DUI manslaughter; failing to render aid or give information.

327.35(3)(c)3.b. 1st BUI manslaughter; failing to render aid or give information.

499.0051(9) 1st Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

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560.123 (8) (b) 3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

775.0844 1st Aggravated white collar crime.

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

782.04 (3) 1st, PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

782.07 (2) 1st Aggravated manslaughter of an elderly person or disabled adult.

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787.01(1)(a)1. 1st, PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

787.01(1)(a)2. 1st, PBL Kidnapping with intent to commit or facilitate commission of any felony.

787.01(1)(a)4. 1st, PBL Kidnapping with intent to interfere with performance of any governmental or political function.

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

790.161 1st Attempted capital destructive device offense.

790.166(2) 1st, PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a

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person less than 12 years.

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794.011 (4) 1st Sexual battery; victim 12 years or older, certain circumstances.

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794.011 (8) (b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

321

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

322

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

323

812.13 (2) (a) 1st, PBL Robbery with firearm or other deadly weapon or hoax firearm.

324

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly weapon or hoax firearm.

325

812.135 (2) (b) 1st Home-invasion robbery with weapon.

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817.568 (7) 2nd, PBL Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

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- 827.03 (2) 1st Aggravated child abuse.
- 847.0145 (1) 1st Selling, or otherwise transferring custody or control, of a minor.
- 847.0145 (2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.
- 859.01 1st Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
- 893.135 1st Attempted capital trafficking offense.
- 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.
- 893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
- 893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
- 893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.

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337 893.135(1)(e)1.c. 1st Trafficking in methaqualone, more than
25 kilograms.

338 893.135(1)(f)1.c. 1st Trafficking in amphetamine, more than
200 grams.

339 893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 10 kilograms or more.

340 893.135(1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
kilograms or more.

341 893.135(1)(k)2.c. 1st Trafficking in Phenethylamines, 400
grams or more.

342 896.101(5)(c) 1st Money laundering, financial instruments
totaling or exceeding \$100,000.

343 896.104(4)(a)3. 1st Structuring transactions to evade
reporting or registration requirements,
344 financial transactions totaling or
345 exceeding \$100,000.

(j) LEVEL 10

Florida Felony

Statute Degree

Description

346 499.0051(10) 1st Knowing sale or purchase of contraband

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prescription drugs resulting in death.

347

782.04(2) 1st,PBL Unlawful killing of human; act is homicide, unpremeditated.

348

787.01(1)(a)3. 1st,PBL Kidnapping; inflict bodily harm upon or terrorize victim.

349

787.01(3)(a) Life Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

350

782.07(3) 1st Aggravated manslaughter of a child.

351

794.011(3) Life Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

352

812.135(2)(a) 1st,PBL Home-invasion robbery with firearm or other deadly weapon or hoax firearm.

353

876.32 1st Treason against the state.

354

Section 6. Paragraph (g) of subsection (1) of section 948.062, Florida Statutes, is amended to read:

948.062 Reviewing and reporting serious offenses committed

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358 by offenders placed on probation or community control.-

359 (1) The department shall review the circumstances related
360 to an offender placed on probation or community control who has
361 been arrested while on supervision for the following offenses:

362 (g) Any robbery with a firearm or other deadly weapon or a
363 hoax firearm, home invasion robbery, or carjacking as provided
364 in s. 812.13(2)(a), s. 812.135, or s. 812.133;

365 Section 7. This act shall take effect October 1, 2009.