

1 A bill to be entitled

2 An act relating to offenses against vulnerable  
3 persons; amending s. 90.803, F.S.; revising when an  
4 out of court statement by an elderly person or  
5 disabled adult is admissible in certain proceedings;  
6 amending s. 817.568, F.S.; expanding applicability of  
7 prohibition on the fraudulent use of personal  
8 identification information of specified victims  
9 without consent to include persons 60 years of age or  
10 older; amending s. 825.101, F.S.; revising and  
11 deleting definitions; amending s. 825.103, F.S.;  
12 deleting a requirement that property of an elderly  
13 person or disabled adult be obtained by deception or  
14 intimidation in order to constitute exploitation of  
15 such a person; specifying additional circumstances  
16 that constitute a breach of a fiduciary duty and  
17 specifying when an unauthorized appropriation occurs;  
18 creating a presumption that certain inter vivos  
19 transfers are a result of exploitation; providing  
20 exceptions; providing for jury instructions concerning  
21 the presumption; revising the valuation of funds,  
22 assets, or property involved for various degrees of  
23 offenses of exploitation of an elderly person or  
24 disabled adult; providing for return of property  
25 seized from a defendant to the victim before trial in  
26 certain circumstances; amending ss. 775.0844 and

27 921.0022, F.S.; conforming provisions to changes made  
28 by the act; reenacting s. 772.11(1), F.S., relating to  
29 a civil remedy for theft or exploitation, to  
30 incorporate the amendments made by the act to s.  
31 825.103, F.S., in a reference thereto; providing an  
32 effective date.

33

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

35

36 Section 1. Paragraph (a) of subsection (24) of section  
37 90.803, Florida Statutes, is amended to read:

38 90.803 Hearsay exceptions; availability of declarant  
39 immaterial.—The provision of s. 90.802 to the contrary  
40 notwithstanding, the following are not inadmissible as evidence,  
41 even though the declarant is available as a witness:

42 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR  
43 DISABLED ADULT.—

44 (a) Unless the source of information or the method or  
45 circumstances by which the statement is reported indicates a  
46 lack of trustworthiness, an out-of-court statement made by an  
47 elderly person or disabled adult, as defined in s. 825.101,  
48 describing any act of abuse or neglect, any act of exploitation,  
49 the offense of battery or aggravated battery or assault or  
50 aggravated assault or sexual battery, or any other violent act  
51 on the declarant elderly person or disabled adult, not otherwise  
52 admissible, is admissible in evidence in any civil or criminal

53 proceeding if:

54 1. The court finds in a hearing conducted outside the  
 55 presence of the jury that the time, content, and circumstances  
 56 of the statement provide sufficient safeguards of reliability.  
 57 In making its determination, the court may consider the mental  
 58 and physical age and maturity of the elderly person or disabled  
 59 adult, the nature and duration of the abuse or offense, the  
 60 relationship of the victim to the offender, the reliability of  
 61 the assertion, the reliability of the elderly person or disabled  
 62 adult, and any other factor deemed appropriate; and

63 2. The elderly person or disabled adult ~~either:~~

64 ~~a. Testifies; or~~

65 ~~b.~~ is unavailable as a witness, provided that there is  
 66 corroborative evidence of the abuse or offense. Unavailability  
 67 shall include a finding by the court that the elderly person's  
 68 or disabled adult's participation in the trial or proceeding  
 69 would result in a substantial likelihood of severe emotional,  
 70 mental, or physical harm, in addition to findings pursuant to s.  
 71 90.804(1).

72 Section 2. Subsections (6) and (7) of section 817.568,  
 73 Florida Statutes, are amended to read:

74 817.568 Criminal use of personal identification  
 75 information.—

76 (6) Any person who willfully and without authorization  
 77 fraudulently uses personal identification information concerning  
 78 an individual who is younger ~~less~~ than 18 years of age or 60

79 years of age or older without first obtaining the consent of  
 80 that individual or of his or her legal guardian commits a felony  
 81 of the second degree, punishable as provided in s. 775.082, s.  
 82 775.083, or s. 775.084.

83 (7) Any person who is in the relationship of parent or  
 84 legal guardian, or who otherwise exercises custodial authority  
 85 over an individual who is younger ~~less~~ than 18 years of age or  
 86 60 years of age or older, who willfully and fraudulently uses  
 87 personal identification information of that individual commits a  
 88 felony of the second degree, punishable as provided in s.  
 89 775.082, s. 775.083, or s. 775.084.

90 Section 3. Subsections (2), (3), and (8) of section  
 91 825.101, Florida Statutes, are amended to read:

92 825.101 Definitions.—As used in this chapter:

93 (2) "Caregiver" means a person who has been entrusted with  
 94 or has assumed responsibility for the care or the property of an  
 95 elderly person or disabled adult. "Caregiver" includes, but is  
 96 not limited to, relatives, court-appointed or voluntary  
 97 guardians, adult household members, neighbors, health care  
 98 providers, and employees and volunteers of facilities as defined  
 99 in subsection (6)~~(7)~~.

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

101 ~~(a) Misrepresenting or concealing a material fact relating~~  
 102 ~~to:~~

103 ~~1. Services rendered, disposition of property, or use of~~  
 104 ~~property, when such services or property are intended to benefit~~

105 ~~an elderly person or disabled adult;~~

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

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

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

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

119 Section 4. Section 825.103, Florida Statutes, is amended  
 120 to read:

121 825.103 Exploitation of an elderly person or disabled  
 122 adult; penalties.—

123 (1) "Exploitation of an elderly person or disabled adult"  
 124 means:

125 (a) ~~Knowingly, by deception or intimidation,~~ obtaining or  
 126 using, or endeavoring to obtain or use, an elderly person's or  
 127 disabled adult's funds, assets, or property with the intent to  
 128 temporarily or permanently deprive the elderly person or  
 129 disabled adult of the use, benefit, or possession of the funds,  
 130 assets, or property, or to benefit someone other than the

131 elderly person or disabled adult, by a person who:

132 1. Stands in a position of trust and confidence with the  
133 elderly person or disabled adult; or

134 2. Has a business relationship with the elderly person or  
135 disabled adult;

136 (b) Obtaining or using, endeavoring to obtain or use, or  
137 conspiring with another to obtain or use an elderly person's or  
138 disabled adult's funds, assets, or property with the intent to  
139 temporarily or permanently deprive the elderly person or  
140 disabled adult of the use, benefit, or possession of the funds,  
141 assets, or property, or to benefit someone other than the  
142 elderly person or disabled adult, by a person who knows or  
143 reasonably should know that the elderly person or disabled adult  
144 lacks the capacity to consent; or

145 (c) Breach of a fiduciary duty to an elderly person or  
146 disabled adult by the person's guardian or agent under a power  
147 of attorney which results in an unauthorized appropriation,  
148 sale, or transfer of property. An unauthorized appropriation  
149 under this paragraph occurs when the elderly person or disabled  
150 adult does not receive the reasonably equivalent financial value  
151 in goods or services, or when the fiduciary violates any of  
152 these duties:

153 1. For agents appointed under chapter 709:

154 a. Committing fraud in obtaining their appointments;

155 b. Abusing their powers;

156 c. Wasting, embezzling, or intentionally mismanaging the

157 assets of the ward or beneficiary of the trust; or  
 158 d. Acting contrary to the principal's sole benefit or best  
 159 interest.  
 160 2. For guardians and trustees appointed under chapter 736  
 161 or chapter 744:  
 162 a. Committing fraud in obtaining their appointments;  
 163 b. Abusing their powers; or  
 164 c. Wasting, embezzling, or intentionally mismanaging the  
 165 assets of the ward or beneficiary of the trust.  
 166 (d) Misappropriating, misusing, or transferring without  
 167 authorization money belonging to an elderly person or disabled  
 168 adult from an account in which the elderly person or disabled  
 169 adult placed the funds, owned the funds, and was the sole  
 170 contributor or payee of the funds before the misappropriation,  
 171 misuse, or unauthorized transfer. This paragraph only applies to  
 172 the following types of accounts:  
 173 1. Personal accounts;  
 174 2. Joint accounts created with the intent that only the  
 175 elderly person or disabled adult enjoys all rights, interests,  
 176 and claims to moneys deposited into such account; or  
 177 3. Convenience accounts created in accordance with s.  
 178 655.80.  
 179 (e) Intentionally or negligently failing to effectively  
 180 use an elderly person's or disabled adult's income and assets  
 181 for the necessities required for that person's support and  
 182 maintenance, by a caregiver or a person who stands in a position

183 of trust and confidence with the elderly person or disabled  
184 adult.

185 (2) Any inter vivos transfer of money or property valued  
186 in excess of \$10,000 at the time of the transfer, whether in a  
187 single transaction or multiple transactions, by a person age 65  
188 or older to a nonrelative whom the transferor knew for fewer  
189 than 2 years before the first transfer and for which the  
190 transferor did not receive the reasonably equivalent financial  
191 value in goods or services creates a permissive presumption that  
192 the transfer was the result of exploitation.

193 (a) This subsection applies regardless of whether the  
194 transfer or transfers are denoted by the parties as a gift or  
195 loan, except that it does not apply to a valid loan evidenced in  
196 writing that includes definite repayment dates. However, if  
197 repayment of any such loan is in default, in whole or in part,  
198 for more than 65 days, the presumption of this subsection  
199 applies.

200 (b) This subsection does not apply to:

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

202 2. Bona fide charitable donations to nonprofit  
203 organizations that qualify for tax exempt status under the  
204 Internal Revenue Code.

205 (c) In a criminal case to which this subsection applies,  
206 if the trial is by jury, jurors shall be instructed that they  
207 may, but are not required to, draw an inference of exploitation  
208 upon proof beyond a reasonable doubt of the facts listed in this



209 subsection. The presumption of this subsection imposes no burden  
 210 of proof on the defendant.

211 (3)~~(2)~~(a) If the funds, assets, or property involved in  
 212 the exploitation of the elderly person or disabled adult is  
 213 valued at \$50,000 ~~\$100,000~~ or more, the offender commits a  
 214 felony of the first degree, punishable as provided in s.  
 215 775.082, s. 775.083, or s. 775.084.

216 (b) If the funds, assets, or property involved in the  
 217 exploitation of the elderly person or disabled adult is valued  
 218 at \$10,000 ~~\$20,000~~ or more, but less than \$50,000 ~~\$100,000~~, the  
 219 offender commits a felony of the second degree, punishable as  
 220 provided in s. 775.082, s. 775.083, or s. 775.084.

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

226 (4) If a person is charged with financial exploitation of  
 227 an elderly person or disabled adult that involves the taking of  
 228 or loss of property valued at more than \$5,000 and property  
 229 belonging to a victim is seized from the defendant pursuant to a  
 230 search warrant, the court shall hold an evidentiary hearing and  
 231 determine, by a preponderance of the evidence, whether the  
 232 defendant unlawfully obtained the victim's property. If the  
 233 court finds that the property was unlawfully obtained, the court  
 234 may order it returned to the victim for restitution purposes

235 before trial on the charge. This determination is inadmissible  
 236 in evidence at trial on the charge and does not give rise to any  
 237 inference that the defendant has committed an offense under this  
 238 section.

239 Section 5. Paragraph (a) of subsection (5) of section  
 240 775.0844, Florida Statutes, is amended to read:

241 775.0844 White Collar Crime Victim Protection Act.—

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

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

246  
 247 and thereby obtains or attempts to obtain \$50,000 or more,  
 248 commits a felony of the first degree, punishable as provided in  
 249 s. 775.082, s. 775.083, or s. 775.084.

250 Section 6. Paragraphs (f), (g), and (h) of subsection (3)  
 251 of section 921.0022, Florida Statutes, are amended to read:

252 921.0022 Criminal Punishment Code; offense severity  
 253 ranking chart.—

254 (3) OFFENSE SEVERITY RANKING CHART

255 (f) LEVEL 6

256

Florida	Felony	
Statute	Degree	Description

257

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258	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
259	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
260	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
261	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
262	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
263	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
264	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
265	784.041	3rd	Felony battery; domestic battery by strangulation.

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266	784.048 (3)	3rd	Aggravated stalking; credible threat.
267	784.048 (5)	3rd	Aggravated stalking of person under 16.
268	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
269	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
270	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
271	784.081 (2)	2nd	Aggravated assault on specified official or employee.
272	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
273	784.083 (2)	2nd	Aggravated assault on code inspector.

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274	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
275	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
276	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
277	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
278	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
279	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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280	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
281	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.
282	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
283	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
284	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
285	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.

286

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

287

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

288

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

289

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

290

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

291

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

292

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

disabled adult.

293

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

294

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

295

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

296

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

297

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

298

836.05 2nd Threats; extortion.

299

836.10 2nd Written threats to kill or do  
bodily injury.

300

843.12 3rd Aids or assists person to



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escape.

301

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

302

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

303

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

304

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

305

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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307	944.40	2nd	Escapes.
308	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
309	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
310	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
311	(g) LEVEL 7		
312	Florida	Felony	
313	Statute	Degree	Description
314	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
315	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
	316.1935(3)(b)	1st	Causing serious bodily injury

or death to another person;  
 driving at high speed or with  
 wanton disregard for safety  
 while fleeing or attempting to  
 elude law enforcement officer  
 who is in a patrol vehicle with  
 siren and lights activated.

316

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

317

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

318

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

319

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

320

456.065(2)                3rd    Practicing a health care

profession without a license.

321

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

322

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

323

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

324

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

325

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

326

462.17 3rd Practicing naturopathy without a license.

327

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

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329	464.016 (1)	3rd	Practicing nursing without a license.
330	465.015 (2)	3rd	Practicing pharmacy without a license.
331	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
332	467.201	3rd	Practicing midwifery without a license.
333	468.366	3rd	Delivering respiratory care services without a license.
334	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
335	483.901 (9)	3rd	Practicing medical physics without a license.
336	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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337	484.053	3rd	Dispensing hearing aids without a license.
338	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.
339	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.
340	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
341	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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342	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
343	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
344	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
345	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
346	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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347	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
348	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
349	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
350	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
351	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
352	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
	784.048 (7)	3rd	Aggravated stalking; violation



of court order.

353

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

354

784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

355

784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

356

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

357

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

358

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

359

787.06(3)(a) 1st Human trafficking using coercion for labor and services.

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361	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.
362	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
363	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
364	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
365	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
366	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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367	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
368	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
369	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.
370	796.03	2nd	Procuring any person under 16 years for prostitution.
371	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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372	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.
373	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
374	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
375	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
376	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
377	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law

enforcement officer; property  
 stolen while causing other  
 property damage; 1st degree  
 grand theft.

378

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

379

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

380

812.014(2)(b)4.            2nd    Property stolen, law  
 enforcement equipment from  
 authorized emergency vehicle.

381

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

382

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

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384	812.131 (2) (a)	2nd	Robbery by sudden snatching.
385	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
386	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
387	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
388	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
389	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	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.

390

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

391

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

392

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

~~825.103 (2) (b)~~

393

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

394

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

395

837.05 (2) 3rd Giving false information about

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alleged capital felony to a law enforcement officer.

396

838.015 2nd Bribery.

397

838.016 2nd Unlawful compensation or reward for official behavior.

398

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

399

838.22 2nd Bid tampering.

400

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

401

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

402

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

403

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

404



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405	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
406	872.06	2nd	Abuse of a dead human body.
407	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
408	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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.

409

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.

410

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).

411

893.135(1)(a)1.        1st    Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

412

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

413

893.135                    1st    Trafficking in illegal drugs,

414	(1) (c) 1.a.		more than 4 grams, less than 14 grams.
415	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
416	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
417	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
418	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
419	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,

420	(1) (j) 1.a.	1st	1 kilogram or more, less than 5 kilograms.
421	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
422	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
423	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
424	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
425	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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426	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
427	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
428	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
429	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
430	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a

digitized photograph.

431

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

432

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

433

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

434

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

435

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

436

437	(h)	LEVEL 8		
438				
	Florida		Felony	
	Statute		Degree	Description
439				
	316.193		2nd	DUI manslaughter.
	(3) (c) 3.a.			
440				
	316.1935 (4) (b)		1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
441				
	327.35 (3) (c) 3.		2nd	Vessel BUI manslaughter.
442				
	499.0051 (7)		1st	Knowing trafficking in contraband prescription drugs.
443				
	499.0051 (8)		1st	Knowing forgery of prescription labels or prescription drug labels.
444				
	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.

445

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.

446

655.50 (10) (b) 2.        2nd    Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

447

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

448

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.

449

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

450

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

451

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

452

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

453

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

454

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.

455

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

456

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

457

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

458

800.04 (4) 2nd Lewd or lascivious battery.

459

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

460

461	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
462	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
463	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
464	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
465	812.13 (2) (b)	1st	Robbery with a weapon.
466	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
467	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.

468	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
469	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
470	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.
471	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
472	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
	825.1025 (2)	2nd	Lewd or lascivious battery upon

an elderly person or disabled adult.

473

825.103(3)(a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 ~~\$100,000~~ or more.

~~825.103(2)(a)~~

474

837.02(2)

2nd

Perjury in official proceedings relating to prosecution of a capital felony.

475

837.021(2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

476

860.121(2)(c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

477

860.16

1st

Aircraft piracy.

478

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).

479

893.13(2) (b) 1st Purchase in excess of 10 grams  
of any substance specified in  
s. 893.03(1) (a) or (b).

480

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

481

893.135(1) (a) 2. 1st Trafficking in cannabis, more  
than 2,000 lbs., less than  
10,000 lbs.

482

893.135 1st Trafficking in cocaine, more  
(1) (b) 1.b. than 200 grams, less than 400  
grams.

483

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

484

893.135 1st Trafficking in phencyclidine,

485	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
486	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
487	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
488	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
489	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
490	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

491	(1) (k) 2.b.		200 grams or more, less than 400 grams.
492	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
493	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
494	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
495	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
496	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.



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

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Section 7. For the purpose of incorporating the amendment made by this act to section 825.103, Florida Statutes, in a reference thereto, subsection (1) of section 772.11, Florida Statutes, is reenacted to read:

772.11 Civil remedy for theft or exploitation.—

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

517 demand. Any person who has a cause of action under this section  
518 may recover the damages allowed under this section from the  
519 parents or legal guardian of any unemancipated minor who lives  
520 with his or her parents or legal guardian and who is liable for  
521 damages under this section. Punitive damages may not be awarded  
522 under this section. The defendant is entitled to recover  
523 reasonable attorney's fees and court costs in the trial and  
524 appellate courts upon a finding that the claimant raised a claim  
525 that was without substantial fact or legal support. In awarding  
526 attorney's fees and costs under this section, the court may not  
527 consider the ability of the opposing party to pay such fees and  
528 costs. This section does not limit any right to recover  
529 attorney's fees or costs provided under any other law.

530 Section 8. This act shall take effect October 1, 2014.