

By Senator Wise

5-01061-11

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1 A bill to be entitled
2 An act relating to assault or battery on utility
3 workers; amending s. 784.07, F.S.; defining the term
4 "utility worker"; providing for reclassification of
5 certain offenses against utility workers; reenacting
6 and amending s. 921.0022(3)(d), (f), and (g), F.S.,
7 relating to the offense severity ranking chart of the
8 Criminal Punishment Code, to incorporate the
9 amendments made to s. 784.07, F.S., in references
10 thereto; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (f) is added to subsection (1) of
15 section 784.07, Florida Statutes, and subsection (2) of that
16 section is amended, to read:

17 784.07 Assault or battery of law enforcement officers,
18 firefighters, emergency medical care providers, public transit
19 employees or agents, or other specified persons ~~officers~~;
20 reclassification of offenses; minimum sentences.—

21 (1) As used in this section, the term:

22 (f) "Utility worker" means any person employed by an entity
23 that owns, operates, leases, or controls any plant, property, or
24 facility for the generation, transmission, manufacture,
25 production, supply, distribution, sale, storage, conveyance,
26 delivery, or furnishing to or for the public of electricity,
27 natural or manufactured gas, water, steam, sewage, or telephone
28 service, including two or more utilities rendering joint
29 service.

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30 (2) Whenever any person is charged with knowingly
31 committing an assault or battery upon a law enforcement officer,
32 a firefighter, an emergency medical care provider, a traffic
33 accident investigation officer as described in s. 316.640, a
34 nonsworn law enforcement agency employee who is certified as an
35 agency inspector, a blood alcohol analyst, or a breath test
36 operator while such employee is in uniform and engaged in
37 processing, testing, evaluating, analyzing, or transporting a
38 person who is detained or under arrest for DUI, a law
39 enforcement explorer, a traffic infraction enforcement officer
40 as described in s. 316.640, a parking enforcement specialist as
41 defined in s. 316.640, a person licensed as a security officer
42 as defined in s. 493.6101 and wearing a uniform that bears at
43 least one patch or emblem that is visible at all times that
44 clearly identifies the employing agency and that clearly
45 identifies the person as a licensed security officer, ~~or~~ a
46 security officer employed by the board of trustees of a
47 community college, or a utility worker, while the officer,
48 firefighter, emergency medical care provider, traffic accident
49 investigation officer, traffic infraction enforcement officer,
50 inspector, analyst, operator, law enforcement explorer, parking
51 enforcement specialist, public transit employee or agent, ~~or~~
52 security officer, or utility worker is engaged in the lawful
53 performance of his or her duties, the offense for which the
54 person is charged shall be reclassified as follows:

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

57 (b) In the case of battery, from a misdemeanor of the first
58 degree to a felony of the third degree.

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59 (c) In the case of aggravated assault, from a felony of the
 60 third degree to a felony of the second degree. Notwithstanding
 61 any other provision of law, any person convicted of aggravated
 62 assault upon a law enforcement officer shall be sentenced to a
 63 minimum term of imprisonment of 3 years.

64 (d) In the case of aggravated battery, from a felony of the
 65 second degree to a felony of the first degree. Notwithstanding
 66 any other provision of law, any person convicted of aggravated
 67 battery of a law enforcement officer shall be sentenced to a
 68 minimum term of imprisonment of 5 years.

69 Section 2. For the purpose of incorporating the amendments
 70 made by this act to section 784.07, Florida Statutes, in a
 71 references thereto, paragraphs (d), (f), and (g) of subsection
 72 (3) of section 921.0022, Florida Statutes, are reenacted and
 73 amended to read:

74 921.0022 Criminal Punishment Code; offense severity ranking
 75 chart.—

76 (3) OFFENSE SEVERITY RANKING CHART

77 (d) LEVEL 4

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Florida	Felony	Description
Statute	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.

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81	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.	
82	499.0051(2)	3rd	Failure to authenticate pedigree papers.	
	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.	
83	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.	
84	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.	
85	784.075	3rd	Battery on detention or commitment facility staff.	
86	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.	
87	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	
88	784.081(3)	3rd	Battery on specified official or employee.	
89	784.082(3)	3rd	Battery by detained person on visitor or	

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other detainee.

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784.083 (3)

3rd

Battery on code inspector.

784.085

3rd

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

787.03 (1)

3rd

Interference with custody; wrongly takes minor from appointed guardian.

787.04 (2)

3rd

Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

787.04 (3)

3rd

Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

790.115 (1)

3rd

Exhibiting firearm or weapon within 1,000 feet of a school.

790.115 (2) (b)

3rd

Possessing electric weapon or device, destructive device, or other weapon on school property.

790.115 (2) (c)

3rd

Possessing firearm on school property.

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99	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
100	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
101	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
102	810.06	3rd	Burglary; possession of tools.
103	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
104	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
105	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
106	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
107	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

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817.568(2)(a) 3rd Fraudulent use of personal
identification information.

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817.625(2)(a) 3rd Fraudulent use of scanning device or
reencoder.

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828.125(1) 2nd Kill, maim, or cause great bodily harm
or permanent breeding disability to any
registered horse or cattle.

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837.02(1) 3rd Perjury in official proceedings.

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837.021(1) 3rd Make contradictory statements in
official proceedings.

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838.022 3rd Official misconduct.

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839.13(2)(a) 3rd Falsifying records of an individual in
the care and custody of a state agency.

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839.13(2)(c) 3rd Falsifying records of the Department of
Children and Family Services.

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843.021 3rd Possession of a concealed handcuff key
by a person in custody.

843.025 3rd Deprive law enforcement, correctional,
or correctional probation officer of
means of protection or communication.

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843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
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).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
(f)	LEVEL 6	

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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.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.
784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.

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138	784.048 (5)	3rd	Aggravated stalking of person under 16.
139	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer, <u>firefighter, etc.</u>
140	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
141	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
142	784.081 (2)	2nd	Aggravated assault on specified official or employee.
143	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
144	784.083 (2)	2nd	Aggravated assault on code inspector.
145	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
146	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
147	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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- 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 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

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degree.

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

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

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

160

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

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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.

163

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

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

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

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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 injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135 (2)	3rd	Facilitates sexual conduct of or with a

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186	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
187	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
188	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.
189	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
190	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
191	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
192	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
	456.065(2)	3rd	Practicing a health care profession without a license.

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193	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
194	458.327 (1)	3rd	Practicing medicine without a license.
195	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
196	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
197	461.012 (1)	3rd	Practicing podiatric medicine without a license.
198	462.17	3rd	Practicing naturopathy without a license.
199	463.015 (1)	3rd	Practicing optometry without a license.
200	464.016 (1)	3rd	Practicing nursing without a license.
201	465.015 (2)	3rd	Practicing pharmacy without a license.
202	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
203	467.201	3rd	Practicing midwifery without a license.

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204	468.366	3rd	Delivering respiratory care services without a license.
205	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
206	483.901 (9)	3rd	Practicing medical physics without a license.
207	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
208	484.053	3rd	Dispensing hearing aids without a license.
209	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.
210	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.
211	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments

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exceeding \$300 but less than \$20,000.

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

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

214

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

215

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

216

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

217

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

218

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

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of age or older.

228

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

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784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

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

231

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

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

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

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

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790.166 (4) 2nd Possessing, displaying, or threatening

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to use a hoax weapon of mass
destruction while committing or
attempting to commit a felony.

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

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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.

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

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

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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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806.01 (2) 2nd Maliciously damage structure by fire or
explosive.

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

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- 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 battery.
- 810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.
- 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.
- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd
degree.
- 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
vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or
older; \$50,000 or more.

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252	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
253	812.131 (2) (a)	2nd	Robbery by sudden snatching.
254	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
255	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
256	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
257	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
258	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.
259	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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

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270	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
271	872.06	2nd	Abuse of a dead human body.
272	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
273	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.
274	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.
	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).

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

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284	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
285	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
286	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
287	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
288	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
289	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
290	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
291	943.0435(13)	3rd	Failure to report or providing false

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information about a sexual offender;
harbor or conceal a sexual offender.

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943.0435(14)

3rd

Sexual offender; failure to report and
reregister; failure to respond to
address verification.

293

944.607(9)

3rd

Sexual offender; failure to comply with
reporting requirements.

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944.607(10)(a)

3rd

Sexual offender; failure to submit to
the taking of a digitized photograph.

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944.607(12)

3rd

Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

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944.607(13)

3rd

Sexual offender; failure to report and
reregister; failure to respond to
address verification.

297

985.4815(10)

3rd

Sexual offender; failure to submit to
the taking of a digitized photograph.

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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

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reregister; failure to respond to
address verification.

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Section 3. This act shall take effect July 1, 2011.