

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Health Quality
 2 Subcommittee
 3 Representative Plakon offered the following:

Amendment (with title amendment)

Remove lines 2584-2707 and insert:

Section 18. Paragraph (b) of subsection (1) of section 499.067, Florida Statutes, is amended to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.—

(1)

(b) The department may deny an application for a permit or certification, or suspend or revoke a permit or certification, if the department finds that:

1. The applicant is not of good moral character or that it would be a danger or not in the best interest of the public

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17 health, safety, and welfare if the applicant were issued a
18 permit or certification.

19 2. The applicant has not met the requirements for the
20 permit or certification.

21 3. The applicant is not eligible for a permit or
22 certification for any of the reasons enumerated in s. 499.012.

23 4. The applicant, permittee, or person certified under s.
24 499.012(15) ~~s. 499.012(16)~~ demonstrates any of the conditions
25 enumerated in s. 499.012.

26 5. The applicant, permittee, or person certified under s.
27 499.012(15) ~~s. 499.012(16)~~ has committed any violation of this
28 chapter.

29 Section 19. Subsection (1) of section 794.075, Florida
30 Statutes, is amended to read:

31 794.075 Sexual predators; erectile dysfunction drugs.—

32 (1) A person may not possess a prescription drug, as
33 defined in s. 499.003(40) ~~499.003(43)~~, for the purpose of
34 treating erectile dysfunction if the person is designated as a
35 sexual predator under s. 775.21.

36 Section 20. Paragraphs (d), (f), (i), and (j) of
37 subsection (3) of section 921.0022, Florida Statutes, are
38 amended to read:

39 921.0022 Criminal Punishment Code; offense severity
40 ranking chart.—

41 (3) OFFENSE SEVERITY RANKING CHART

42 (d) LEVEL 4

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| Florida Statute | Felony Degree | Description |
|--|----------------|--|
| 316.1935(3)(a) | 2nd | 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. |
| 499.0051(1) | 3rd | Failure to maintain or deliver <u>transaction history, transaction information, or transaction statements</u> pedigree papers . |
| 499.0051(2) | 3rd | Failure to authenticate pedigree papers. |
| <u>499.0051(5)</u> 499.0051(6) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
| 517.07(1) | 3rd | Failure to register securities. |

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| 51 | 517.12 (1) | 3rd | Failure of dealer, associated person, or issuer of securities to register. |
| 52 | 784.07 (2) (b) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 53 | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff. |
| 54 | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 55 | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 56 | 784.08 (2) (c) | 3rd | Battery on a person 65 years of age or older. |
| 57 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 58 | 784.082 (3) | 3rd | Battery by detained person on visitor or other detainee. |

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| 59 | 784.083(3) | 3rd | Battery on code inspector. |
| | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials. |
| 60 | | | |
| | 787.03(1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 61 | | | |
| | 787.04(2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| 62 | | | |
| | 787.04(3) | 3rd | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 63 | | | |
| | 787.07 | 3rd | Human smuggling. |
| 64 | | | |
| | 790.115(1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |

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| 65 | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 66 | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 67 | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 68 | 810.02 (4) (a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 69 | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |
| 70 | 810.06 | 3rd | Burglary; possession of tools. |
| 71 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 72 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |

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| 73 | 812.014 (2) (c) 4.-10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |
| 74 | 812.0195(2) | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more. |
| 75 | 817.563(1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. |
| 76 | 817.568(2) (a) | 3rd | Fraudulent use of personal identification information. |
| 77 | 817.625(2) (a) | 3rd | Fraudulent use of scanning device or reencoder. |
| 78 | 828.125(1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle. |
| 79 | 837.02(1) | 3rd | Perjury in official proceedings. |

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| 80 | 837.021(1) | 3rd | Make contradictory statements in official proceedings. |
| 81 | 838.022 | 3rd | Official misconduct. |
| 82 | 839.13(2)(a) | 3rd | Falsifying records of an individual in the care and custody of a state agency. |
| 83 | 839.13(2)(c) | 3rd | Falsifying records of the Department of Children and Families. |
| 84 | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 85 | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 86 | 843.15(1)(a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |

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| 87 | 847.0135(5)(c) | 3rd | Lewd or lascivious exhibition using computer; offender less than 18 years. |
| 88 | 874.05(1)(a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 89 | 893.13(2)(a)1. | 2nd | Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 90 | 914.14(2) | 3rd | Witnesses accepting bribes. |
| 91 | 914.22(1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 92 | 914.23(2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 93 | 918.12 | 3rd | Tampering with jurors. |
| 94 | 934.215 | 3rd | Use of two-way communications device to facilitate commission |

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of a crime.

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(f) LEVEL 6

| Florida Statute | Felony Degree | Description |
|--|---------------|---|
| 316.027(2)(b) | 2nd | Leaving the scene of a crash involving serious bodily injury. |
| 316.193(2)(b) | 3rd | Felony DUI, 4th or subsequent conviction. |
| 400.9935(4)(c) | 2nd | Operating a clinic, or offering services requiring licensure, without a license. |
| <u>499.0051(2)</u> 499.0051(3) | 2nd | Knowing forgery of <u>transaction history, transaction information, or transaction statement</u> pedigree papers . |
| <u>499.0051(3)</u> 499.0051(4) | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person. |

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|-----|------------------------|-----|----------------------------------|
| 104 | <u>499.0051(4)</u> | 2nd | Knowing sale or transfer of |
| | 499.0051(5) | | prescription drug to |
| | | | unauthorized person. |
| 105 | 775.0875(1) | 3rd | Taking firearm from law |
| | | | enforcement officer. |
| 106 | 784.021(1)(a) | 3rd | Aggravated assault; deadly |
| | | | weapon without intent to kill. |
| 107 | 784.021(1)(b) | 3rd | Aggravated assault; intent to |
| | | | commit felony. |
| 108 | 784.041 | 3rd | Felony battery; domestic battery |
| | | | by strangulation. |
| 109 | 784.048(3) | 3rd | Aggravated stalking; credible |
| | | | threat. |
| 110 | 784.048(5) | 3rd | Aggravated stalking of person |
| | | | under 16. |
| 111 | 784.07(2)(c) | 2nd | Aggravated assault on law |
| | | | enforcement officer. |
| 112 | | | |

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| 113 | 784.074(1)(b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 114 | 784.08(2)(b) | 2nd | Aggravated assault on a person 65 years of age or older. |
| 115 | 784.081(2) | 2nd | Aggravated assault on specified official or employee. |
| 116 | 784.082(2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 117 | 784.083(2) | 2nd | Aggravated assault on code inspector. |
| 118 | 787.02(2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 119 | 790.115(2)(d) | 2nd | Discharging firearm or weapon on school property. |
| | 790.161(2) | 2nd | Make, possess, or throw destructive device with intent |

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to do bodily harm or damage
property.

120

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

121

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

122

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

123

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

124

800.04(5)(d) 3rd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years of age;
offender less than 18 years.

125

800.04(6)(b) 2nd Lewd or lascivious conduct;
offender 18 years of age or

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older.

126

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

127

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

128

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

129

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

130

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

131

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

132

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

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others.

133

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

134

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

135

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

136

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

137

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

138

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

139

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

140

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

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|-----|------------------|-----|---|
| 141 | 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 142 | 836.05 | 2nd | Threats; extortion. |
| 143 | 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 144 | 843.12 | 3rd | Aids or assists person to escape. |
| 145 | 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |
| 146 | 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. |
| 147 | 847.0135(2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| 148 | | | |

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| 149 | 914.23 | 2nd | Retaliation against a witness, victim, or informant, with bodily injury. |
| 150 | 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. |
| 151 | 944.40 | 2nd | Escapes. |
| 152 | 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. |
| 153 | 944.47 (1) (a) 5. | 2nd | Introduction of contraband (firearm, weapon, or explosive) into correctional facility. |
| 154 | 951.22 (1) | 3rd | Intoxicating drug, firearm, or weapon introduced into county facility. |
| 155 | (i) LEVEL 9 | | |
| 156 | | | |

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| | Florida Statute | Felony Degree | Description |
|-----|---|---------------|---|
| 157 | 316.193 (3) (c) 3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 158 | 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; failing to render aid or give information. |
| 159 | 409.920 (2) (b) 1.c. | 1st | Medicaid provider fraud; \$50,000 or more. |
| 160 | <u>499.0051 (8)</u> 499.0051 (9) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm. |
| 161 | 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 162 | 560.125 (5) (c) | 1st | Money transmitter business |

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by unauthorized person,
currency, or payment
instruments totaling or
exceeding \$100,000.

163

655.50(10)(b)3.

1st Failure to report
financial transactions
totaling or exceeding
\$100,000 by financial
institution.

164

775.0844

1st Aggravated white collar
crime.

165

782.04(1)

1st Attempt, conspire, or solicit
to commit premeditated
murder.

166

782.04(3)

1st,PBL Accomplice to murder in
connection with arson,
sexual battery,
robbery, burglary,
aggravated fleeing or
eluding with serious
bodily injury or death,
and other specified

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felonies.

167

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

168

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

169

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

170

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

171

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any

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| | | | |
|-----|----------------|---------|---|
| 172 | | | governmental or political function. |
| | 787.02(3)(a) | 1st,PBL | False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 173 | | | |
| | 787.06(3)(c)1. | 1st | Human trafficking for labor and services of an unauthorized alien child. |
| 174 | | | |
| | 787.06(3)(d) | 1st | Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien. |
| 175 | | | |
| | 787.06(3)(f)1. | 1st,PBL | Human trafficking for commercial sexual activity by the transfer or transport of any child from |

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|-----|-----------------|----------|--|
| | | | outside Florida to within the state. |
| 176 | 790.161 | 1st | Attempted capital destructive device offense. |
| 177 | 790.166 (2) | 1st, PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction. |
| 178 | 794.011 (2) | 1st | Attempted sexual battery; victim less than 12 years of age. |
| 179 | 794.011 (2) | Life | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years. |
| 180 | 794.011 (4) (a) | 1st, PBL | Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; |

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offender 18 years or
older.

181

794.011(4)(b)

1st

Sexual battery, certain
circumstances; victim and
offender 18 years of age or
older.

182

794.011(4)(c)

1st

Sexual battery, certain
circumstances; victim 12
years of age or older;
offender younger than 18
years.

183

794.011(4)(d)

1st, PBL

Sexual battery, certain
circumstances; victim 12
years of age or older;
prior conviction for
specified sex offenses.

184

794.011(8)(b)

1st, PBL

Sexual battery;
engage in sexual
conduct with minor
12 to 18 years by
person in familial
or custodial

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authority.

185

794.08 (2) 1st Female genital mutilation;
victim younger than 18 years
of age.

186

800.04 (5) (b) Life Lewd or lascivious
molestation; victim less
than 12 years; offender 18
years or older.

187

812.13 (2) (a) 1st, PBL Robbery with
firearm or other
deadly weapon.

188

812.133 (2) (a) 1st, PBL Carjacking; firearm
or other deadly
weapon.

189

812.135 (2) (b) 1st Home-invasion
robbery with weapon.

190

817.535 (3) (b) 1st Filing false lien or other
unauthorized document;
second or subsequent
offense; property owner is

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a public officer or
employee.

191

817.535 (4) (a) 2.

1st Filing false claim or
other unauthorized
document; defendant is
incarcerated or under
supervision.

192

817.535 (5) (b)

1st Filing false lien or other
unauthorized document;
second or subsequent
offense; owner of the
property incurs financial
loss as a result of the
false instrument.

193

817.568 (7)

2nd,
PBL Fraudulent use of personal
identification information of
an individual under the age of
18 by his or her parent, legal
guardian, or person exercising
custodial authority.

194

827.03 (2) (a)

1st Aggravated child abuse.

195

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| 196 | 847.0145(1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 197 | 847.0145(2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 198 | 859.01 | 1st | Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person. |
| 199 | 893.135 | 1st | Attempted capital trafficking offense. |
| 200 | 893.135(1)(a)3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 201 | 893.135 (1)(b)1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |

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| 202 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 203 | 893.135 (1) (c) 2.d. | 1st | Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms. |
| 204 | 893.135 (1) (c) 3.d. | 1st | Trafficking in oxycodone, 100 grams or more, less than 30 kilograms. |
| 205 | 893.135 (1) (d) 1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 206 | 893.135 (1) (e) 1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 207 | 893.135 (1) (f) 1.c. | 1st | Trafficking in amphetamine, more than 200 grams. |
| 208 | 893.135 (1) (h) 1.c. | 1st | Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more. |
| | 893.135 | 1st | Trafficking in 1,4- |

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| 209 | (1) (j) 1.c. | | Butanediol, 10 kilograms or more. |
| 210 | 893.135 (1) (k) 2.c. | 1st | Trafficking in Phenethylamines, 400 grams or more. |
| 211 | 896.101 (5) (c) | 1st | Money laundering, financial instruments totaling or exceeding \$100,000. |
| 212 | 896.104 (4) (a) 3. | 1st | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000. |
| 213 | (j) LEVEL 10 | | |
| 214 | Florida | Felony | |
| 215 | Statute | Degree | Description |
| | <u>499.0051(9)</u> 499.0051(10) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in death. |

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782.04 (2) 1st, PBL Unlawful killing of human;
act is homicide,
unpremeditated.

217

782.07 (3) 1st Aggravated manslaughter of a
child.

218

787.01 (1) (a) 3. 1st, PBL Kidnapping; inflict
bodily harm upon or
terrorize victim.

219

787.01 (3) (a) Life Kidnapping; child under
age 13, perpetrator also
commits aggravated child
abuse, sexual battery, or
lewd or lascivious
battery, molestation,
conduct, or exhibition.

220

787.06 (3) (g) Life Human trafficking for
commercial sexual activity
of a child under the age of
18 or mentally defective or
incapacitated person.

221

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1211 (2016)

Amendment No. 2

222 787.06(4) (a) Life Selling or buying of
minors into human
trafficking.

223 794.011(3) Life Sexual battery; victim
12 years or older,
offender uses or
threatens to use deadly
weapon or physical
force to cause serious
injury.

224 812.135(2) (a) 1st,PBL Home-invasion
robbery with
firearm or other
deadly weapon.

225 876.32 1st Treason against the state.

226 Section 21. This act shall take effect July 1, 2016

227 -----

228 **T I T L E A M E N D M E N T**

229 Remove line 88 and insert:

230 499.067, 794.075, and 921.0022, F.S.; conforming provisions to
231