

**By** the Committees on Rules; Fiscal Policy; and Criminal Justice;  
and Senators Flores, Soto, and Montford

595-04091-16

2016912c3

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.;  
6 specifying requirements for managers of petroleum fuel  
7 measuring devices with respect to accurate  
8 measurement; requiring retail petroleum fuel measuring  
9 devices fitted with scanning devices to have certain  
10 security measures; providing requirements for such  
11 measures; requiring the owner or operator of a device  
12 to have certain security measures in place within a  
13 specified timeframe upon notice from the Department of  
14 Agriculture and Consumer Services; authorizing the  
15 department, under certain circumstances, to prohibit  
16 use of or to remove from service such devices that are  
17 noncompliant; defining terms; providing applicability;  
18 amending s. 817.58, F.S.; revising the definition of  
19 "traffic"; amending s. 817.611, F.S.; defining the  
20 term "related document"; revising the prohibition  
21 against trafficking in or possession of counterfeit  
22 credit cards; revising penalties; amending s.  
23 921.0022, F.S.; revising the ranking of unlawful  
24 conveyance or fraudulent acquisition of fuel on the  
25 offense severity ranking chart; ranking trafficking in  
26 or possession of counterfeit credit cards; providing  
27 an effective date.

28  
29 Be It Enacted by the Legislature of the State of Florida:

30  
31 Section 1. Subsection (2) of section 316.80, Florida

595-04091-16

2016912c3

32 Statutes, is amended to read:

33 316.80 Unlawful conveyance of fuel; obtaining fuel  
34 fraudulently.-

35 (2) A ~~Any~~ person who violates subsection (1) commits a  
36 felony of the second ~~third~~ degree, punishable as provided in s.  
37 775.082, s. 775.083, or s. 775.084, if he or she has attempted  
38 to or has fraudulently obtained motor or diesel fuel by:

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

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

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

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

48 525.07 Powers and duties of department; inspections;  
49 unlawful acts.-

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

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

595-04091-16

2016912c3

61 (a) Give, in writing, the ~~operator or owner~~ or manager of  
62 the measuring device a reasonable time to repair the measuring  
63 device; or

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

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

74 1. The placement of pressure-sensitive security tape over  
75 the panel opening that leads to the scanning device for the  
76 retail petroleum fuel measuring device in a manner that will  
77 restrict the unauthorized opening of the panel.

78 2. A device or system that will render the retail petroleum  
79 fuel measuring device or the scanning device in the measuring  
80 device inoperable if there is an unauthorized opening of the  
81 panel.

82 3. A device or system that encrypts the customer payment  
83 card information in the scanning device.

84 4. Another security measure approved by the department.

85 (b) The owner or manager of a retail petroleum fuel  
86 measuring device without a security measure or with an altered  
87 or damaged security measure, upon written notice from the  
88 department of such noncompliance, shall have 5 calendar days to  
89 comply with this subsection. After the fifth day of

595-04091-16

2016912c3

90 noncompliance, the department may prohibit further use of the  
91 retail petroleum fuel measuring device until a security measure  
92 is installed, replaced, or repaired. A repeat violation found on  
93 the same retail petroleum fuel measuring device will be cause  
94 for the department to immediately take the measuring device out  
95 of service.

96 (c) For purposes of this subsection, the terms "scanning  
97 device" and "payment card" have the same meanings as defined in  
98 s. 817.625.

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

101 Section 3. Subsection (10) of section 817.58, Florida  
102 Statutes, is amended to read

103 817.58 Definitions.—As used in ss. 817.57-817.685:

104 (10) "Traffic" means to sell, transfer, distribute,  
105 dispense, or otherwise dispose of a property or to buy, receive,  
106 ~~possess~~, obtain control of, or use property with the intent to  
107 sell, transfer, distribute, dispense, or otherwise dispose of  
108 such property.

109 Section 4. Section 817.611, Florida Statutes, is amended to  
110 read:

111 817.611 Traffic in or possess counterfeit credit cards.—

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

117 (2) A ~~Any~~ person who traffics in, ~~or~~ attempts to traffic  
118 in, ~~or possesses 10 or more~~ counterfeit credit cards or related

595-04091-16

2016912c3

119 ~~documents, invoices, vouchers, sales drafts, or other~~  
 120 ~~representations or manifestations of counterfeit credit cards,~~  
 121 ~~or credit card account numbers of another in any 6-month period~~  
 122 is guilty of:

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

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

131 (c) A felony of the first degree, punishable as provided in  
 132 s. 775.082, s. 775.083, or s. 775.084, if the person traffics  
 133 in, attempts to traffic in, or possesses 50 or more counterfeit  
 134 credit cards or related documents.

135 Section 5. Paragraphs (e), (g), and (h) of subsection (3)  
 136 of section 921.0022, Florida Statutes, are amended to read:

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

139 (3) OFFENSE SEVERITY RANKING CHART

140 (e) LEVEL 5

141

Florida Statute	Felony Degree	Description
316.027(2) (a)	3rd	Accidents involving personal injuries other than serious bodily

595-04091-16

2016912c3

injury, failure to stop;  
leaving scene.

143

316.1935 (4) (a)

2nd

Aggravated fleeing or  
eluding.

144

316.80 (2)

2nd

Unlawful conveyance of  
fuel; obtaining fuel  
fraudulently.

145

322.34 (6)

3rd

Careless operation of  
motor vehicle with  
suspended license,  
resulting in death or  
serious bodily injury.

146

327.30 (5)

3rd

Vessel accidents  
involving personal  
injury; leaving scene.

147

379.367 (4)

3rd

Willful molestation of a  
commercial harvester's  
spiny lobster trap,  
line, or buoy.

148

379.3671  
(2) (c) 3.

3rd

Willful molestation,  
possession, or removal  
of a commercial  
harvester's trap

595-04091-16

2016912c3

contents or trap gear by  
another harvester.

149

381.0041(11)(b)

3rd

Donate blood, plasma, or  
organs knowing HIV  
positive.

150

440.10(1)(g)

2nd

Failure to obtain  
workers' compensation  
coverage.

151

440.105(5)

2nd

Unlawful solicitation  
for the purpose of  
making workers'  
compensation claims.

152

440.381(2)

2nd

Submission of false,  
misleading, or  
incomplete information  
with the purpose of  
avoiding or reducing  
workers' compensation  
premiums.

153

624.401(4)(b)2.

2nd

Transacting insurance  
without a certificate or  
authority; premium  
collected \$20,000 or  
more but less than

595-04091-16

2016912c3

\$100,000.

154

626.902 (1) (c)

2nd

Representing an  
unauthorized insurer;  
repeat offender.

155

790.01 (2)

3rd

Carrying a concealed  
firearm.

156

790.162

2nd

Threat to throw or  
discharge destructive  
device.

157

790.163 (1)

2nd

False report of deadly  
explosive or weapon of  
mass destruction.

158

790.221 (1)

2nd

Possession of short-  
barreled shotgun or  
machine gun.

159

790.23

2nd

Felons in possession of  
firearms, ammunition, or  
electronic weapons or  
devices.

160

796.05 (1)

2nd

Live on earnings of a  
prostitute; 1st offense.

161

595-04091-16 2016912c3

162	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
163	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
164	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
165	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
166	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
167	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
168	812.131 (2) (b)	3rd	Robbery by sudden snatching.

595-04091-16 2016912c3

169	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
170	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
171	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
172	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.
173	<u>817.611(2)(a)</u>	<u>2nd</u>	<u>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</u>
173	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of

595-04091-16

2016912c3

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.

174

817.625 (2) (b)

2nd

Second or subsequent  
 fraudulent use of  
 scanning device or  
 reencoder.

175

825.1025 (4)

3rd

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

176

827.071 (4)

2nd

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

177

827.071 (5)

3rd

Possess, control, or  
 intentionally view any

595-04091-16

2016912c3

photographic material,  
 motion picture, etc.,  
 which includes sexual  
 conduct by a child.

178

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.

179

843.01

3rd

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

180

847.0135 (5) (b)

2nd

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

181

847.0137  
 (2) & (3)

3rd

Transmission of  
 pornography by  
 electronic device or  
 equipment.

182

847.0138  
 (2) & (3)

3rd

Transmission of material  
 harmful to minors to a  
 minor by electronic

595-04091-16

2016912c3

device or equipment.

183

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

184

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

185

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).

186

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

595-04091-16

2016912c3

care facility, school,  
or state, county, or  
municipal park or  
publicly owned  
recreational facility or  
community center.

187

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.

188

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.

189

893.13(1)(f)1.

1st

Sell, manufacture, or

595-04091-16

2016912c3

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.

190

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).

191

893.1351(1)

3rd

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

192

193

194

(g) LEVEL 7

195

Florida

Felony

Statute

Degree

Description

196

316.027(2) (c)

1st

Accident involving death,

595-04091-16

2016912c3

failure to stop; leaving scene.

197

316.193 (3) (c) 2.

3rd

DUI resulting in serious bodily injury.

198

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.

199

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

200

402.319 (2)

2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

201

409.920  
(2) (b) 1.a.

3rd

Medicaid provider fraud; \$10,000 or less.

595-04091-16

2016912c3

202  
203  
204  
205  
206  
207  
208  
209

409.920  
(2) (b) 1.b.

2nd

Medicaid provider fraud;  
more than \$10,000, but  
less than \$50,000.

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.

595-04091-16

2016912c3

210

462.17 3rd Practicing naturopathy  
without a license.

211

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

212

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

213

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

214

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

215

467.201 3rd Practicing midwifery  
without a license.

216

468.366 3rd Delivering respiratory  
care services without a  
license.

217

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

483.901 (9) 3rd Practicing medical physics  
without a license.

595-04091-16

2016912c3

218

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

219

484.053 3rd Dispensing hearing aids without a license.

220

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.

221

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.

222

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

223

655.50 (10) (b) 1. 3rd Failure to report

595-04091-16

2016912c3

financial transactions  
 exceeding \$300 but less  
 than \$20,000 by financial  
 institution.

224

775.21 (10) (a)

3rd

Sexual predator; failure  
 to register; failure to  
 renew driver license or  
 identification card; other  
 registration violations.

225

775.21 (10) (b)

3rd

Sexual predator working  
 where children regularly  
 congregate.

226

775.21 (10) (g)

3rd

Failure to report or  
 providing false  
 information about a sexual  
 predator; harbor or  
 conceal a sexual predator.

227

782.051 (3)

2nd

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

228

782.07 (1)

2nd

Killing of a human being  
 by the act, procurement,

595-04091-16

2016912c3

or culpable negligence of  
another (manslaughter).

229

782.071

2nd

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

230

782.072

2nd

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

231

784.045 (1) (a) 1.

2nd

Aggravated battery;  
intentionally causing  
great bodily harm or  
disfigurement.

232

784.045 (1) (a) 2.

2nd

Aggravated battery; using  
deadly weapon.

233

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware victim  
pregnant.

234

784.048 (4)

3rd

Aggravated stalking;  
violation of injunction or

595-04091-16

2016912c3

court order.

235

784.048 (7)

3rd

Aggravated stalking;  
violation of court order.

236

784.07 (2) (d)

1st

Aggravated battery on law  
enforcement officer.

237

784.074 (1) (a)

1st

Aggravated battery on  
sexually violent predators  
facility staff.

238

784.08 (2) (a)

1st

Aggravated battery on a  
person 65 years of age or  
older.

239

784.081 (1)

1st

Aggravated battery on  
specified official or  
employee.

240

784.082 (1)

1st

Aggravated battery by  
detained person on visitor  
or other detainee.

241

784.083 (1)

1st

Aggravated battery on code  
inspector.

242

787.06 (3) (a) 2.

1st

Human trafficking using  
coercion for labor and

595-04091-16

2016912c3

services of an adult.

243

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.

244

790.07(4)

1st

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

245

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

246

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

247

790.165(3)

2nd

Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

248

790.166(3)

2nd

Possessing, selling,

595-04091-16

2016912c3

using, or attempting to use a hoax weapon of mass destruction.

249

790.166 (4)

2nd

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

250

790.23

1st, PBL

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

251

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.

252

796.05 (1)

1st

Live on earnings of a prostitute; 2nd offense.

253

796.05 (1)

1st

Live on earnings of a prostitute; 3rd and subsequent offense.



595-04091-16

2016912c3

259

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

260

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

261

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

262

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.

263

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

264

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

595-04091-16

2016912c3

265

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

266

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

267

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

268

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

269

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

270

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

271

817.234 (8) (a)                      2nd              Solicitation of motor vehicle accident victims

595-04091-16

2016912c3

with intent to defraud.

272

817.234 (9)

2nd

Organizing, planning, or participating in an intentional motor vehicle collision.

273

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

274

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.

275

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

276

817.611 (2) (b)

2nd

Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

277

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult

595-04091-16

2016912c3

causing great bodily harm,  
disability, or  
disfigurement.

278

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.

279

827.03 (2) (b)

2nd

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

280

827.04 (3)

3rd

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

281

837.05 (2)

3rd

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

282

838.015

2nd

Bribery.

283

838.016

2nd

Unlawful compensation or  
reward for official

595-04091-16

2016912c3

behavior.

284

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

285

838.22

2nd

Bid tampering.

286

843.0855 (2)

3rd

Impersonation of a public officer or employee.

287

843.0855 (3)

3rd

Unlawful simulation of legal process.

288

843.0855 (4)

3rd

Intimidation of a public officer or employee.

289

847.0135 (3)

3rd

Solicitation of a child, via a computer service, to commit an unlawful sex act.

290

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.

291

872.06

2nd

Abuse of a dead human body.

292

874.05 (2) (b)

1st

Encouraging or recruiting

595-04091-16

2016912c3

person under 13 to join a criminal gang; second or subsequent offense.

293

874.10

1st,PBL

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

294

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.

295

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),

595-04091-16

2016912c3

(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.

296

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).

297

893.135 (1) (a) 1.

1st

Trafficking in cannabis,  
 more than 25 lbs., less  
 than 2,000 lbs.

298

893.135  
 (1) (b) 1.a.

1st

Trafficking in cocaine,  
 more than 28 grams, less  
 than 200 grams.

299

893.135  
 (1) (c) 1.a.

1st

Trafficking in illegal  
 drugs, more than 4 grams,  
 less than 14 grams.

300

893.135  
 (1) (c) 2.a.

1st

Trafficking in  
 hydrocodone, 14 grams or  
 more, less than 28 grams.

301

893.135

1st

Trafficking in

	595-04091-16		2016912c3
	(1) (c) 2.b.		hydrocodone, 28 grams or more, less than 50 grams.
302	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.a.		7 grams or more, less than 14 grams.
303	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
304	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
305	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
306	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
307	893.135	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
308	(1) (g) 1.a.		

595-04091-16

2016912c3

893.135  
(1) (h) 1.a.

1st

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

309

893.135  
(1) (j) 1.a.

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

310

893.135  
(1) (k) 2.a.

1st

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

311

893.1351 (2)

2nd

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

312

896.101 (5) (a)

3rd

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

313

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions

595-04091-16

2016912c3

exceeding \$300 but less than \$20,000.

314

943.0435 (4) (c)

2nd

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

315

943.0435 (8)

2nd

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

316

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

317

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

318

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

595-04091-16

2016912c3

registration information.

319

944.607(9)

3rd

Sexual offender; failure to comply with reporting requirements.

320

944.607(10)(a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

321

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

322

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

323

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

324

985.4815(12)

3rd

Failure to report or providing false

595-04091-16

2016912c3

information about a sexual  
offender; harbor or  
conceal a sexual offender.

325

985.4815 (13)

3rd

Sexual offender; failure  
to report and reregister;  
failure to respond to  
address verification;  
providing false  
registration information.

326

327

328

(h) LEVEL 8

329

Florida  
Statute

Felony  
Degree

Description

330

316.193  
(3) (c) 3.a.

2nd

DUI manslaughter.

331

316.1935 (4) (b)

1st

Aggravated fleeing or  
attempted eluding with  
serious bodily injury or  
death.

332

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

333

499.0051 (7)

1st

Knowing trafficking in  
contraband prescription

595-04091-16

2016912c3

drugs.

334

499.0051 (8)

1st

Knowing forgery of  
prescription labels or  
prescription drug labels.

335

560.123 (8) (b) 2.

2nd

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$20,000, but  
less than \$100,000 by  
money transmitter.

336

560.125 (5) (b)

2nd

Money transmitter  
business by unauthorized  
person, currency or  
payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

337

655.50 (10) (b) 2.

2nd

Failure to report  
financial transactions  
totaling or exceeding  
\$20,000, but less than  
\$100,000 by financial  
institutions.

338

777.03 (2) (a)

1st

Accessory after the fact,

595-04091-16

2016912c3

capital felony.

339

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.

340

782.051(2)

1st

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

341

782.071(1)(b)

1st

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

342

782.072(2)

1st

Committing vessel homicide and failing to render aid or give

595-04091-16

2016912c3

information.

343

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

344

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of an adult.

345

787.06(3)(c)2.

1st

Human trafficking using coercion for labor and services of an unauthorized alien adult.

346

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

347

787.06(3)(f)2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the

595-04091-16

2016912c3

state.

348

790.161 (3)

1st

Discharging a destructive device which results in bodily harm or property damage.

349

794.011 (5) (a)

1st

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

350

794.011 (5) (b)

2nd

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

351

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

352

595-04091-16 2016912c3

353 794.011(5)(d) 1st Sexual battery; victim 12  
 years of age or older;  
 offender does not use  
 physical force likely to  
 cause serious injury;  
 prior conviction for  
 specified sex offense.

354 794.08(3) 2nd Female genital  
 mutilation, removal of a  
 victim younger than 18  
 years of age from this  
 state.

355 800.04(4)(b) 2nd Lewd or lascivious  
 battery.

356 800.04(4)(c) 1st Lewd or lascivious  
 battery; offender 18  
 years of age or older;  
 prior conviction for  
 specified sex offense.

357 806.01(1) 1st Maliciously damage  
 dwelling or structure by  
 fire or explosive,  
 believing person in  
 structure.

595-04091-16

2016912c3

358  
359  
360  
361  
362  
363  
364

810.02 (2) (a)

1st, PBL

Burglary with assault or battery.

810.02 (2) (b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

810.02 (2) (c)

1st

Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

812.014 (2) (a) 2.

1st

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

812.13 (2) (b)

1st

Robbery with a weapon.

812.135 (2) (c)

1st

Home-invasion robbery, no firearm, deadly weapon, or other weapon.

817.535 (2) (b)

2nd

Filing false lien or other unauthorized document; second or subsequent offense.

595-04091-16

2016912c3

817.535 (3) (a)

2nd

Filing false lien or other unauthorized document; property owner is a public officer or employee.

365

817.535 (4) (a) 1.

2nd

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

366

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.

367

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

368

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

595-04091-16

2016912c3

369

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

370

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

371

825.103 (3) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

372

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

373

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

374

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

595-04091-16

2016912c3

harm.

375

860.16

1st

Aircraft piracy.

376

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).

377

893.13(2)(b)

1st

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

378

893.13(6)(c)

1st

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

379

893.135(1)(a)2.

1st

Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

380

893.135  
(1)(b)1.b.

1st

Trafficking in cocaine, more than 200 grams, less than 400 grams.

381

893.135  
(1)(c)1.b.

1st

Trafficking in illegal drugs, more than 14

595-04091-16

2016912c3

grams, less than 28  
grams.

382

893.135  
(1) (c) 2.c.

1st

Trafficking in  
hydrocodone, 50 grams or  
more, less than 200  
grams.

383

893.135  
(1) (c) 3.c.

1st

Trafficking in oxycodone,  
25 grams or more, less  
than 100 grams.

384

893.135  
(1) (d) 1.b.

1st

Trafficking in  
phencyclidine, more than  
200 grams, less than 400  
grams.

385

893.135  
(1) (e) 1.b.

1st

Trafficking in  
methaqualone, more than 5  
kilograms, less than 25  
kilograms.

386

893.135  
(1) (f) 1.b.

1st

Trafficking in  
amphetamine, more than 28  
grams, less than 200  
grams.

387

893.135  
(1) (g) 1.b.

1st

Trafficking in  
flunitrazepam, 14 grams

595-04091-16

2016912c3

or more, less than 28  
grams.

388

893.135  
(1) (h) 1.b.

1st

Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 5 kilograms or  
more, less than 10  
kilograms.

389

893.135  
(1) (j) 1.b.

1st

Trafficking in 1,4-  
Butanediol, 5 kilograms  
or more, less than 10  
kilograms.

390

893.135  
(1) (k) 2.b.

1st

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

391

893.1351(3)

1st

Possession of a place  
used to manufacture  
controlled substance when  
minor is present or  
resides there.

392

895.03(1)

1st

Use or invest proceeds  
derived from pattern of  
racketeering activity.

393

595-04091-16

2016912c3

895.03 (2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

394

895.03 (3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

395

896.101 (5) (b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

396

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.

397

398

Section 6. This act shall take effect October 1, 2016.