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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/WD/3R

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04/28/2014 06:45 PM

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Senator Abruzzo moved the following:

Senate Amendment (with title amendment)

Delete lines 73 - 529

and insert:

Florida Statutes, are amended, subsections (11) through (17) of that section are redesignated as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section, to read:

817.568 Criminal use of personal identification information.—

(6) Any person who willfully and without authorization



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12 fraudulently uses personal identification information concerning
13 an individual who is younger ~~less~~ than 18 years of age or 60
14 years of age or older without first obtaining the consent of
15 that individual or of his or her legal guardian commits a felony
16 of the second degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 (7) Any person who is in the relationship of parent or
19 legal guardian, or who otherwise exercises custodial authority
20 over an individual who is younger ~~less~~ than 18 years of age or
21 60 years of age or older, who willfully and fraudulently uses
22 personal identification information of that individual commits a
23 felony of the second degree, punishable as provided in s.
24 775.082, s. 775.083, or s. 775.084.

25 (11) A person who willfully and without authorization
26 fraudulently uses personal identification information concerning
27 an individual who is 60 years of age or older; a disabled adult
28 as defined in s. 825.101; a public servant as defined in s.
29 838.014; a veteran as defined in s. 1.01; a first responder as
30 defined in s. 125.01045; an individual who is employed by the
31 State of Florida; or an individual who is employed by the
32 Federal Government without first obtaining the consent of that
33 individual commits a felony of the second degree, punishable as
34 provided in s. 775.082, s. 775.083, or s. 775.084.

35 (12) In addition to any sanction imposed when a person
36 pleads guilty or nolo contendere to, or is found guilty of,
37 regardless of adjudication, a violation of this section, the
38 court shall impose a surcharge of \$1,001. Payment of the
39 surcharge shall be a condition of probation, community control,
40 or any other court-ordered supervision.



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41 (a) The sum of \$500 of the surcharge shall be deposited
42 into the Department of Law Enforcement Operating Trust Fund for
43 the department to provide grants to local law enforcement
44 agencies to investigate offenses related to the criminal use of
45 personal identification information as provided in s. 943.0412.

46 (b) The sum of \$500 of the surcharge shall be deposited
47 into the State Attorneys Revenue Trust Fund for the purpose of
48 funding prosecutions of offenses relating to the criminal use of
49 personal identification information.

50 (c) The clerk of the court shall retain \$1 of each \$1,001
51 surcharge that he or she collects as a service charge of the
52 clerk's office.

53 (d) The surcharge may not be waived by the court. In the
54 event that the person has been ordered to pay restitution in
55 accordance with s. 775.089, the surcharge shall be included in a
56 judgment.

57 Section 3. Subsections (2), (3), and (8) of section
58 825.101, Florida Statutes, are amended to read:

59 825.101 Definitions.—As used in this chapter:

60 (2) "Caregiver" means a person who has been entrusted with
61 or has assumed responsibility for the care or the property of an
62 elderly person or disabled adult. "Caregiver" includes, but is
63 not limited to, relatives, court-appointed or voluntary
64 guardians, adult household members, neighbors, health care
65 providers, and employees and volunteers of facilities as defined
66 in subsection (6) (7).

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

68 ~~(a) Misrepresenting or concealing a material fact relating~~
69 ~~to:~~



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

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

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

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

81 ~~(8) "Intimidation" means the communication by word or act~~
82 ~~to an elderly person or disabled adult that the elderly person~~
83 ~~or disabled adult will be deprived of food, nutrition, clothing,~~
84 ~~shelter, supervision, medicine, medical services, money, or~~
85 ~~financial support or will suffer physical violence.~~

86 Section 4. Section 825.103, Florida Statutes, is amended to
87 read:

88 825.103 Exploitation of an elderly person or disabled
89 adult; penalties.—

90 (1) "Exploitation of an elderly person or disabled adult"
91 means:

92 (a) ~~Knowingly, by deception or intimidation,~~ obtaining or
93 using, or endeavoring to obtain or use, an elderly person's or
94 disabled adult's funds, assets, or property with the intent to
95 temporarily or permanently deprive the elderly person or
96 disabled adult of the use, benefit, or possession of the funds,
97 assets, or property, or to benefit someone other than the
98 elderly person or disabled adult, by a person who:



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99 1. Stands in a position of trust and confidence with the
100 elderly person or disabled adult; or
101 2. Has a business relationship with the elderly person or
102 disabled adult;
103 (b) Obtaining or using, endeavoring to obtain or use, or
104 conspiring with another to obtain or use an elderly person's or
105 disabled adult's funds, assets, or property with the intent to
106 temporarily or permanently deprive the elderly person or
107 disabled adult of the use, benefit, or possession of the funds,
108 assets, or property, or to benefit someone other than the
109 elderly person or disabled adult, by a person who knows or
110 reasonably should know that the elderly person or disabled adult
111 lacks the capacity to consent; ~~or~~
112 (c) Breach of a fiduciary duty to an elderly person or
113 disabled adult by the person's guardian, trustee who is an
114 individual, or agent under a power of attorney which results in
115 an unauthorized appropriation, sale, or transfer of property. An
116 unauthorized appropriation under this paragraph occurs when the
117 elderly person or disabled adult does not receive the reasonably
118 equivalent financial value in goods or services, or when the
119 fiduciary violates any of these duties:
120 1. For agents appointed under chapter 709:
121 a. Committing fraud in obtaining their appointments;
122 b. Abusing their powers;
123 c. Wasting, embezzling, or intentionally mismanaging the
124 assets of the principal or beneficiary; or
125 d. Acting contrary to the principal's sole benefit or best
126 interest; or
127 2. For guardians and trustees who are individuals and who



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128 are appointed under chapter 736 or chapter 744:
129 a. Committing fraud in obtaining their appointments;
130 b. Abusing their powers; or
131 c. Wasting, embezzling, or intentionally mismanaging the
132 assets of the ward or beneficiary of the trust;
133 (d) Misappropriating, misusing, or transferring without
134 authorization money belonging to an elderly person or disabled
135 adult from an account in which the elderly person or disabled
136 adult placed the funds, owned the funds, and was the sole
137 contributor or payee of the funds before the misappropriation,
138 misuse, or unauthorized transfer. This paragraph only applies to
139 the following types of accounts:
140 1. Personal accounts;
141 2. Joint accounts created with the intent that only the
142 elderly person or disabled adult enjoys all rights, interests,
143 and claims to moneys deposited into such account; or
144 3. Convenience accounts created in accordance with s.
145 655.80; or
146 (e) Intentionally or negligently failing to effectively use
147 an elderly person's or disabled adult's income and assets for
148 the necessities required for that person's support and
149 maintenance, by a caregiver or a person who stands in a position
150 of trust and confidence with the elderly person or disabled
151 adult.
152 (2) Any inter vivos transfer of money or property valued in
153 excess of \$10,000 at the time of the transfer, whether in a
154 single transaction or multiple transactions, by a person age 65
155 or older to a nonrelative whom the transferor knew for fewer
156 than 2 years before the first transfer and for which the



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157 transferor did not receive the reasonably equivalent financial
158 value in goods or services creates a permissive presumption that
159 the transfer was the result of exploitation.

160 (a) This subsection applies regardless of whether the
161 transfer or transfers are denoted by the parties as a gift or
162 loan, except that it does not apply to a valid loan evidenced in
163 writing that includes definite repayment dates. However, if
164 repayment of any such loan is in default, in whole or in part,
165 for more than 65 days, the presumption of this subsection
166 applies.

167 (b) This subsection does not apply to:

168 1. Persons who are in the business of making loans.

169 2. Bona fide charitable donations to nonprofit
170 organizations that qualify for tax exempt status under the
171 Internal Revenue Code.

172 (c) In a criminal case to which this subsection applies, if
173 the trial is by jury, jurors shall be instructed that they may,
174 but are not required to, draw an inference of exploitation upon
175 proof beyond a reasonable doubt of the facts listed in this
176 subsection. The presumption of this subsection imposes no burden
177 of proof on the defendant.

178 (3)~~(2)~~(a) If the funds, assets, or property involved in the
179 exploitation of the elderly person or disabled adult is valued
180 at ~~\$50,000~~ ~~\$100,000~~ or more, the offender commits a felony of
181 the first degree, punishable as provided in s. 775.082, s.
182 775.083, or s. 775.084.

183 (b) If the funds, assets, or property involved in the
184 exploitation of the elderly person or disabled adult is valued
185 at ~~\$10,000~~ ~~\$20,000~~ or more, but less than ~~\$50,000~~ ~~\$100,000~~, the



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186 offender commits a felony of the second degree, punishable as
187 provided in s. 775.082, s. 775.083, or s. 775.084.

188 (c) If the funds, assets, or property involved in the
189 exploitation of an elderly person or disabled adult is valued at
190 less than \$10,000 ~~\$20,000~~, the offender commits a felony of the
191 third degree, punishable as provided in s. 775.082, s. 775.083,
192 or s. 775.084.

193 (4) If a person is charged with financial exploitation of
194 an elderly person or disabled adult that involves the taking of
195 or loss of property valued at more than \$5,000 and property
196 belonging to a victim is seized from the defendant pursuant to a
197 search warrant, the court shall hold an evidentiary hearing and
198 determine, by a preponderance of the evidence, whether the
199 defendant unlawfully obtained the victim's property. If the
200 court finds that the property was unlawfully obtained, the court
201 may order it returned to the victim for restitution purposes
202 before trial on the charge. This determination is inadmissible
203 in evidence at trial on the charge and does not give rise to any
204 inference that the defendant has committed an offense under this
205 section.

206 Section 5. Section 943.0412, Florida Statutes, is created
207 to read:

208 943.0412 Identity Theft and Fraud Grant Program.—

209 (1) There is created the Identity Theft and Fraud Grant
210 Program within the department to award grants to support local
211 law enforcement agencies in the investigation and enforcement of
212 personal identification information theft and fraud.

213 (2) Funds collected pursuant to s. 817.568(12)(a) and any
214 funds specifically appropriated for the grant program shall be



215 awarded annually by the department to local law enforcement
216 agencies. The total amount of grants awarded may not exceed
217 funding appropriated for the grant program.

218 (3) The department may establish criteria and set specific
219 time periods for the acceptance of applications and for the
220 selection process for awards.

221 Section 6. Paragraph (a) of subsection (5) of section
222 775.0844, Florida Statutes, is amended to read:

223 775.0844 White Collar Crime Victim Protection Act.—

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

226 (a) Victimizes 10 or more elderly persons, as defined in s.
227 825.101~~(5)~~;

228
229 and thereby obtains or attempts to obtain \$50,000 or more,
230 commits a felony of the first degree, punishable as provided in
231 s. 775.082, s. 775.083, or s. 775.084.

232 Section 7. Paragraphs (f), (g), and (h) of subsection (3)
233 of section 921.0022, Florida Statutes, are amended to read:

234 921.0022 Criminal Punishment Code; offense severity ranking
235 chart.—

236 (3) OFFENSE SEVERITY RANKING CHART

237 (f) LEVEL 6

238

239

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent

240



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conviction.

241

499.0051(3) 2nd Knowing forgery of pedigree papers.

242

499.0051(4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

243

499.0051(5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

244

775.0875(1) 3rd Taking firearm from law enforcement officer.

245

784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.

246

784.021(1)(b) 3rd Aggravated assault; intent to commit felony.

247

784.041 3rd Felony battery; domestic battery by strangulation.

248

784.048(3) 3rd Aggravated stalking; credible threat.

249

784.048(5) 3rd Aggravated stalking of person



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under 16.

250

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

251

784.074(1)(b) 2nd Aggravated assault on sexually
violent predators facility
staff.

252

784.08(2)(b) 2nd Aggravated assault on a person
65 years of age or older.

253

784.081(2) 2nd Aggravated assault on specified
official or employee.

254

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

255

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

256

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

257

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

258



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- 259 790.161(2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.
- 260 790.164(1) 2nd False report of deadly
explosive, weapon of mass
destruction, or act of arson or
violence to state property.
- 261 790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.
- 262 794.011(8)(a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.
- 263 794.05(1) 2nd Unlawful sexual activity with
specified minor.
- 264 800.04(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.



265	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
266	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
267	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
268	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
269	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
270	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
271	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
272	812.13(2)(c)	2nd	Robbery, no firearm or other



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weapon (strong-arm robbery).

273

817.4821(5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

274

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

275

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

276

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

277

825.103(3)(c) 3rd Exploiting an elderly person or
~~825.103(2)(c)~~ disabled adult and property is
valued at less than \$10,000
~~\$20,000~~.

278

827.03(2)(c) 3rd Abuse of a child.

279

827.03(2)(d) 3rd Neglect of a child.

280

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

281



282	836.05	2nd	Threats; extortion.
283	836.10	2nd	Written threats to kill or do bodily injury.
284	843.12	3rd	Aids or assists person to escape.
285	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
286	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
287	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
288	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.

289

944.40 2nd Escapes.

290

944.46 3rd Harboring, concealing, aiding
 escaped prisoners.

291

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

292

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

293

(g) LEVEL 7

294

295

Florida Statute	Felony Degree	Description
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296

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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297

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

298

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.

299

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

300

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

301

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

302

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

303

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

304

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



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injury.

305

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

306

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

307

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

308

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

309

462.17 3rd Practicing naturopathy without
a license.

310

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

311

464.016(1) 3rd Practicing nursing without a
license.

312

465.015(2) 3rd Practicing pharmacy without a
license.

313

466.026(1) 3rd Practicing dentistry or dental
hygiene without a license.

314



315	467.201	3rd	Practicing midwifery without a license.
316	468.366	3rd	Delivering respiratory care services without a license.
317	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
318	483.901 (9)	3rd	Practicing medical physics without a license.
319	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
320	484.053	3rd	Dispensing hearing aids without a license.
321	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.
	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.

322

560.125(5) (a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

323

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

324

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

325

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

326

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

327

782.051(3) 2nd Attempted felony murder of a
person by a person other than



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the perpetrator or the
perpetrator of an attempted
felony.

328

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

329

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

330

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

331

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

332

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

333

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



334	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
335	784.048 (7)	3rd	Aggravated stalking; violation of court order.
336	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
337	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
338	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
339	784.081 (1)	1st	Aggravated battery on specified official or employee.
340	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
341	784.083 (1)	1st	Aggravated battery on code inspector.
342	787.06 (3) (a)	1st	Human trafficking using coercion for labor and



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services.

343

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.

344

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

345

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

346

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

347

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

348

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

349

790.166(4) 2nd Possessing, displaying, or



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

350

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

351

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.

352

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

353

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

354

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.

355



- 356 806.01 (2) 2nd Maliciously damage structure by
fire or explosive.
- 357 810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.
- 358 810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.
- 359 810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.
- 360 810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.
- 361 812.014 (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.
- 362 812.014 (2) (b) 2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.



363	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
364	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
365	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
366	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
367	812.131 (2) (a)	2nd	Robbery by sudden snatching.
368	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
369	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
370	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or



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participating in an intentional
motor vehicle collision.

371

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

372

817.2341 1st Making false entries of
(2)(b) & (3)(b) 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.

373

817.535(2)(a) 3rd Filing false lien or other
unauthorized document.

374

825.102(3)(b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

375

825.103(3)(b) 2nd Exploiting an elderly person or
~~825.103(2)(b)~~ disabled adult and property is
valued at \$10,000 ~~\$20,000~~ or
more, but less than \$50,000
~~\$100,000~~.

376

827.03(2)(b) 2nd Neglect of a child causing



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great bodily harm, disability,
or disfigurement.

377

827.04 (3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

378

837.05 (2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

379

838.015 2nd Bribery.

380

838.016 2nd Unlawful compensation or reward
for official behavior.

381

838.021 (3) (a) 2nd Unlawful harm to a public
servant.

382

838.22 2nd Bid tampering.

383

843.0855 (2) 3rd Impersonation of a public
officer or employee.

384

843.0855 (3) 3rd Unlawful simulation of legal
process.

385

843.0855 (4) 3rd Intimidation of a public
officer or employee.



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386	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
387	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
388	872.06	2nd	Abuse of a dead human body.
389	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
390	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
391	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



398 893.135(1)(d)1. 1st Trafficking in phencyclidine,
more than 28 grams, less than
200 grams.

399 893.135(1)(e)1. 1st Trafficking in methaqualone,
more than 200 grams, less than
5 kilograms.

400 893.135(1)(f)1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

401 893.135 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
grams or more, less than 14
grams.

402 893.135 (1)(h)1.a. 1st Trafficking in gamma-
hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

403 893.135 (1)(j)1.a. 1st Trafficking in 1,4-Butanediol,
1 kilogram or more, less than 5
kilograms.

404 893.135 (1)(k)2.a. 1st Trafficking in Phenethylamines,
10 grams or more, less than 200
grams.



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405	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
406	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
407	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
408	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
409	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
410	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
	943.0435 (13)	3rd	Failure to report or providing



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

411

943.0435(14) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

412

944.607(9) 3rd Sexual offender; failure to
comply with reporting
requirements.

413

944.607(10) (a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

414

944.607(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

415

944.607(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

416

985.4815(10) 3rd Sexual offender; failure to
submit to the taking of a



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digitized photograph.

417

985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

418

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

419

(h) LEVEL 8

420

421

Florida Statute	Felony Degree	Description
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422

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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423

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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424

327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
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425

499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
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426



427	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
428	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.
429	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
430	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
431	777.03(2)(a)	1st	Accessory after the fact, capital felony.
	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery,



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

432

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

433

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

434

782.072(2) 1st Committing vessel homicide and
failing to render aid or give
information.

435

787.06(3)(b) 1st Human trafficking using
coercion for commercial sexual
activity.

436

787.06(3)(c) 1st Human trafficking using
coercion for labor and services
of an unauthorized alien.

437

787.06(3)(f) 1st Human trafficking using
coercion for commercial sexual



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activity by the transfer or
transport of any individual
from outside Florida to within
the state.

438

790.161(3) 1st Discharging a destructive
device which results in bodily
harm or property damage.

439

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

440

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

441

800.04(4) 2nd Lewd or lascivious battery.

442

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

443

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

444

810.02(2)(b) 1st,PBL Burglary; armed with explosives



or dangerous weapon.

445

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

446

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

447

812.13(2)(b) 1st Robbery with a weapon.

448

812.135(2)(c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

449

817.535(2)(b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

450

817.535(3)(a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

451

817.535(4)(a)1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or



under supervision.

452

817.535(5)(a) 2nd Filing false lien or other
unauthorized document; owner of
the property incurs financial
loss as a result of the false
instrument.

453

817.568(6) 2nd Fraudulent use of personal
identification information of
an individual under the age of
18.

454

825.102(2) 1st Aggravated abuse of an elderly
person or disabled adult.

455

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

456

825.103(3)(a) 1st Exploiting an elderly person or
~~825.103(2)(a)~~ disabled adult and property is
valued at \$50,000 ~~\$100,000~~ or
more.

457

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

458



459	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
460	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
461	860.16	1st	Aircraft piracy.
462	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).
463	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
464	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
465	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.



466	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
467	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
468	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
469	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
470	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
471	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
472	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.



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473	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
474	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
475	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
476	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
477	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
478	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



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than \$100,000.

479

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.

480 Section 8. For the purpose of incorporating the amendment
481 made by this act to section 825.103, Florida Statutes, in a
482 reference thereto, subsection (1) of section 772.11, Florida
483 Statutes, is reenacted to read:

484 772.11 Civil remedy for theft or exploitation.—

485 (1) Any person who proves by clear and convincing evidence
486 that he or she has been injured in any fashion by reason of any
487 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of
488 action for threefold the actual damages sustained and, in any
489 such action, is entitled to minimum damages in the amount of
490 \$200, and reasonable attorney's fees and court costs in the
491 trial and appellate courts. Before filing an action for damages
492 under this section, the person claiming injury must make a
493 written demand for \$200 or the treble damage amount of the
494 person liable for damages under this section. If the person to
495 whom a written demand is made complies with such demand within
496 30 days after receipt of the demand, that person shall be given
497 a written release from further civil liability for the specific
498 act of theft or exploitation by the person making the written
499 demand. Any person who has a cause of action under this section
500 may recover the damages allowed under this section from the



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501 parents or legal guardian of any unemancipated minor who lives
502 with his or her parents or legal guardian and who is liable for
503 damages under this section. Punitive damages may not be awarded
504 under this section. The defendant is entitled to recover
505 reasonable attorney's fees and court costs in the trial and
506 appellate courts upon a finding that the claimant raised a claim
507 that was without substantial fact or legal support. In awarding
508 attorney's fees and costs under this section, the court may not
509 consider the ability of the opposing party to pay such fees and
510 costs. This section does not limit any right to recover
511 attorney's fees or costs provided under any other law.

512 Section 9. (1) For the 2014-2015 fiscal year, the sum of
513 \$72,000 in recurring funds is appropriated from the General
514 Revenue Fund to the Department of Law Enforcement for local law
515 enforcement grants as provided in s. 943.0412, Florida Statutes,
516 as created by this act.

517 (2) For the 2014-2015 fiscal year, the sum of \$42,000 in
518 recurring funds is appropriated from the General Revenue Fund to
519 the Department of Law Enforcement, and one full-time equivalent
520 position with associated salary rate is authorized, to
521 administer the Identity Theft and Fraud Grant Program as
522 provided in s. 943.0412, Florida Statutes, as created by this
523 act.

524 (3) For the 2014-2015 fiscal year, the sum of \$186,000 in
525 recurring funds is appropriated from the General Revenue Fund to
526 the State Attorneys Revenue Trust Fund to be distributed equally
527 to the state attorneys of the Eleventh, Fifteenth, and
528 Seventeenth Judicial Circuits for salaries and benefits for one
529 assistant state attorney in each circuit to prosecute personal



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530 identification information theft and fraud offenses.

531

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

533 And the title is amended as follows:

534 Delete lines 2 - 31

535 and insert:

536 An act relating to offenses against vulnerable
537 persons; amending s. 90.803, F.S.; revising when an
538 out of court statement by an elderly person or
539 disabled adult is admissible in certain proceedings;
540 amending s. 817.568, F.S.; expanding applicability of
541 prohibition on the fraudulent use of personal
542 identification information of specified victims
543 without consent to include persons 60 years of age or
544 older; providing that it is unlawful for any person to
545 willfully and without authorization fraudulently use
546 personal identification information concerning
547 specified individuals without their consent; providing
548 criminal penalties; providing for a surcharge and
549 allocation thereof; amending s. 825.101, F.S.;
550 revising and deleting definitions; amending s.
551 825.103, F.S.; deleting a requirement that property of
552 an elderly person or disabled adult be obtained by
553 deception or intimidation in order to constitute
554 exploitation of such a person; specifying additional
555 circumstances that constitute a breach of a fiduciary
556 duty and specifying when an unauthorized appropriation
557 occurs; creating a presumption that certain inter
558 vivos transfers are a result of exploitation;



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559 providing exceptions; providing for jury instructions
560 concerning the presumption; revising the valuation of
561 funds, assets, or property involved for various
562 degrees of offenses of exploitation of an elderly
563 person or disabled adult; providing for return of
564 property seized from a defendant to the victim before
565 trial in certain circumstances; creating s. 943.0412,
566 F.S.; providing legislative findings; creating the
567 Identity Theft and Fraud Grant Program; amending ss.
568 775.0844 and 921.0022, F.S.; conforming provisions to
569 changes made by the act; reenacting s. 772.11(1),
570 F.S., relating to a civil remedy for theft or
571 exploitation, to incorporate the amendments made by
572 the act to s. 825.103, F.S., in a reference thereto;
573 providing appropriations and authorizing a position;
574 providing an