



786638

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2014	.	
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The Committee on Children, Families, and Elder Affairs (Hays) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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



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11 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR  
12 DISABLED ADULT.—

13 (a) Unless the source of information or the method or  
14 circumstances by which the statement is reported indicates a  
15 lack of trustworthiness, an out-of-court statement made by an  
16 elderly person or disabled adult, as defined in s. 825.101,  
17 describing any act of abuse or neglect, any act of exploitation,  
18 the offense of battery or aggravated battery or assault or  
19 aggravated assault or sexual battery, or any other violent act  
20 on the declarant elderly person or disabled adult, not otherwise  
21 admissible, is admissible in evidence in any civil or criminal  
22 proceeding if:

23 1. The court finds in a hearing conducted outside the  
24 presence of the jury that the time, content, and circumstances  
25 of the statement provide sufficient safeguards of reliability.  
26 In making its determination, the court may consider the mental  
27 and physical age and maturity of the elderly person or disabled  
28 adult, the nature and duration of the abuse or offense, the  
29 relationship of the victim to the offender, the reliability of  
30 the assertion, the reliability of the elderly person or disabled  
31 adult, and any other factor deemed appropriate; and

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

33 ~~a. Testifies; or~~

34 ~~b.~~ is unavailable as a witness, provided that there is  
35 corroborative evidence of the abuse or offense. Unavailability  
36 shall include a finding by the court that the elderly person's  
37 or disabled adult's participation in the trial or proceeding  
38 would result in a substantial likelihood of severe emotional,  
39 mental, or physical harm, in addition to findings pursuant to s.



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40 90.804(1).

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

43 817.568 Criminal use of personal identification  
44 information.—

45 (6) Any person who willfully and without authorization  
46 fraudulently uses personal identification information concerning  
47 an individual who is younger less than 18 years of age or 60  
48 years of age or older without first obtaining the consent of  
49 that individual or of his or her legal guardian commits a felony  
50 of the second degree, punishable as provided in s. 775.082, s.  
51 775.083, or s. 775.084.

52 (7) Any person who is in the relationship of parent or  
53 legal guardian, or who otherwise exercises custodial authority  
54 over an individual who is younger less than 18 years of age or  
55 60 years of age or older, who willfully and fraudulently uses  
56 personal identification information of that individual commits a  
57 felony of the second degree, punishable as provided in s.  
58 775.082, s. 775.083, or s. 775.084.

59 Section 3. Subsections (2), (3), and (8) of section  
60 825.101, Florida Statutes, are amended to read:

61 825.101 Definitions.—As used in this chapter:

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



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69           ~~(3) "Deception" means:~~  
70           ~~(a) Misrepresenting or concealing a material fact relating~~  
71 ~~to:~~  
72           ~~1. Services rendered, disposition of property, or use of~~  
73 ~~property, when such services or property are intended to benefit~~  
74 ~~an elderly person or disabled adult;~~  
75           ~~2. Terms of a contract or agreement entered into with an~~  
76 ~~elderly person or disabled adult; or~~  
77           ~~3. An existing or preexisting condition of any property~~  
78 ~~involved in a contract or agreement entered into with an elderly~~  
79 ~~person or disabled adult; or~~  
80           ~~(b) Using any misrepresentation, false pretense, or false~~  
81 ~~promise in order to induce, encourage, or solicit an elderly~~  
82 ~~person or disabled adult to enter into a contract or agreement.~~  
83           ~~(8) "Intimidation" means the communication by word or act~~  
84 ~~to an elderly person or disabled adult that the elderly person~~  
85 ~~or disabled adult will be deprived of food, nutrition, clothing,~~  
86 ~~shelter, supervision, medicine, medical services, money, or~~  
87 ~~financial support or will suffer physical violence.~~  
88           Section 4. Section 825.103, Florida Statutes, is amended to  
89 read:  
90           825.103 Exploitation of an elderly person or disabled  
91 adult; penalties.-  
92           (1) "Exploitation of an elderly person or disabled adult"  
93 means:  
94           (a) ~~Knowingly, by deception or intimidation,~~ obtaining or  
95 using, or endeavoring to obtain or use, an elderly person's or  
96 disabled adult's funds, assets, or property with the intent to  
97 temporarily or permanently deprive the elderly person or



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98 disabled adult of the use, benefit, or possession of the funds,  
99 assets, or property, or to benefit someone other than the  
100 elderly person or disabled adult, by a person who:

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

103 2. Has a business relationship with the elderly person or  
104 disabled adult;

105 (b) Obtaining or using, endeavoring to obtain or use, or  
106 conspiring with another to obtain or use an elderly person's or  
107 disabled adult's funds, assets, or property with the intent to  
108 temporarily or permanently deprive the elderly person or  
109 disabled adult of the use, benefit, or possession of the funds,  
110 assets, or property, or to benefit someone other than the  
111 elderly person or disabled adult, by a person who knows or  
112 reasonably should know that the elderly person or disabled adult  
113 lacks the capacity to consent; or

114 (c) Breach of a fiduciary duty to an elderly person or  
115 disabled adult by the person's guardian or agent under a power  
116 of attorney which results in an unauthorized appropriation,  
117 sale, or transfer of property. An unauthorized appropriation  
118 under this paragraph occurs when the elderly person or disabled  
119 adult does not receive the reasonably equivalent financial value  
120 in goods or services, or when the fiduciary violates any of  
121 these duties:

122 1. For agents appointed under chapter 709:

123 a. Committing fraud in obtaining their appointments;

124 b. Abusing their powers;

125 c. Wasting, embezzling, or intentionally mismanaging the

126 assets of the ward or beneficiary of the trust; or



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127 d. Acting contrary to the principal's sole benefit or best  
128 interest.

129 2. For guardians and trustees appointed under chapter 736  
130 or chapter 744:

131 a. Committing fraud in obtaining their appointments;

132 b. Abusing their powers; or

133 c. Wasting, embezzling, or intentionally mismanaging the  
134 assets of the ward or beneficiary of the trust.

135 (d) Misappropriating, misusing, or transferring without  
136 authorization money belonging to an elderly person or disabled  
137 adult from an account in which the elderly person or disabled  
138 adult placed the funds, owned the funds, and was the sole  
139 contributor or payee of the funds before the misappropriation,  
140 misuse, or unauthorized transfer. This paragraph only applies to  
141 the following types of accounts:

142 1. Personal accounts;

143 2. Joint accounts created with the intent that only the  
144 elderly person or disabled adult enjoys all rights, interests,  
145 and claims to moneys deposited into such account; or

146 3. Convenience accounts created in accordance with s.  
147 655.80.

148 (e) Intentionally or negligently failing to effectively use  
149 an elderly person's or disabled adult's income and assets for  
150 the necessities required for that person's support and  
151 maintenance, by a caregiver or a person who stands in a position  
152 of trust and confidence with the elderly person or disabled  
153 adult.

154 (2) Any inter vivos transfer of money or property valued in  
155 excess of \$10,000 at the time of the transfer, whether in a



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156 single transaction or multiple transactions, by a person age 65  
157 or older to a nonrelative whom the transferor knew for fewer  
158 than 2 years before the first transfer and for which the  
159 transferor did not receive the reasonably equivalent financial  
160 value in goods or services creates a permissive presumption that  
161 the transfer was the result of exploitation.

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

169 (b) This subsection does not apply to:

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

171 2. Bona fide charitable donations to nonprofit

172 organizations that qualify for tax exempt status under the  
173 Internal Revenue Code.

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

180 (3)-(2)(a) If the funds, assets, or property involved in the  
181 exploitation of the elderly person or disabled adult is valued  
182 at \$50,000 ~~\$100,000~~ or more, the offender commits a felony of  
183 the first degree, punishable as provided in s. 775.082, s.  
184 775.083, or s. 775.084.



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

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

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

208 Section 5. Paragraph (a) of subsection (5) of section  
209 775.0844, Florida Statutes, is amended to read:

210 775.0844 White Collar Crime Victim Protection Act.—

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

213 (a) Victimized 10 or more elderly persons, as defined in s.





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214 825.101~~(5)~~;

215

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

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

221 921.0022 Criminal Punishment Code; offense severity ranking  
222 chart.—

223 (3) OFFENSE SEVERITY RANKING CHART

224 (f) LEVEL 6

225

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

230



231	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
232	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
233	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
234	784.041	3rd	Felony battery; domestic battery by strangulation.
235	784.048 (3)	3rd	Aggravated stalking; credible threat.
236	784.048 (5)	3rd	Aggravated stalking of person under 16.
237	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
238	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
239	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
	784.081 (2)	2nd	Aggravated assault on specified



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official or employee.

240

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

241

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

242

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

243

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

244

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

245

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

246

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



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247	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
248	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
249	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.
250	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
251	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
252	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
253	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
254	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or



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more, but less than \$100,000,  
grand theft in 2nd degree.

255

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

256

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

257

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

258

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

259

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

260

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

261

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

262

825.1025 (3)                  3rd    Lewd or lascivious molestation



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of an elderly person or  
disabled adult.

263

825.103(3)(c)  
~~825.103(2)(c)~~

3rd

Exploiting an elderly person or  
disabled adult and property is  
valued at less than \$10,000  
~~\$20,000~~.

264

827.03(2)(c)

3rd

Abuse of a child.

265

827.03(2)(d)

3rd

Neglect of a child.

266

827.071(2) & (3)

2nd

Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

267

836.05

2nd

Threats; extortion.

268

836.10

2nd

Written threats to kill or do  
bodily injury.

269

843.12

3rd

Aids or assists person to  
escape.

270

847.011

3rd

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

271



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272	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
273	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
274	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
275	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.
276	944.40	2nd	Escapes.
277	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
278	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	951.22(1)	3rd	Intoxicating drug, firearm, or



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weapon introduced into county  
facility.

279 (g) LEVEL 7

280

281

Florida Statute	Felony Degree	Description
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282

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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283

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

284

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.
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285

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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286

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

287

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

288

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

289

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

290

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

291

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

292

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

293

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

294

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



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295	462.17	3rd	Practicing naturopathy without a license.
296	463.015(1)	3rd	Practicing optometry without a license.
297	464.016(1)	3rd	Practicing nursing without a license.
298	465.015(2)	3rd	Practicing pharmacy without a license.
299	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
300	467.201	3rd	Practicing midwifery without a license.
301	468.366	3rd	Delivering respiratory care services without a license.
302	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
303	483.901(9)	3rd	Practicing medical physics without a license.
304			



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305	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
306	484.053	3rd	Dispensing hearing aids without a license.
307	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.
308	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.
309	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
310	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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- 311 775.21(10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
- 312 775.21(10) (b) 3rd Sexual predator working where children regularly congregate.
- 313 775.21(10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
- 314 782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
- 315 782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
- 782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular





324	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
325	784.081(1)	1st	Aggravated battery on specified official or employee.
326	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
327	784.083(1)	1st	Aggravated battery on code inspector.
328	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
329	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.
330	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
331			



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- 332 790.16(1) 1st Discharge of a machine gun  
under specified circumstances.
- 333 790.165(2) 2nd Manufacture, sell, possess, or  
deliver hoax bomb.
- 334 790.165(3) 2nd Possessing, displaying, or  
threatening to use any hoax  
bomb while committing or  
attempting to commit a felony.
- 335 790.166(3) 2nd Possessing, selling, using, or  
attempting to use a hoax weapon  
of mass destruction.
- 336 790.166(4) 2nd Possessing, displaying, or  
threatening to use a hoax  
weapon of mass destruction  
while committing or attempting  
to commit a felony.
- 337 790.23 1st,PBL Possession of a firearm by a  
person who qualifies for the  
penalty enhancements provided  
for in s. 874.04.
- 794.08(4) 3rd Female genital mutilation;  
consent by a parent, guardian,  
or a person in custodial



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authority to a victim younger  
than 18 years of age.

338

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

339

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

340

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.

341

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

342

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

343

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

344

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





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345	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
346	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.
347	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
348	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
349	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
350	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
351	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the



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theft of property and traffics  
in stolen property.

352

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

353

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

354

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

355

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

356

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

357

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

358

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.



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359	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
360	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
361	<u>825.103 (3) (b)</u> <del>825.103 (2) (b)</del>	2nd	Exploiting an elderly person or disabled adult and property is valued at <u>\$10,000</u> <del>\$20,000</del> or more, but less than <u>\$50,000</u> <del>\$100,000</del> .
362	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
363	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
364	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
365	838.015	2nd	Bribery.
366			



367	838.016	2nd	Unlawful compensation or reward for official behavior.
368	838.021(3)(a)	2nd	Unlawful harm to a public servant.
369	838.22	2nd	Bid tampering.
370	843.0855(2)	3rd	Impersonation of a public officer or employee.
371	843.0855(3)	3rd	Unlawful simulation of legal process.
372	843.0855(4)	3rd	Intimidation of a public officer or employee.
373	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
374	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
375	872.06	2nd	Abuse of a dead human body.
	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or



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subsequent offense.

376

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

377

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.

378

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.

379

893.13(4)(a)              1st        Deliver to minor cocaine (or



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other s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4. drugs).

380

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

381

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

382

893.135 1st Trafficking in illegal drugs,  
(1)(c)1.a. more than 4 grams, less than 14  
grams.

383

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

384

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

385

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

386

893.135 1st Trafficking in flunitrazepam, 4



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387	(1) (g) 1.a.		grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
388			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
389			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
390			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
391			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
392			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.



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393	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
394	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
395	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
396	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
397	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
398	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
399			





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400 944.607(10) (a) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

401 944.607(12) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

402 944.607(13) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification.

403 985.4815(10) 3rd Sexual offender; failure to  
submit to the taking of a  
digitized photograph.

404 985.4815(12) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

405 985.4815(13) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification.

406 (h) LEVEL 8



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407	Florida Statute	Felony Degree	Description
408	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
409	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
410	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
411	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
412	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
413	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.
414	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling



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or exceeding \$20,000, but less than \$100,000.

415

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

416

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

417

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.

418

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

419

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



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give information.

420

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

421

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

422

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

423

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.

424

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

425

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



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426 794.08(3) 2nd Female genital mutilation,  
removal of a victim younger  
than 18 years of age from this  
state.

427 800.04(4) 2nd Lewd or lascivious battery.

428 806.01(1) 1st Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

429 810.02(2)(a) 1st,PBL Burglary with assault or  
battery.

430 810.02(2)(b) 1st,PBL Burglary; armed with explosives  
or dangerous weapon.

431 810.02(2)(c) 1st Burglary of a dwelling or  
structure causing structural  
damage or \$1,000 or more  
property damage.

432 812.014(2)(a)2. 1st Property stolen; cargo valued  
at \$50,000 or more, grand theft  
in 1st degree.

433 812.13(2)(b) 1st Robbery with a weapon.

434



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- 435 812.135 (2) (c) 1st Home-invasion robbery, no  
firearm, deadly weapon, or  
other weapon.
- 436 817.535 (2) (b) 2nd Filing false lien or other  
unauthorized document; second  
or subsequent offense.
- 437 817.535 (3) (a) 2nd Filing false lien or other  
unauthorized document; property  
owner is a public officer or  
employee.
- 438 817.535 (4) (a) 1. 2nd Filing false lien or other  
unauthorized document;  
defendant is incarcerated or  
under supervision.
- 439 817.535 (5) (a) 2nd Filing false lien or other  
unauthorized document; owner of  
the property incurs financial  
loss as a result of the false  
instrument.
- 440 817.568 (6) 2nd Fraudulent use of personal  
identification information of  
an individual under the age of  
18.



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441	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
442	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
443	<u>825.103 (3) (a)</u> <del>825.103 (2) (a)</del>	1st	Exploiting an elderly person or disabled adult and property is valued at <u>\$50,000</u> <del>\$100,000</del> or more.
444	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
445	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
446	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
447	860.16	1st	Aircraft piracy.
	893.13 (1) (b)	1st	Sell or deliver in excess of 10



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

448

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

449

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

450

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

451

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

452

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

453

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

454

893.135                1st    Trafficking in methaqualone,





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455	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
456			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
457			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
458			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
459			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
460			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
461			



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462 895.03(1) 1st Use or invest proceeds derived  
from pattern of racketeering  
activity.

463 895.03(2) 1st Acquire or maintain through  
racketeering activity any  
interest in or control of any  
enterprise or real property.

464 895.03(3) 1st Conduct or participate in any  
enterprise through pattern of  
racketeering activity.

465 896.101(5)(b) 2nd Money laundering, financial  
transactions totaling or  
exceeding \$20,000, but less  
than \$100,000.

466 896.104(4)(a)2. 2nd Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions totaling or  
exceeding \$20,000 but less than  
\$100,000.

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

470 772.11 Civil remedy for theft or exploitation.—



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471 (1) Any person who proves by clear and convincing evidence  
472 that he or she has been injured in any fashion by reason of any  
473 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of  
474 action for threefold the actual damages sustained and, in any  
475 such action, is entitled to minimum damages in the amount of  
476 \$200, and reasonable attorney's fees and court costs in the  
477 trial and appellate courts. Before filing an action for damages  
478 under this section, the person claiming injury must make a  
479 written demand for \$200 or the treble damage amount of the  
480 person liable for damages under this section. If the person to  
481 whom a written demand is made complies with such demand within  
482 30 days after receipt of the demand, that person shall be given  
483 a written release from further civil liability for the specific  
484 act of theft or exploitation by the person making the written  
485 demand. Any person who has a cause of action under this section  
486 may recover the damages allowed under this section from the  
487 parents or legal guardian of any unemancipated minor who lives  
488 with his or her parents or legal guardian and who is liable for  
489 damages under this section. Punitive damages may not be awarded  
490 under this section. The defendant is entitled to recover  
491 reasonable attorney's fees and court costs in the trial and  
492 appellate courts upon a finding that the claimant raised a claim  
493 that was without substantial fact or legal support. In awarding  
494 attorney's fees and costs under this section, the court may not  
495 consider the ability of the opposing party to pay such fees and  
496 costs. This section does not limit any right to recover  
497 attorney's fees or costs provided under any other law.  
498 Section 8. This act shall take effect October 1, 2014.  
499



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

501 And the title is amended as follows:

502 Delete everything before the enacting clause

503 and insert:

504 A bill to be entitled

505 An act relating to offenses against vulnerable  
506 persons; amending s. 90.803, F.S.; revising when an  
507 out-of-court statement by an elderly person or  
508 disabled adult is admissible in certain proceedings;  
509 amending s. 817.568, F.S.; expanding applicability of  
510 prohibition on the fraudulent use of personal  
511 identification information of specified victims  
512 without consent to include persons 60 years of age or  
513 older; amending s. 825.101, F.S.; revising and  
514 deleting definitions; amending s. 825.103, F.S.;  
515 deleting a requirement that property of an elderly  
516 person or disabled adult be obtained by deception or  
517 intimidation in order to constitute exploitation of  
518 such a person; specifying additional circumstances  
519 that constitute a breach of a fiduciary duty and  
520 specifying when an unauthorized appropriation occurs;  
521 creating a presumption that certain inter vivos  
522 transfers are a result of exploitation; providing  
523 exceptions; providing for jury instructions concerning  
524 the presumption; revising the valuation of funds,  
525 assets, or property involved for various degrees of  
526 offenses of exploitation of an elderly person or  
527 disabled adult; providing for return of property  
528 seized from a defendant to the victim before trial in



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529 certain circumstances; amending ss. 775.0844 and  
530 921.0022, F.S.; conforming provisions to changes made  
531 by the act; reenacting s. 772.11(1), F.S., relating to  
532 a civil remedy for theft or exploitation, to  
533 incorporate the amendments made by the act to s.  
534 825.103, F.S., in a reference thereto; providing an  
535 effective date.