

1 A bill to be entitled
2 An act relating to fraudulent activities associated
3 with payment systems; amending s. 316.80, F.S.;
4 revising the felony classification for unlawful
5 conveyance of fuel; amending s. 525.07, F.S.; revising
6 terminology to specify requirements for managers,
7 rather than operators, of petroleum fuel measuring
8 devices with respect to accurate measurement;
9 requiring retail petroleum fuel measuring devices
10 fitted with scanning devices to have certain security
11 measures; providing requirements for such measures;
12 requiring the owner or operator of a device to have
13 certain security measures in place within a specified
14 timeframe upon notice from the Department of
15 Agriculture and Consumer Services; authorizing the
16 department, under certain circumstances, to prohibit
17 use of or to remove from service such devices that are
18 noncompliant; defining terms; providing applicability;
19 requiring the department to enforce provisions;
20 providing for rulemaking; amending s. 817.611, F.S.;
21 defining the term "related document"; revising the
22 prohibition against trafficking in or possessing
23 counterfeit credit cards or related documents;
24 revising penalties; amending s. 921.0022, F.S.;
25 revising the ranking of unlawful conveyance or
26 fraudulent acquisition of fuel on the offense severity

27 ranking chart; ranking trafficking in or possessing
 28 counterfeit credit cards or related documents on the
 29 offense severity ranking chart; providing an effective
 30 date.

31

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

33

34 Section 1. Subsection (2) of section 316.80, Florida
 35 Statutes, is amended to read:

36 316.80 Unlawful conveyance of fuel; obtaining fuel
 37 fraudulently.—

38 (2) A ~~Any~~ person who violates subsection (1) commits a
 39 felony of the second ~~third~~ degree, punishable as provided in s.
 40 775.082, s. 775.083, or s. 775.084, if he or she has attempted
 41 to or has fraudulently obtained motor or diesel fuel by:

42 (a) Presenting a credit card or a credit card account
 43 number in violation of ss. 817.57-817.685;

44 (b) Using unauthorized access to any computer network in
 45 violation of s. 815.06; or

46 (c) Using a fraudulently scanned or lost or stolen payment
 47 access device, whether credit card or contactless device.

48 Section 2. Subsections (3) and (4) of section 525.07,
 49 Florida Statutes, are amended, and subsection (10) is added to
 50 that section, to read:

51 525.07 Powers and duties of department; inspections;
 52 unlawful acts.—

53 (3) Each person who owns or manages ~~All persons who own or~~
 54 ~~operate~~ a petroleum fuel measuring device is ~~shall be~~
 55 responsible for ensuring accurate measure by the device within
 56 the tolerances defined by the rule. An appropriate security seal
 57 shall be placed on all measuring devices found to be giving
 58 accurate measure within the tolerances defined by the department
 59 in such a way that the metering adjustment cannot be changed
 60 without breaking the seal.

61 (4) A ~~Any~~ measuring device that is found to be operating
 62 outside the tolerances defined by the department is ~~shall be~~
 63 deemed inaccurate, and the department, at its discretion, shall
 64 either:

65 (a) Give, in writing, the ~~operator or~~ owner or manager of
 66 the measuring device a reasonable time to repair the measuring
 67 device; or

68 (b) Condemn or prohibit the further use of the measuring
 69 device by using an appropriate security seal to obstruct the
 70 mechanism so that it cannot be operated without breaking the
 71 seal. The measuring device shall not be operated in this state
 72 again without the written consent of the department.

73 (10) (a) Each person who owns or manages a retail petroleum
 74 fuel measuring device shall have affixed to or installed onto
 75 the measuring device a security measure to restrict the
 76 unauthorized access of customer payment card information. The
 77 security measure must include one or more of the following:

78 1. Placement of pressure-sensitive security tape over the

79 panel opening that leads to the scanning device for the retail
80 petroleum fuel measuring device in a manner that will restrict
81 the unauthorized opening of the panel.

82 2. A device or system that will render the retail
83 petroleum fuel measuring device or the scanning device in the
84 measuring device inoperable if there is an unauthorized opening
85 of the panel.

86 3. A device or system that encrypts the customer payment
87 card information in the scanning device.

88 4. Another security measure approved by the department.

89 (b) The owner or manager of a retail petroleum fuel
90 measuring device without a security measure or with an altered
91 or damaged security measure, upon written notice from the
92 department of such noncompliance, shall have 5 calendar days to
93 comply with this subsection. After the fifth day of
94 noncompliance, the department may prohibit further use of the
95 retail petroleum fuel measuring device until a security measure
96 is installed, replaced, or repaired. A repeat violation found on
97 the same retail petroleum fuel measuring device is cause for the
98 department to immediately take the measuring device out of
99 service.

100 (c) For purposes of this subsection, the terms "scanning
101 device" and "payment card" have the same meanings as provided in
102 s. 817.625.

103 (d) This subsection applies only to retail petroleum fuel
104 measuring devices that have a scanning device.

105 (e) The department shall enforce, and may adopt rules to
 106 implement, this subsection.

107 Section 3. Section 817.611, Florida Statutes, is amended
 108 to read:

109 817.611 Trafficking ~~Traffic~~ in or possessing counterfeit
 110 credit cards or related documents.—

111 (1) As used in this section, the term "related document"
 112 means an invoice, a voucher, a sales draft, or other
 113 representation or manifestation of a counterfeit credit card or
 114 a credit card number of a cardholder if not authorized by the
 115 cardholder.

116 (2) A ~~Any~~ person who traffics in, ~~or~~ attempts to traffic
 117 in, or possesses 10 or more counterfeit credit cards or related
 118 documents, invoices, vouchers, sales drafts, or other
 119 ~~representations or manifestations of counterfeit credit cards,~~
 120 ~~or credit card account numbers of another in any 6-month period~~
 121 commits: is guilty of

122 (a) A felony of the second degree, punishable as provided
 123 in s. 775.082, s. 775.083, or s. 775.084, if the person traffics
 124 in, attempts to traffic in, or possesses 5 to 14 counterfeit
 125 credit cards or related documents.

126 (b) A felony of the first degree, punishable as provided
 127 in s. 775.082, s. 775.083, or s. 775.084, if the person traffics
 128 in, attempts to traffic in, or possesses 15 to 49 counterfeit
 129 credit cards or related documents.

130 (c) A felony of the first degree, punishable as provided

131 in s. 775.082, s. 775.083, or s. 775.084, if the person traffics
 132 in, attempts to traffic in, or possesses 50 or more counterfeit
 133 credit cards or related documents.

134 Section 4. Paragraphs (e), (g), and (i) of subsection (3)
 135 of section 921.0022, Florida Statutes, are amended to read:

136 921.0022 Criminal Punishment Code; offense severity
 137 ranking chart.—

138 (3) OFFENSE SEVERITY RANKING CHART

139 (e) LEVEL 5

140

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
<u>316.80 (2)</u>	<u>2nd</u>	<u>Unlawful conveyance; obtaining fuel fraudulently.</u>

141

142

143

144

145

146

322.34 (6) 3rd Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

147

148

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

149

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

150

379.3671 3rd Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
(2) (c) 3.

151

381.0041 (11) (b) 3rd Donate blood, plasma, or organs

			knowing HIV positive.
152	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
153	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
154	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
155	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
156	626.902 (1) (c)	2nd	Representing an

			unauthorized insurer; repeat offender.
157	790.01 (2)	3rd	Carrying a concealed firearm.
158	790.162	2nd	Threat to throw or discharge destructive device.
159	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
160	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
161	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
162	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
163	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less

164			than 18 years of age.
164	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
165	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
166	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
167	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
168	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
169	812.131 (2) (b)	3rd	Robbery by sudden

170			snatching.
171	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
172	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
173	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
174	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
175	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided,

or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

176

817.611 (2) (a)

2nd

Trafficking in or possessing 5 to 14 counterfeit credit cards or related documents.

177

178

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

179

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

180

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual

conduct by a child.

181

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

182

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

183

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

184

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

185

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

186

CS/CS/HB 761

2016

187	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
188	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
189	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
190	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
190	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8.,

(2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

191 893.13 (1) (d) 1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs) within 1,000 feet of university.

192 893.13 (1) (e) 2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) within 1,000 feet of property used for

religious services or a
specified business site.

193

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or other
s. 893.03(1)(a), (1)(b),
(1)(d), or (2)(a), (2)(b),
or (2)(c)4. drugs) within
1,000 feet of public
housing facility.

194

893.13(4)(b)

2nd

Deliver to minor cannabis
(or other s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or
(4) drugs).

195

893.1351(1)

3rd

Ownership, lease, or rental
for trafficking in or
manufacturing of controlled
substance.

196

197

(g) LEVEL 7

198

CS/CS/HB 761

2016

	Florida Statute	Felony Degree	Description
199	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
200	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
201	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.
202	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
203	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

CS/CS/HB 761

2016

204	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
205	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
206	456.065 (2)	3rd	Practicing a health care profession without a license.
207	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
208	458.327 (1)	3rd	Practicing medicine without a license.
209	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
210	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
211	461.012 (1)	3rd	Practicing podiatric medicine

without a license.

212

462.17 3rd Practicing naturopathy without a license.

213

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

214

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

215

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

216

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

217

467.201 3rd Practicing midwifery without a license.

218

468.366 3rd Delivering respiratory care services without a license.

219

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

CS/CS/HB 761

2016

220	483.901 (9)	3rd	Practicing medical physics without a license.
221	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
222	484.053	3rd	Dispensing hearing aids without a license.
223	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
224	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.
225	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than

\$20,000.

226

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

227

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

228

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

229

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

230

782.051 (3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

CS/CS/HB 761

2016

231	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
232	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
233	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
234	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
235	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
236	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.

CS/CS/HB 761

2016

237	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
238	784.048 (7)	3rd	Aggravated stalking; violation of court order.
239	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
240	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
241	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
242	784.081 (1)	1st	Aggravated battery on specified official or employee.
243	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
244	784.083 (1)	1st	Aggravated battery on code inspector.

245	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
246	787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
247	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
248	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
249	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
250	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

CS/CS/HB 761

2016

251	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
252	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
253	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
254	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.
255	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
256	796.05 (1)	1st	Live on earnings of a

prostitute; 3rd and subsequent offense.

257

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

258

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

259

800.04 (5) (e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

260

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

261

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

262	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
263	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
264	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
265	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.
266	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
267	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree

grand theft.

268

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

269

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

270

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

271

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

272

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

273

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

274

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

275

276	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
277	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
278	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
279	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
280	<u>817.611 (2) (b)</u>	<u>1st</u>	<u>Trafficking in or possessing 15 to 49 counterfeit credit cards or related documents.</u>
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

281	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
282	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
283	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
284	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
285	838.015	2nd	Bribery.
286	838.016	2nd	Unlawful compensation or reward for official behavior.
287	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
288			

CS/CS/HB 761

2016

289	838.22	2nd	Bid tampering.
290	843.0855 (2)	3rd	Impersonation of a public officer or employee.
291	843.0855 (3)	3rd	Unlawful simulation of legal process.
292	843.0855 (4)	3rd	Intimidation of a public officer or employee.
293	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
294	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
295	872.06	2nd	Abuse of a dead human body.
296	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates, organizes,

plans, finances, directs,
manages, or supervises criminal
gang-related activity.

297

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.

298

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.

299

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).

300	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
301	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
302	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
303	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
304	893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
305	893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14

grams.

306

893.135 (1) (c) 3.b. 1st Trafficking in oxycodone, 14 grams or more, less than 25 grams.

307

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

308

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

309

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

310

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

311

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

312	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
313	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
314	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
315	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
316	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
317	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting

requirements.

318

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

319

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

320

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

321

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

322

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

323

CS/CS/HB 761

2016

324	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
325	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
326	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
327	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
328	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure

to respond to address
 verification; providing false
 registration information.

329

330 (i) LEVEL 9

331

Florida	Felony	
Statute	Degree	Description

332

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

333

327.35	1st	BUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

334

409.920	1st	Medicaid provider fraud; \$50,000 or more.
(2) (b) 1.c.		

335

499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
-------------	-----	---

336

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
--------------------	-----	--

337	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
338	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
339	775.0844	1st	Aggravated white collar crime.
340	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
341	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 felonies.
342	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to

perpetrate a felony enumerated
in s. 782.04(3).

343

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

344

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

345

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

346

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

347

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.

348

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

349

787.06(3)(d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

350

787.06(3)(f)1. 1st,PBL Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.

351

790.161 1st Attempted capital destructive device offense.

352

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

353

794.011(2) 1st Attempted sexual battery; victim less than 12 years of

age.

354

794.011 (2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

355

794.011 (4) (a) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

356

794.011 (4) (b) 1st Sexual battery, certain circumstances; victim and offender 18 years of age or older.

357

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

358

794.011 (4) (d) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior

conviction for specified sex offenses.

359

794.011 (8) (b) 1st, PBL Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

360

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

361

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

362

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

363

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

364

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

365

817.535 (3) (b) 1st Filing false lien or other

unauthorized document; second or subsequent offense; property owner is a public officer or employee.

366

817.535 (4) (a) 2. 1st

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

367

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.

368

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.

369

817.611 (2) (c) 1st

Trafficking in or possessing 50 or more counterfeit credit

cards or related documents.

370			
	827.03 (2) (a)	1st	Aggravated child abuse.
371			
	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
372			
	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
373			
	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.
374			
	893.135	1st	Attempted capital trafficking offense.
375			
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
376			

377	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
378	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
379	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
380	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
381	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
382	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
383	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
	893.135	1st	Trafficking in gamma-

CS/CS/HB 761

2016

384	(1) (h) 1.c.		hydroxybutyric acid (GHB), 10 kilograms or more.
385	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
386	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
387	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
388	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
389	Section 5. This act shall take effect October 1, 2016.		