

By Senator Richter

23-00874-14

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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. 825.101, F.S.; revising and deleting
7 definitions; amending s. 825.103, F.S.; deleting a
8 requirement that property of an elderly person or
9 disabled adult be obtained by deception or
10 intimidation in order to constitute exploitation of
11 such a person; specifying additional circumstances
12 that constitute a breach of a fiduciary duty;
13 specifying when an unlawful appropriation occurs;
14 creating a presumption that certain inter vivos
15 transfers are a result of exploitation; providing
16 exceptions; providing for jury instructions concerning
17 the presumption; revising the valuation of funds,
18 assets, or property involved for various degrees of
19 offenses of exploitation of an elderly person or
20 disabled adult; providing for return of property
21 seized from a defendant to the victim before trial in
22 certain circumstances; amending ss. 775.0844 and
23 921.0022, F.S.; conforming provisions to changes made
24 by the act; reenacting s. 772.11(1), F.S., relating to
25 a civil remedy for theft or exploitation, to
26 incorporate the amendments made by the act to s.
27 825.103, F.S., in a reference thereto; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Paragraph (a) of subsection (24) of section
33 90.803, Florida Statutes, is amended to read:

34 90.803 Hearsay exceptions; availability of declarant
35 immaterial.—The provision of s. 90.802 to the contrary
36 notwithstanding, the following are not inadmissible as evidence,
37 even though the declarant is available as a witness:

38 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR
39 DISABLED ADULT.—

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

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

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59 2. The elderly person or disabled adult ~~either:~~
60 ~~a. Testifies; or~~
61 ~~b.~~ is unavailable as a witness, provided that there is
62 corroborative evidence of the abuse or offense. Unavailability
63 shall include a finding by the court that the elderly person's
64 or disabled adult's participation in the trial or proceeding
65 would result in a substantial likelihood of severe emotional,
66 mental, or physical harm, in addition to findings pursuant to s.
67 90.804(1).

68 Section 2. Subsections (2), (3), and (8) of section
69 825.101, Florida Statutes, are amended to read:

70 825.101 Definitions.—As used in this chapter:

71 (2) "Caregiver" means a person who has been entrusted with
72 or has assumed responsibility for the care or the property of an
73 elderly person or disabled adult. "Caregiver" includes, but is
74 not limited to, relatives, court-appointed or voluntary
75 guardians, adult household members, neighbors, health care
76 providers, and employees and volunteers of facilities as defined
77 in subsection (6) ~~(7)~~.

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

79 ~~(a) Misrepresenting or concealing a material fact relating~~
80 ~~to:~~

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

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

86 ~~3. An existing or preexisting condition of any property~~
87 ~~involved in a contract or agreement entered into with an elderly~~

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88 ~~person or disabled adult; or~~

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

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

97 Section 3. Section 825.103, Florida Statutes, is amended to
98 read:

99 825.103 Exploitation of an elderly person or disabled
100 adult; penalties.—

101 (1) "Exploitation of an elderly person or disabled adult"
102 means:

103 (a) ~~Knowingly, by deception or intimidation,~~ obtaining or
104 using, or endeavoring 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:

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

112 2. Has a business relationship with the elderly person or
113 disabled adult;

114 (b) Obtaining or using, endeavoring to obtain or use, or
115 conspiring with another to obtain or use an elderly person's or
116 disabled adult's funds, assets, or property with the intent to

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117 temporarily or permanently deprive the elderly person or
118 disabled adult of the use, benefit, or possession of the funds,
119 assets, or property, or to benefit someone other than the
120 elderly person or disabled adult, by a person who knows or
121 reasonably should know that the elderly person or disabled adult
122 lacks the capacity to consent; or

123 (c) Breach of a fiduciary duty to an elderly person or
124 disabled adult by the person's guardian or agent under a power
125 of attorney which results in an unauthorized appropriation,
126 sale, or transfer of property. An unlawful appropriation under
127 this paragraph occurs when the elderly person or disabled adult
128 does not receive reciprocal financial value in goods or
129 services, or the following persons violate any of these duties:

130 1. For agents appointed under chapter 709:

131 a. Committing fraud in obtaining their appointments;

132 b. Abusing their powers;

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

135 d. Acting contrary to the principal's sole benefit or best
136 interest.

137 2. For guardians and trustees appointed under chapter 736
138 or chapter 744:

139 a. Committing fraud in obtaining their appointments;

140 b. Abusing their powers; or

141 c. Wasting, embezzling, or intentionally mismanaging the
142 assets of the ward or beneficiary of the trust.

143 (d) Misappropriating, misusing, or unauthorized
144 transferring of moneys belonging to an elderly person or
145 disabled adult from a personal or joint account in which the

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146 elderly person or disabled adult placed the funds, owned the
147 funds, and was the sole contributor or payee of the funds before
148 the misappropriation, misuse, or unauthorized transfer.

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

155 (2) An inter vivos transfer of money or property valued in
156 excess of \$10,000 at the time of the transfer, whether in a
157 single transaction or multiple transactions, by a person age 65
158 or older to a nonrelative whom the transferor knew for fewer
159 than 2 years before the first transfer and for which the
160 transferor did not receive reciprocal value in goods or services
161 creates a permissive presumption that the transfer was the
162 result of exploitation.

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

170 (b) This subsection does not apply to:

- 171 1. Persons who are in the business of making loans.
172 2. Bona fide charitable donations to nonprofit
173 organizations that qualify for tax-exempt status under the
174 Internal Revenue Code.

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175 (c) In a criminal case to which this subsection applies, if
176 the trial is by jury, jurors shall be instructed that they may,
177 but are not required to, draw an inference of exploitation upon
178 proof beyond a reasonable doubt of the facts listed in this
179 subsection. They shall also be instructed that in no event may
180 they find a defendant guilty unless they are persuaded that each
181 element of the offense has been proved beyond a reasonable
182 doubt. The presumption of this subsection does not impose a
183 burden of proof on the defendant.

184 (3)~~(2)~~(a) If the funds, assets, or property involved in the
185 exploitation of the elderly person or disabled adult is valued
186 at \$50,000 ~~\$100,000~~ or more, the offender commits a felony of
187 the first degree, punishable as provided in s. 775.082, s.
188 775.083, or s. 775.084.

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

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

199 (4) If a person is charged with financial exploitation of
200 an elderly person or disabled adult that involves the taking of
201 or loss of property valued at more than \$5,000 and property
202 belonging to a victim is seized from the defendant pursuant to a
203 search warrant, the court shall hold an evidentiary hearing and

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204 determine, by a preponderance of the evidence, whether the
 205 defendant unlawfully obtained the victim's property. If the
 206 court finds that the property was unlawfully obtained, the court
 207 may order it returned to the victim for restitution purposes
 208 before trial on the charge. This determination is inadmissible
 209 in evidence at trial on the charge and does not give rise to any
 210 inference that the defendant has committed an offense under this
 211 section.

212 Section 4. Subsection (5) of section 775.0844, Florida
 213 Statutes, is amended to read:

214 775.0844 White Collar Crime Victim Protection Act.—

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

217 (a) Victimizes 10 or more elderly persons, as defined in s.
 218 825.101~~(5)~~;

219 (b) Victimizes 20 or more persons, as defined in s. 1.01;
 220 or

221 (c) Victimizes the State of Florida, any state agency, any
 222 of the state's political subdivisions, or any agency of the
 223 state's political subdivisions,

224
 225 and thereby obtains or attempts to obtain \$50,000 or more,
 226 commits a felony of the first degree, punishable as provided in
 227 s. 775.082, s. 775.083, or s. 775.084.

228 Section 5. Paragraphs (f), (g), and (h) of subsection (3)
 229 of section 921.0022, Florida Statutes, are amended to read:

230 921.0022 Criminal Punishment Code; offense severity ranking
 231 chart.—

232 (3) OFFENSE SEVERITY RANKING CHART

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233 (f) LEVEL 6

234

Florida Statute	Felony Degree	Description
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235

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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236

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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237

499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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238

499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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239

775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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240

784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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241

784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
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242

784.041	3rd	Felony battery; domestic
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battery by strangulation.

243

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

244

784.048 (5) 3rd Aggravated stalking of person under 16.

245

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

246

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

247

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

248

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

249

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

250

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

251

787.02 (2) 3rd False imprisonment; restraining

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with purpose other than those
in s. 787.01.

252

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

253

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

254

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

255

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

256

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

257

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

258

800.04 (5) (d) 3rd Lewd or lascivious molestation;
victim 12 years of age or older

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812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
<u>825.103 (3) (c)</u> 825.103 (2) (e)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than <u>\$10,000</u> \$20,000 .
827.03 (2) (c)	3rd	Abuse of a child.

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275	827.03(2)(d)	3rd	Neglect of a child.
276	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
277	836.05	2nd	Threats; extortion.
278	836.10	2nd	Written threats to kill or do bodily injury.
279	843.12	3rd	Aids or assists person to escape.
280	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
281	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
282	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with

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bodily injury.

283

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.

284

944.40 2nd Escapes.

285

944.46 3rd Harboring, concealing, aiding escaped prisoners.

286

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

287

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

288

289 (g) LEVEL 7

290

Florida	Felony	Description
Statute	Degree	

291

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

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292	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
293	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.
294	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
295	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
296	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
297	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
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456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.

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308	465.015 (2)	3rd	Practicing pharmacy without a license.
309	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
310	467.201	3rd	Practicing midwifery without a license.
311	468.366	3rd	Delivering respiratory care services without a license.
312	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
313	483.901 (9)	3rd	Practicing medical physics without a license.
314	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
315	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded

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\$50,000 and there were five or more victims.

316

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.

317

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

318

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

319

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

320

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

321

775.21(10)(g) 3rd Failure to report or providing

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

322

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

323

782.07(1)

2nd

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

324

782.071

2nd

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

325

782.072

2nd

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

326

784.045(1)(a)1.

2nd

Aggravated battery; intentionally causing great bodily harm or disfigurement.

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327	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
328	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
329	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
330	784.048 (7)	3rd	Aggravated stalking; violation of court order.
331	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
332	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
333	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
334	784.081 (1)	1st	Aggravated battery on specified official or employee.
335	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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336

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

337

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

338

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.

339

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

340

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

341

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

342

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

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343

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

344

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

345

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

346

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.

347

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

348

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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349

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.

350

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

351

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

352

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

353

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

354

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

355

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

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grand theft.

356

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

357

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

358

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

359

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

360

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

361

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

362

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

363

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

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364

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

365

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

366

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

367

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.

368

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

369

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

370

825.103 (3) (b) 2nd Exploiting an elderly person or

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~~825.103(2)(b)~~

disabled adult and property is
valued at \$10,000 ~~\$20,000~~ or
more, but less than \$50,000
~~\$100,000~~.

371

827.03(2)(b)

2nd

Neglect of a child causing
great bodily harm, disability,
or disfigurement.

372

827.04(3)

3rd

Impregnation of a child under
16 years of age by person 21
years of age or older.

373

837.05(2)

3rd

Giving false information about
alleged capital felony to a law
enforcement officer.

374

838.015

2nd

Bribery.

375

838.016

2nd

Unlawful compensation or reward
for official behavior.

376

838.021(3)(a)

2nd

Unlawful harm to a public
servant.

377

838.22

2nd

Bid tampering.

378

843.0855(2)

3rd

Impersonation of a public
officer or employee.

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379

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

380

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

381

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

382

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

383

872.06 2nd Abuse of a dead human body.

384

874.05 (2) (b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

385

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

386

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

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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.

387

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.

388

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).

389

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

390

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

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grams.

391

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

392

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

393

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

394

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

395

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

396

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

397

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

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kilograms.

398

893.135
(1) (k) 2.a.

1st

Trafficking in Phenethylamines,
10 grams or more, less than 200
grams.

399

893.1351 (2)

2nd

Possession of place for
trafficking in or manufacturing
of controlled substance.

400

896.101 (5) (a)

3rd

Money laundering, financial
transactions exceeding \$300 but
less than \$20,000.

401

896.104 (4) (a) 1.

3rd

Structuring transactions to
evade reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

402

943.0435 (4) (c)

2nd

Sexual offender vacating
permanent residence; failure to
comply with reporting
requirements.

403

943.0435 (8)

2nd

Sexual offender; remains in
state after indicating intent
to leave; failure to comply
with reporting requirements.

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404

943.0435 (9) (a) 3rd Sexual offender; failure to
comply with reporting
requirements.

405

943.0435 (13) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

406

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

407

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

408

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

409

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

410

944.607 (13) 3rd Sexual offender; failure to

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report and reregister; failure to respond to address verification.

411

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

412

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

413

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

414

415 (h) LEVEL 8

416

Florida Statute	Felony Degree	Description
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417

316.193 (3)(c)3.a.	2nd	DUI manslaughter.
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418

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

426

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.

427

782.051(2)

1st

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

428

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

429

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

430

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity.

431

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432 787.06(3)(c) 1st Human trafficking using coercion for labor and services of an unauthorized alien.

433 787.06(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.

434 790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

435 794.011(5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

436 794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

437 800.04(4) 2nd Lewd or lascivious battery.

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive,

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believing person in structure.

438

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

439

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

440

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

441

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

442

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

443

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

444

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

445

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property

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owner is a public officer or
employee.

446

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

447

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.

448

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

449

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

450

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

451

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

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more.

452

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

453

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

454

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

455

860.16 1st Aircraft piracy.

456

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).

457

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

458

893.13 (6) (c) 1st Possess in excess of 10 grams of any substance specified in

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s. 893.03(1) (a) or (b).

459

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

460

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

461

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

462

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

463

893.135 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
 (1) (e) 1.b.

464

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

465

893.135 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
 (1) (g) 1.b.

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466

893.135 (1) (h) 1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

467

893.135 (1) (j) 1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

468

893.135 (1) (k) 2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

469

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

470

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

471

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

472

895.03 (3) 1st Conduct or participate in any

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enterprise through pattern of racketeering activity.

473

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

474

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.

475

476 Section 6. For the purpose of incorporating the amendment
 477 made by this act to section 825.103, Florida Statutes, in a
 478 reference thereto, subsection (1) of section 772.11, Florida
 479 Statutes, is reenacted to read:

480 772.11 Civil remedy for theft or exploitation.—

481 (1) Any person who proves by clear and convincing evidence
 482 that he or she has been injured in any fashion by reason of any
 483 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of
 484 action for threefold the actual damages sustained and, in any
 485 such action, is entitled to minimum damages in the amount of
 486 \$200, and reasonable attorney's fees and court costs in the
 487 trial and appellate courts. Before filing an action for damages
 488 under this section, the person claiming injury must make a
 489 written demand for \$200 or the treble damage amount of the

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490 person liable for damages under this section. If the person to
491 whom a written demand is made complies with such demand within
492 30 days after receipt of the demand, that person shall be given
493 a written release from further civil liability for the specific
494 act of theft or exploitation by the person making the written
495 demand. Any person who has a cause of action under this section
496 may recover the damages allowed under this section from the
497 parents or legal guardian of any unemancipated minor who lives
498 with his or her parents or legal guardian and who is liable for
499 damages under this section. Punitive damages may not be awarded
500 under this section. The defendant is entitled to recover
501 reasonable attorney's fees and court costs in the trial and
502 appellate courts upon a finding that the claimant raised a claim
503 that was without substantial fact or legal support. In awarding
504 attorney's fees and costs under this section, the court may not
505 consider the ability of the opposing party to pay such fees and
506 costs. This section does not limit any right to recover
507 attorney's fees or costs provided under any other law.

508 Section 7. This act shall take effect October 1, 2014.