

By Senator Richter

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1 A bill to be entitled
2 An act relating to protection of vulnerable persons;
3 amending s. 812.0145, F.S.; reducing the minimum
4 amount of a theft from a person 65 years of age or
5 older that constitutes a felony of the third degree;
6 providing criminal penalties; amending s. 825.101,
7 F.S.; revising definitions; adding the definitions for
8 the terms "impaired" and "vulnerable adult"; amending
9 s. 825.102, F.S.; revising terminology to prohibit
10 specified offenses against a vulnerable adult;
11 amending s. 825.1025, F.S.; revising terminology to
12 prohibit specified lewd and lascivious offenses
13 committed upon or in the presence of a vulnerable
14 adult; conforming provisions to changes made by the
15 act; amending s. 825.103, F.S.; revising terminology
16 to prohibit specified offenses involving exploitation
17 of a vulnerable adult; conforming provisions to
18 changes made by the act; amending s. 825.105, F.S.;
19 revising terminology to provide legislative intent
20 relating to good faith assistance to a vulnerable
21 adult; amending s. 825.106, F.S.; revising terminology
22 concerning speedy trial of specified offenses;
23 amending ss. 90.803, 435.04, 775.084, 775.0844,
24 775.0877, 782.07, 921.0022, 948.06, 960.003, and
25 1012.315, F.S.; conforming provisions to changes made
26 by the act; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraph (c) of subsection (2) of section
31 812.0145, Florida Statutes, is amended to read:

32 812.0145 Theft from persons 65 years of age or older;
33 reclassification of offenses.—

34 (2) Whenever a person is charged with committing theft from
35 a person 65 years of age or older, when he or she knows or has
36 reason to believe that the victim was 65 years of age or older,
37 the offense for which the person is charged shall be
38 reclassified as follows:

39 (c) If the funds, assets, or property involved in the theft
40 from a person 65 years of age or older is valued at ~~\$300 or~~
41 ~~more, but~~ less than \$10,000, the offender commits a felony of
42 the third degree, punishable as provided in s. 775.082, s.
43 775.083, or s. 775.084.

44 Section 2. Section 825.101, Florida Statutes, is amended to
45 read:

46 825.101 Definitions.—As used in this chapter:

47 (1) "Business relationship" means a relationship between
48 two or more individuals or entities where there exists an oral
49 or written contract or agreement for goods or services.

50 (2) "Caregiver" means a person who has been entrusted with
51 or has assumed responsibility for the care or the property of a
52 vulnerable ~~an elderly person or disabled~~ adult. "Caregiver"
53 includes, but is not limited to, relatives, court-appointed or
54 voluntary guardians, adult household members, neighbors, health
55 care providers, and employees and volunteers of facilities as
56 defined in subsection (4) ~~(7)~~.

57 ~~(3) "Deception" means:~~

58 ~~(a) Misrepresenting or concealing a material fact relating~~

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59 to:

60 ~~1. Services rendered, disposition of property, or use of~~
61 ~~property, when such services or property are intended to benefit~~
62 ~~an elderly person or disabled adult;~~

63 ~~2. Terms of a contract or agreement entered into with an~~
64 ~~elderly person or disabled adult; or~~

65 ~~3. An existing or preexisting condition of any property~~
66 ~~involved in a contract or agreement entered into with an elderly~~
67 ~~person or disabled adult; or~~

68 ~~(b) Using any misrepresentation, false pretense, or false~~
69 ~~promise in order to induce, encourage, or solicit an elderly~~
70 ~~person or disabled adult to enter into a contract or agreement.~~

71 ~~(4) "Disabled adult" means a person 18 years of age or~~
72 ~~older who suffers from a condition of physical or mental~~
73 ~~incapacitation due to a developmental disability, organic brain~~
74 ~~damage, or mental illness, or who has one or more physical or~~
75 ~~mental limitations that restrict the person's ability to perform~~
76 ~~the normal activities of daily living.~~

77 ~~(5) "Elderly person" means a person 60 years of age or~~
78 ~~older who is suffering from the infirmities of aging as~~
79 ~~manifested by advanced age or organic brain damage, or other~~
80 ~~physical, mental, or emotional dysfunctioning, to the extent~~
81 ~~that the ability of the person to provide adequately for the~~
82 ~~person's own care or protection is impaired.~~

83 ~~(3)-(6)~~ "Endeavor" means to attempt or try.

84 ~~(4)-(7)~~ "Facility" means any location providing day or
85 residential care or treatment for vulnerable elderly persons or
86 ~~disabled~~ adults. The term "facility" may include, but is not
87 limited to, any hospital, training center, state institution,

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88 nursing home, assisted living facility, adult family-care home,
89 adult day care center, group home, mental health treatment
90 center, or continuing care community.

91 (5)-(8) "Impaired" means any loss or abnormality of
92 psychological, physiological, or anatomical structure or
93 function due to a mental, emotional, sensory, long-term
94 physical, or developmental disability or dysfunction, brain
95 damage, or the infirmities of aging which results in a
96 vulnerable adult's decreased ability to perform mental tasks and
97 physical activities of daily living as defined in s. 415.102.

98 ~~"Intimidation" means the communication by word or act to an~~
99 ~~elderly person or disabled adult that the elderly person or~~
100 ~~disabled adult will be deprived of food, nutrition, clothing,~~
101 ~~shelter, supervision, medicine, medical services, money, or~~
102 ~~financial support or will suffer physical violence.~~

103 ~~(9) "Lacks capacity to consent" means an impairment by~~
104 ~~reason of mental illness, developmental disability, organic~~
105 ~~brain disorder, physical illness or disability, chronic use of~~
106 ~~drugs, chronic intoxication, short-term memory loss, or other~~
107 ~~cause, that causes an elderly person or disabled adult to lack~~
108 ~~sufficient understanding or capacity to make or communicate~~
109 ~~reasonable decisions concerning the elderly person's or disabled~~
110 ~~adult's person or property.~~

111 (6)-(10) "Obtains or uses" means any manner of:

112 (a) Taking or exercising control over property; or

113 (b) Making any use, disposition, or transfer of property.

114 (7)-(11) "Position of trust and confidence" with respect to
115 a vulnerable an elderly person or a disabled adult means the
116 position of a person who:

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117 (a) Is a parent, spouse, adult child, or other relative by
118 blood or marriage of the vulnerable ~~elderly person or disabled~~
119 adult;

120 (b) Is a joint tenant or tenant in common with the
121 vulnerable ~~elderly person or disabled~~ adult;

122 (c) Has a legal or fiduciary relationship with the
123 vulnerable ~~elderly person or disabled~~ adult, including, but not
124 limited to, a court-appointed or voluntary guardian, trustee,
125 attorney, or conservator;

126 (d) Is a caregiver of the vulnerable ~~elderly person or~~
127 ~~disabled~~ adult; or

128 (e) Is any other person who has been entrusted with or has
129 assumed responsibility for the use or management of the
130 vulnerable ~~elderly person's or disabled~~ adult's funds, assets,
131 or property.

132 (8) ~~(12)~~ "Property" means anything of value and includes:

133 (a) Real property, including things growing on, affixed to,
134 and found in land.

135 (b) Tangible or intangible personal property, including
136 rights, privileges, interests, and claims.

137 (c) Services.

138 (9) ~~(13)~~ "Services" means anything of value resulting from a
139 person's physical or mental labor or skill, or from the use,
140 possession, or presence of property, and includes:

141 (a) Repairs or improvements to property.

142 (b) Professional services.

143 (c) Private, public, or governmental communication,
144 transportation, power, water, or sanitation services.

145 (d) Lodging accommodations.

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146 (e) Admissions to places of exhibition or entertainment.

147 (10)~~(14)~~ "Value" means value determined according to any of
148 the following:

149 (a)1. The market value of the property at the time and
150 place of the offense or, if the market value cannot be
151 satisfactorily ascertained, the cost of replacing the property
152 within a reasonable time after the offense.

153 2. In the case of a written instrument such as a check,
154 draft, or promissory note, which does not have a readily
155 ascertainable market value, the value is the amount due or
156 collectible. The value of any other instrument that creates,
157 releases, discharges, or otherwise affects any valuable legal
158 right, privilege, or obligation is the greatest amount of
159 economic loss that the owner of the instrument might reasonably
160 suffer by the loss of the instrument.

161 3. The value of a trade secret that does not have a readily
162 ascertainable market value is any reasonable value representing
163 the damage to the owner suffered by reason of losing advantage
164 over those who do not know of or use the trade secret.

165 (b) If the value of the property cannot be ascertained, the
166 trier of fact may find the value to be not less than a certain
167 amount; if no such minimum value can be ascertained, the value
168 is an amount less than \$100.

169 (c) Amounts of value of separate properties involved in
170 exploitation committed pursuant to one scheme or course of
171 conduct, whether the exploitation involves the same person or
172 several persons, may be aggregated in determining the degree of
173 the offense.

174 (11) "Vulnerable adult" means a person 18 years of age or

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175 older whose ability to perform the normal activities of daily
176 living or to provide for his or her own care or protection is
177 impaired.

178 Section 3. Section 825.102, Florida Statutes, is amended to
179 read:

180 825.102 Abuse, aggravated abuse, and neglect of a
181 vulnerable ~~an elderly person or disabled~~ adult; penalties.-

182 (1) "Abuse of a vulnerable ~~an elderly person or disabled~~
183 ~~adult~~" means:

184 (a) Intentional infliction of physical or psychological
185 injury upon a vulnerable ~~an elderly person or disabled~~ adult;

186 (b) An intentional act that could reasonably be expected to
187 result in physical or psychological injury to a vulnerable ~~an~~
188 ~~elderly person or disabled~~ adult; or

189 (c) Active encouragement of any person to commit an act
190 that results or could reasonably be expected to result in
191 physical or psychological injury to a vulnerable ~~an elderly~~
192 ~~person or disabled~~ adult.

193
194 A person who knowingly or willfully abuses a vulnerable ~~an~~
195 ~~elderly person or disabled~~ adult without causing great bodily
196 harm, permanent disability, or permanent disfigurement to the
197 vulnerable ~~elderly person or disabled~~ adult commits a felony of
198 the third degree, punishable as provided in s. 775.082, s.
199 775.083, or s. 775.084.

200 (2) "Aggravated abuse of a vulnerable ~~an elderly person or~~
201 ~~disabled~~ adult" occurs when a person:

202 (a) Commits aggravated battery on a vulnerable ~~an elderly~~
203 ~~person or disabled~~ adult;

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204 (b) Willfully tortures, maliciously punishes, or willfully
205 and unlawfully cages, a vulnerable ~~an elderly person or disabled~~
206 adult; or

207 (c) Knowingly or willfully abuses a vulnerable ~~an elderly~~
208 ~~person or disabled~~ adult and in so doing causes great bodily
209 harm, permanent disability, or permanent disfigurement to the
210 vulnerable ~~elderly person or disabled~~ adult.

211

212 A person who commits aggravated abuse of a vulnerable ~~an elderly~~
213 ~~person or disabled~~ adult commits a felony of the first degree,
214 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

215 (3) (a) "Neglect of a vulnerable ~~an elderly person or~~
216 ~~disabled~~ adult" means:

217 1. A caregiver's failure or omission to provide a
218 vulnerable ~~an elderly person or disabled~~ adult with the care,
219 supervision, and services necessary to maintain the vulnerable
220 ~~elderly person's or disabled~~ adult's physical and mental health,
221 including, but not limited to, food, nutrition, clothing,
222 shelter, supervision, medicine, and medical services that a
223 prudent person would consider essential for the well-being of
224 the vulnerable ~~elderly person or disabled~~ adult; or

225 2. A caregiver's failure to make a reasonable effort to
226 protect a vulnerable ~~an elderly person or disabled~~ adult from
227 abuse, neglect, or exploitation by another person.

228

229 Neglect of a vulnerable ~~an elderly person or disabled~~ adult may
230 be based on repeated conduct or on a single incident or omission
231 that results in, or could reasonably be expected to result in,
232 serious physical or psychological injury, or a substantial risk

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233 of death, to a vulnerable ~~an elderly person or disabled~~ adult.

234 (b) A person who willfully or by culpable negligence
235 neglects a vulnerable ~~an elderly person or disabled~~ adult and in
236 so doing causes great bodily harm, permanent disability, or
237 permanent disfigurement to the a vulnerable ~~elderly person or~~
238 ~~disabled~~ adult commits a felony of the second degree, punishable
239 as provided in s. 775.082, s. 775.083, or s. 775.084.

240 (c) A person who willfully or by culpable negligence
241 neglects a vulnerable ~~an elderly person or disabled~~ adult
242 without causing great bodily harm, permanent disability, or
243 permanent disfigurement to the vulnerable ~~elderly person or~~
244 ~~disabled~~ adult commits a felony of the third degree, punishable
245 as provided in s. 775.082, s. 775.083, or s. 775.084.

246 Section 4. Section 825.1025, Florida Statutes, is amended
247 to read:

248 825.1025 Lewd or lascivious offenses committed upon or in
249 the presence of a vulnerable adult ~~an elderly person or disabled~~
250 ~~person.~~-

251 (1) As used in this section, "sexual activity" means the
252 oral, anal, or vaginal penetration by, or union with, the sexual
253 organ of another or the anal or vaginal penetration of another
254 by any other object; however, sexual activity does not include
255 an act done for a bona fide medical purpose.

256 (2) (a) "Lewd or lascivious battery upon a vulnerable adult
257 ~~an elderly person or disabled person~~" occurs when a person
258 encourages, forces, or entices a vulnerable adult ~~an elderly~~
259 ~~person or disabled person~~ to engage in sadomasochistic abuse,
260 sexual bestiality, prostitution, or any other act involving
261 sexual activity, when the person knows or reasonably should know

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262 that the vulnerable adult's ability ~~elderly person or disabled~~
263 ~~person either lacks the capacity to consent~~ is impaired or the
264 vulnerable adult fails to give consent.

265 (b) A person who commits lewd or lascivious battery upon a
266 vulnerable adult ~~an elderly person or disabled person~~ commits a
267 felony of the second degree, punishable as provided in s.
268 775.082, s. 775.083, or s. 775.084.

269 (3) (a) "Lewd or lascivious molestation of a vulnerable
270 adult ~~an elderly person or disabled person~~" occurs when a person
271 intentionally touches in a lewd or lascivious manner the
272 breasts, genitals, genital area, or buttocks, or the clothing
273 covering them, of a vulnerable adult ~~an elderly person or~~
274 ~~disabled person~~ when the person knows or reasonably should know
275 that the vulnerable adult's ability ~~elderly person or disabled~~
276 ~~person either lacks the capacity to consent~~ is impaired or the
277 vulnerable adult fails to give consent.

278 (b) A person who commits lewd or lascivious molestation of
279 a vulnerable adult ~~an elderly person or disabled person~~ commits
280 a felony of the third degree, punishable as provided in s.
281 775.082, s. 775.083, or s. 775.084.

282 (4) (a) "Lewd or lascivious exhibition in the presence of a
283 vulnerable adult ~~an elderly person or disabled person~~" occurs
284 when a person, in the presence of a vulnerable adult ~~an elderly~~
285 ~~person or disabled person~~:

- 286 1. Intentionally masturbates;
- 287 2. Intentionally exposes his or her genitals in a lewd or
288 lascivious manner; or
- 289 3. Intentionally commits any other lewd or lascivious act
290 that does not involve actual physical or sexual contact with the

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291 vulnerable adult ~~elderly person or disabled person~~, including
292 but not limited to, sadomasochistic abuse, sexual bestiality, or
293 the simulation of any act involving sexual activity,
294
295 when the person knows or reasonably should know that the
296 vulnerable adult's ability ~~elderly person or disabled person~~
297 ~~either lacks the capacity to consent or fails to give consent to~~
298 having such act committed in his or her presence is impaired or
299 the vulnerable adult fails to give consent.

300 (b) A person who commits a lewd or lascivious exhibition in
301 the presence of a vulnerable adult ~~an elderly person or disabled~~
302 ~~person~~ commits a felony of the third degree, punishable as
303 provided in s. 775.082, s. 775.083, or s. 775.084.

304 Section 5. Section 825.103, Florida Statutes, is amended to
305 read:

306 825.103 Exploitation of a vulnerable ~~an elderly person or~~
307 ~~disabled~~ adult; penalties.-

308 (1) "Exploitation of a vulnerable ~~an elderly person or~~
309 ~~disabled~~ adult" means:

310 (a) Knowingly, ~~by deception or intimidation,~~ obtaining or
311 using, or endeavoring to obtain or use, the vulnerable ~~an~~
312 ~~elderly person's or disabled~~ adult's funds, assets, or property
313 with the intent to temporarily or permanently deprive the
314 vulnerable ~~elderly person or disabled~~ adult of the use, benefit,
315 or possession of the funds, assets, or property, or to benefit
316 someone other than the vulnerable ~~elderly person or disabled~~
317 adult, by a person who:

318 1. Stands in a position of trust and confidence with the
319 vulnerable ~~elderly person or disabled~~ adult; or

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320 2. Has a business relationship with the vulnerable ~~elderly~~
321 ~~person or disabled~~ adult;

322 (b) Obtaining or using, endeavoring to obtain or use, or
323 conspiring with another to obtain or use a vulnerable ~~an elderly~~
324 ~~person's or disabled~~ adult's funds, assets, or property with the
325 intent to temporarily or permanently deprive the vulnerable
326 ~~elderly person or disabled~~ adult of the use, benefit, or
327 possession of the funds, assets, or property, or to benefit
328 someone other than the vulnerable ~~elderly person or disabled~~
329 adult, by a person who knows or reasonably should know that the
330 vulnerable adult's ability ~~elderly person or disabled adult~~
331 ~~lacks the capacity~~ to consent is impaired; or

332 (c) Breach of a fiduciary duty to a vulnerable ~~an elderly~~
333 ~~person or disabled~~ adult by his or her ~~the person's~~ guardian or
334 agent under a power of attorney which results in an unauthorized
335 appropriation, sale, or transfer of property.

336 (2) (a) If the funds, assets, or property involved in the
337 exploitation of a vulnerable ~~the elderly person or disabled~~
338 adult is valued at \$100,000 or more, the offender commits a
339 felony of the first degree, punishable as provided in s.
340 775.082, s. 775.083, or s. 775.084.

341 (b) If the funds, assets, or property involved in the
342 exploitation of the vulnerable ~~elderly person or disabled~~ adult
343 is valued at \$20,000 or more, but less than \$100,000, the
344 offender commits a felony of the second degree, punishable as
345 provided in s. 775.082, s. 775.083, or s. 775.084.

346 (c) If the funds, assets, or property involved in the
347 exploitation of a vulnerable ~~an elderly person or disabled~~ adult
348 is valued at less than \$20,000, the offender commits a felony of

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349 the third degree, punishable as provided in s. 775.082, s.
350 775.083, or s. 775.084.

351 Section 6. Section 825.105, Florida Statutes, is amended to
352 read:

353 825.105 Good faith assistance.—This chapter is not intended
354 to impose criminal liability on a person who makes a good faith
355 effort to assist a vulnerable ~~an elderly person or disabled~~
356 adult in the management of the funds, assets, or property of the
357 vulnerable ~~elderly person or disabled~~ adult, which effort fails
358 through no fault of the person.

359 Section 7. Section 825.106, Florida Statutes, is amended to
360 read:

361 825.106 Criminal actions involving vulnerable ~~elderly~~
362 ~~persons or disabled~~ adults; speedy trial.—In a criminal action
363 in which a vulnerable ~~an elderly person or disabled~~ adult is a
364 victim, the state may move the court to advance the trial on the
365 docket. The presiding judge, after consideration of the age and
366 health of the victim, may advance the trial on the docket. The
367 motion may be filed and served with the information or charges
368 or at any time thereafter.

369 Section 8. Paragraph (a) of subsection (24) of section
370 90.803, Florida Statutes, is amended to read:

371 90.803 Hearsay exceptions; availability of declarant
372 immaterial.—The provision of s. 90.802 to the contrary
373 notwithstanding, the following are not inadmissible as evidence,
374 even though the declarant is available as a witness:

375 (24) HEARSAY EXCEPTION; STATEMENT OF VULNERABLE ~~ELDERLY~~
376 ~~PERSON OR DISABLED~~ ADULT.—

377 (a) Unless the source of information or the method or

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378 circumstances by which the statement is reported indicates a
379 lack of trustworthiness, an out-of-court statement made by a
380 vulnerable ~~an elderly person or disabled~~ adult, as defined in s.
381 825.101, describing any act of abuse or neglect, any act of
382 exploitation, the offense of battery or aggravated battery or
383 assault or aggravated assault or sexual battery, or any other
384 violent act on the declarant vulnerable ~~elderly person or~~
385 ~~disabled~~ adult, not otherwise admissible, is admissible in
386 evidence in any civil or criminal proceeding if:

387 1. The court finds in a hearing conducted outside the
388 presence of the jury that the time, content, and circumstances
389 of the statement provide sufficient safeguards of reliability.
390 In making its determination, the court may consider the mental
391 and physical age and maturity of the vulnerable ~~elderly person~~
392 ~~or disabled~~ adult, the nature and duration of the abuse or
393 offense, the relationship of the victim to the offender, the
394 reliability of the assertion, the reliability of the vulnerable
395 ~~elderly person or disabled~~ adult, and any other factor deemed
396 appropriate; and

397 2. The vulnerable ~~elderly person or disabled~~ adult either:

398 a. Testifies; or

399 b. Is unavailable as a witness, provided that there is
400 corroborative evidence of the abuse or offense. Unavailability
401 shall include a finding by the court that the vulnerable adult
402 is impaired, as defined in s. 825.101, or that the vulnerable
403 ~~elderly person's or disabled~~ adult's participation in the trial
404 or proceeding would result in a substantial likelihood of severe
405 emotional, mental, or physical harm, in addition to findings
406 pursuant to s. 90.804(1).

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407 Section 9. Paragraphs (dd), (ee), and (ff) of subsection
408 (2) of section 435.04, Florida Statutes, are amended to read:
409 435.04 Level 2 screening standards.—

410 (2) The security background investigations under this
411 section must ensure that no persons subject to the provisions of
412 this section have been arrested for and are awaiting final
413 disposition of, have been found guilty of, regardless of
414 adjudication, or entered a plea of nolo contendere or guilty to,
415 or have been adjudicated delinquent and the record has not been
416 sealed or expunged for, any offense prohibited under any of the
417 following provisions of state law or similar law of another
418 jurisdiction:

419 (dd) Section 825.102, relating to abuse, aggravated abuse,
420 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

421 (ee) Section 825.1025, relating to lewd or lascivious
422 offenses committed upon or in the presence of a vulnerable ~~an~~
423 ~~elderly person or disabled~~ adult.

424 (ff) Section 825.103, relating to exploitation of a
425 vulnerable ~~an elderly person or disabled~~ adult, if the offense
426 was a felony.

427 Section 10. Paragraph (d) of subsection (1) of section
428 775.084, Florida Statutes, is amended to read:

429 775.084 Violent career criminals; habitual felony offenders
430 and habitual violent felony offenders; three-time violent felony
431 offenders; definitions; procedure; enhanced penalties or
432 mandatory minimum prison terms.—

433 (1) As used in this act:

434 (d) "Violent career criminal" means a defendant for whom
435 the court must impose imprisonment pursuant to paragraph (4) (d),

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436 if it finds that:

437 1. The defendant has previously been convicted as an adult
438 three or more times for an offense in this state or other
439 qualified offense that is:

440 a. Any forcible felony, as described in s. 776.08;

441 b. Aggravated stalking, as described in s. 784.048(3) and
442 (4);

443 c. Aggravated child abuse, as described in s. 827.03(2)(a);

444 d. Aggravated abuse of a vulnerable ~~an elderly person or~~
445 ~~disabled~~ adult, as described in s. 825.102(2);

446 e. Lewd or lascivious battery, lewd or lascivious
447 molestation, lewd or lascivious conduct, or lewd or lascivious
448 exhibition, as described in s. 800.04 or s. 847.0135(5);

449 f. Escape, as described in s. 944.40; or

450 g. A felony violation of chapter 790 involving the use or
451 possession of a firearm.

452 2. The defendant has been incarcerated in a state prison or
453 a federal prison.

454 3. The primary felony offense for which the defendant is to
455 be sentenced is a felony enumerated in subparagraph 1. and was
456 committed on or after October 1, 1995, and:

457 a. While the defendant was serving a prison sentence or
458 other sentence, or court-ordered or lawfully imposed supervision
459 that is imposed as a result of a prior conviction for an
460 enumerated felony; or

461 b. Within 5 years after the conviction of the last prior
462 enumerated felony, or within 5 years after the defendant's
463 release from a prison sentence, probation, community control,
464 control release, conditional release, parole, or court-ordered

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465 or lawfully imposed supervision or other sentence that is
466 imposed as a result of a prior conviction for an enumerated
467 felony, whichever is later.

468 4. The defendant has not received a pardon for any felony
469 or other qualified offense that is necessary for the operation
470 of this paragraph.

471 5. A conviction of a felony or other qualified offense
472 necessary to the operation of this paragraph has not been set
473 aside in any postconviction proceeding.

474 Section 11. Paragraph (a) of subsection (5) of section
475 775.0844, Florida Statutes, is amended to read:

476 775.0844 White Collar Crime Victim Protection Act.—

477 (5) Any person who commits an aggravated white collar crime
478 as defined in this section and in so doing either:

479 (a) Victimizes 10 or more vulnerable adults ~~elderly~~
480 ~~persons~~, as defined in s. 825.101~~(5)~~;

481
482 and thereby obtains or attempts to obtain \$50,000 or more,
483 commits a felony of the first degree, punishable as provided in
484 s. 775.082, s. 775.083, or s. 775.084.

485 Section 12. Paragraphs (j) and (k) of subsection (1) of
486 section 775.0877, Florida Statutes, are amended to read:

487 775.0877 Criminal transmission of HIV; procedures;
488 penalties.—

489 (1) In any case in which a person has been convicted of or
490 has pled nolo contendere or guilty to, regardless of whether
491 adjudication is withheld, any of the following offenses, or the
492 attempt thereof, which offense or attempted offense involves the
493 transmission of body fluids from one person to another:

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494 (j) Section 825.102(1), relating to abuse of a vulnerable
495 ~~an elderly person or disabled~~ adult;

496 (k) Section 825.102(2), relating to aggravated abuse of a
497 vulnerable ~~an elderly person or disabled~~ adult;

498
499 the court shall order the offender to undergo HIV testing, to be
500 performed under the direction of the Department of Health in
501 accordance with s. 381.004, unless the offender has undergone
502 HIV testing voluntarily or pursuant to procedures established in
503 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
504 rule providing for HIV testing of criminal offenders or inmates,
505 subsequent to her or his arrest for an offense enumerated in
506 paragraphs (a)-(n) for which she or he was convicted or to which
507 she or he pled nolo contendere or guilty. The results of an HIV
508 test performed on an offender pursuant to this subsection are
509 not admissible in any criminal proceeding arising out of the
510 alleged offense.

511 Section 13. Subsection (2) of section 782.07, Florida
512 Statutes, is amended to read:

513 782.07 Manslaughter; aggravated manslaughter of a
514 vulnerable ~~an elderly person or disabled~~ adult; aggravated
515 manslaughter of a child; aggravated manslaughter of an officer,
516 a firefighter, an emergency medical technician, or a paramedic.-

517 (2) A person who causes the death of a vulnerable ~~any~~
518 ~~elderly person or disabled~~ adult by culpable negligence under s.
519 825.102(3) commits aggravated manslaughter of a vulnerable ~~an~~
520 ~~elderly person or disabled~~ adult, a felony of the first degree,
521 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

522 Section 14. Paragraphs (c), (e), (f), (g), and (h) of

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523 subsection (3) of section 921.0022, Florida Statutes, are
 524 amended to read:

525 921.0022 Criminal Punishment Code; offense severity ranking
 526 chart.—

527 (3) OFFENSE SEVERITY RANKING CHART

528 (c) LEVEL 3

529

Florida Statute	Felony Degree	Description
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530

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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531

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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532

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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533

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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534

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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535

319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
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536

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537 319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

538 319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

539 327.35(2)(b) 3rd Felony BUI.

540 328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

541 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

542 376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

543 379.2431(1)(e)5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

379.2431(1)(e)6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle

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Protection Act.

544

400.9935 (4) 3rd Operating a clinic without a license or filing false license application or other required information.

545

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

546

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

547

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

548

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

549

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

550

697.08 3rd Equity skimming.

551

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

552

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553

796.05(1) 3rd Live on earnings of a prostitute.

554

806.10(1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

555

806.10(2) 3rd Interferes with or assaults firefighter in performance of duty.

556

810.09(2)(c) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

557

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

558

812.0145(2)(c) 3rd Theft from person 65 years of age or older; \$1 ~~\$300~~ or more but less than \$10,000.

559

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

560

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

561

817.233 3rd Burning to defraud insurer.

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817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413 (2)	3rd	Sale of used goods as new.
817.505 (4)	3rd	Patient brokering.
828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.

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571

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

572

843.19 3rd Injure, disable, or kill police dog or horse.

573

860.15(3) 3rd Overcharging for repairs and parts.

574

870.01(2) 3rd Riot; inciting or encouraging.

575

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

576

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.

577

893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

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578

893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

579

893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

580

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

581

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

582

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

583

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an

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animal in obtaining a controlled substance.

584

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

585

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

586

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

587

944.47(1)(a)1.-2. 3rd Introduce contraband to correctional facility.

588

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

589

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

590

(e) LEVEL 5

591

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	Florida Statute	Felony Degree	Description
593	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
594	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
595	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
596	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
597	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
598	379.3671(2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
599	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
600	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.

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601	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
602	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
603	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
604	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
605	790.01 (2)	3rd	Carrying a concealed firearm.
606	790.162	2nd	Threat to throw or discharge destructive device.
607	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
608	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
609	790.23	2nd	Felons in possession of firearms,

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ammunition, or electronic weapons or devices.

610

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years.

611

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years or older.

612

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

613

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

614

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

615

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

616

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

617

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

618

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619	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
620	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
621	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
622	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 individuals.
623	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
624	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of <u>a vulnerable</u> an elderly person or disabled adult.
	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture,

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etc., which includes sexual conduct by a child.

625

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

626

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.

627

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

628

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

629

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

630

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

631

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

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633

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).

634

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.

635

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.

636

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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637	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.
638	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).
639	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
640	(f) LEVEL 6		
641	Florida Statute	Felony Degree	Description
642	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
643	499.0051(3)	2nd	Knowing forgery of pedigree papers.
644	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
645			

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646	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
647	775.0875(1)	3rd	Taking firearm from law enforcement officer.
648	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
649	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
650	784.041	3rd	Felony battery; domestic battery by strangulation.
651	784.048(3)	3rd	Aggravated stalking; credible threat.
652	784.048(5)	3rd	Aggravated stalking of person under 16.
653	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
654	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
655	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
	784.081(2)	2nd	Aggravated assault on specified official

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or employee.

656

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

657

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

658

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

659

790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

660

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

661

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

662

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

663

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

664

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

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- 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.
- 810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.
- 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.

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684	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
685	836.05	2nd	Threats; extortion.
686	836.10	2nd	Written threats to kill or do bodily injury.
687	843.12	3rd	Aids or assists person to escape.
688	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
689	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
690	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
691	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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supervision, resulting in great bodily harm.

692

944.40 2nd Escapes.

693

944.46 3rd Harboring, concealing, aiding escaped prisoners.

694

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

695

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

696

697 (g) LEVEL 7

698

Florida	Felony	
Statute	Degree	Description

699

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

700

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

701

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

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

702

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

703

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

704

409.920 3rd Medicaid provider fraud; \$10,000 or less.
(2)(b)1.a.

705

409.920 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.
(2)(b)1.b.

706

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

707

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

708

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

709

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

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460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.

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721	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
722	484.053	3rd	Dispensing hearing aids without a license.
723	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.
724	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.
725	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
726	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
727	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration

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violations.

728

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

729

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

730

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

731

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

732

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

733

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

734

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.
784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
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.

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- 787.06(3)(a) 1st Human trafficking using coercion for labor and services.
- 787.06(3)(e) 1st Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
- 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.
- 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
- 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass

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destruction while committing or attempting to commit a felony.

753

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

754

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.

755

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

756

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

757

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.

758

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

759

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

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761

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

762

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

763

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

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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.

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

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

767

812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized emergency
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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769	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
770	812.131(2)(a)	2nd	Robbery by sudden snatching.
771	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
772	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
773	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
774	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
775	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.
	825.102(3)(b)	2nd	Neglecting <u>a vulnerable</u> an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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825.103 (2) (b)	2nd	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.03 (2) (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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786	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
787	872.06	2nd	Abuse of a dead human body.
788	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
789	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.
790	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.
790	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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791	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
792	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
793	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
794	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
795	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
796	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
797	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
798	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
799	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.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
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.

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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.

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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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(h) LEVEL 8

Florida Statute	Felony 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 unauthorized person, currency or

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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.

827

777.03(2)(a) 1st Accessory after the fact, capital felony.

828

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, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

829

782.051(2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

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782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.

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831	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
832	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
833	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
834	787.06 (3) (f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.
835	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
836	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
837	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
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800.04(4)	2nd	Lewd or lascivious battery.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
812.13(2)(b)	1st	Robbery with a weapon.
812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
825.102(2)	1st	Aggravated abuse of <u>a vulnerable an</u>

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~~elderly person or disabled~~ adult.

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825.1025 (2) 2nd Lewd or lascivious battery upon a
vulnerable ~~an elderly person or~~
~~disabled~~ adult.

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825.103 (2) (a) 1st Exploiting a vulnerable ~~an elderly~~
~~person or disabled~~ adult and property
is valued at \$100,000 or more.

850

837.02 (2) 2nd Perjury in official proceedings
relating to prosecution of a capital
felony.

851

837.021 (2) 2nd Making contradictory statements in
official proceedings relating to
prosecution of a capital felony.

852

860.121 (2) (c) 1st Shooting at or throwing any object in
path of railroad vehicle resulting in
great bodily harm.

853

860.16 1st Aircraft piracy.

854

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).

855

893.13 (2) (b) 1st Purchase in excess of 10 grams of any

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substance specified in s. 893.03(1) (a) or (b).

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893.13(6) (c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

857

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.

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893.135(1) (c) 1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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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 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.

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893.135 1st Trafficking in gamma-hydroxybutyric

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865 (1) (h) 1.b. acid (GHB), 5 kilograms or more, less than 10 kilograms.

866 893.135 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

867 893.135 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

868 893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

869 895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.

870 895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

871 895.03(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.

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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.

Section 15. Paragraph (c) of subsection (8) of section 948.06, Florida Statutes, is amended to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(8)

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious

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896 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
897 under s. 800.04(7)(b), or lewd or lascivious exhibition on
898 computer under s. 847.0135(5)(b).

899 6. Robbery or attempted robbery under s. 812.13, carjacking
900 or attempted carjacking under s. 812.133, or home invasion
901 robbery or attempted home invasion robbery under s. 812.135.

902 7. Lewd or lascivious offense upon or in the presence of a
903 vulnerable adult ~~an elderly or disabled person~~ or attempted lewd
904 or lascivious offense upon or in the presence of a vulnerable
905 adult ~~an elderly or disabled person~~ under s. 825.1025.

906 8. Sexual performance by a child or attempted sexual
907 performance by a child under s. 827.071.

908 9. Computer pornography under s. 847.0135(2) or (3),
909 transmission of child pornography under s. 847.0137, or selling
910 or buying of minors under s. 847.0145.

911 10. Poisoning food or water under s. 859.01.

912 11. Abuse of a dead human body under s. 872.06.

913 12. Any burglary offense or attempted burglary offense that
914 is either a first degree felony or second degree felony under s.
915 810.02(2) or (3).

916 13. Arson or attempted arson under s. 806.01(1).

917 14. Aggravated assault under s. 784.021.

918 15. Aggravated stalking under s. 784.048(3), (4), (5), or
919 (7).

920 16. Aircraft piracy under s. 860.16.

921 17. Unlawful throwing, placing, or discharging of a
922 destructive device or bomb under s. 790.161(2), (3), or (4).

923 18. Treason under s. 876.32.

924 19. Any offense committed in another jurisdiction which

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925 would be an offense listed in this paragraph if that offense had
926 been committed in this state.

927 Section 16. Paragraph (b) of subsection (2) of section
928 960.003, Florida Statutes, is amended to read:

929 960.003 Hepatitis and HIV testing for persons charged with
930 or alleged by petition for delinquency to have committed certain
931 offenses; disclosure of results to victims.—

932 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
933 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

934 (b) However, when a victim of any sexual offense enumerated
935 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the
936 offense was committed or when a victim of any sexual offense
937 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a
938 vulnerable ~~disabled~~ adult ~~or elderly person~~ as defined in s.
939 825.101 ~~825.1025~~ regardless of whether the offense involves the
940 transmission of bodily fluids from one person to another, then
941 upon the request of the victim or the victim's legal guardian,
942 or of the parent or legal guardian, the court shall order such
943 person to undergo hepatitis and HIV testing within 48 hours
944 after the information, indictment, or petition for delinquency
945 is filed. In the event the victim or, if the victim is a minor,
946 the victim's parent or legal guardian requests hepatitis and HIV
947 testing after 48 hours have elapsed from the filing of the
948 indictment, information, or petition for delinquency, the
949 testing shall be done within 48 hours after the request. The
950 testing shall be performed under the direction of the Department
951 of Health in accordance with s. 381.004. The results of a
952 hepatitis and HIV test performed on a defendant or juvenile
953 offender pursuant to this subsection is ~~shall~~ not ~~be~~ admissible

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954 in any criminal or juvenile proceeding arising out of the
955 alleged offense.

956 Section 17. Paragraphs (gg), (hh), and (ii) of subsection
957 (1) of section 1012.315, Florida Statutes, are amended to read:

958 1012.315 Disqualification from employment.—A person is
959 ineligible for educator certification, and instructional
960 personnel and school administrators, as defined in s. 1012.01,
961 are ineligible for employment in any position that requires
962 direct contact with students in a district school system,
963 charter school, or private school that accepts scholarship
964 students under s. 1002.39 or s. 1002.395, if the person,
965 instructional personnel, or school administrator has been
966 convicted of:

967 (1) Any felony offense prohibited under any of the
968 following statutes:

969 (gg) Section 825.102, relating to abuse, aggravated abuse,
970 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

971 (hh) Section 825.103, relating to exploitation of a
972 vulnerable ~~an elderly person or disabled~~ adult.

973 (ii) Section 825.1025, relating to lewd or lascivious
974 offenses committed upon or in the presence of a vulnerable adult
975 ~~an elderly person or disabled person~~.

976 Section 18. This act shall take effect October 1, 2013.