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1
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 requiring the department to enforce certain
19 provisions; providing rulemaking authority; amending
20 s. 817.58, F.S.; revising the definition of "traffic";
21 amending s. 817.611, F.S.; defining the term "related
22 document"; revising the prohibition against
23 trafficking in or possession of counterfeit credit
24 cards; 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 possession of
28 counterfeit credit cards; providing an effective date.
29

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

31

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

34 316.80 Unlawful conveyance of fuel; obtaining fuel
35 fraudulently.—

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

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

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

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

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

49 525.07 Powers and duties of department; inspections;
50 unlawful acts.—

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

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

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

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

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

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

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

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

85 4. Another security measure approved by the department.

86 (b) The owner or manager of a retail petroleum fuel
87 measuring device without a security measure or with an altered

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88 or damaged security measure, upon written notice from the
89 department of such noncompliance, shall have 5 calendar days to
90 comply with this subsection. After the fifth day of
91 noncompliance, the department may prohibit further use of the
92 retail petroleum fuel measuring device until a security measure
93 is installed, replaced, or repaired. A repeat violation found on
94 the same retail petroleum fuel measuring device will be cause
95 for the department to immediately take the measuring device out
96 of service.

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

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

102 (e) The department shall enforce, and may adopt rules to
103 administer, this subsection.

104 Section 3. Subsection (10) of section 817.58, Florida
105 Statutes, is amended to read:

106 817.58 Definitions.—As used in ss. 817.57–817.685:

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

112 Section 4. Section 817.611, Florida Statutes, is amended to
113 read:

114 817.611 Traffic in or possess counterfeit credit cards.—

115 (1) As used in this section, the term "related document"
116 means an invoice, a voucher, a sales draft, or other

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117 representation or manifestation of a counterfeit credit card or
118 a credit card number of a cardholder if not authorized by the
119 cardholder.

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

126 (a) A felony of the second 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 5 to 14 counterfeit
129 credit cards or related documents.

130 (b) A felony of the second 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 15 to 49 counterfeit
133 credit cards or related documents.

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

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

140 921.0022 Criminal Punishment Code; offense severity ranking
141 chart.—

142 (3) OFFENSE SEVERITY RANKING CHART

143 (e) LEVEL 5

144

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	Florida Statute	Felony Degree	Description
145	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
146	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
147	<u>316.80 (2)</u>	<u>2nd</u>	<u>Unlawful conveyance of fuel; obtaining fuel fraudulently.</u>
148	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
149	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
150	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap,

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line, or buoy.

151

379.3671
(2) (c) 3.

3rd

Willful molestation,
possession, or removal
of a commercial
harvester's trap
contents or trap gear by
another harvester.

152

381.0041 (11) (b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

153

440.10 (1) (g)

2nd

Failure to obtain
workers' compensation
coverage.

154

440.105 (5)

2nd

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

155

440.381 (2)

2nd

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

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156	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
157	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
158	790.01 (2)	3rd	Carrying a concealed firearm.
159	790.162	2nd	Threat to throw or discharge destructive device.
160	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
161	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
162	790.23	2nd	Felons in possession of firearms, ammunition, or

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163
164
165
166
167
168
169

796.05 (1)

2nd

electronic weapons or
devices.

Live on earnings of a
prostitute; 1st offense.

800.04 (6) (c)

3rd

Lewd or lascivious
conduct; offender less
than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious
exhibition; offender 18
years of age or older.

806.111 (1)

3rd

Possess, manufacture, or
dispense fire bomb with
intent to damage any
structure or property.

812.0145 (2) (b)

2nd

Theft from person 65
years of age or older;
\$10,000 or more but less
than \$50,000.

812.015 (8)

3rd

Retail theft; property
stolen is valued at \$300
or more and one or more
specified acts.

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170	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
171	812.131 (2) (b)	3rd	Robbery by sudden snatching.
172	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
173	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
174	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
175	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.
	<u>817.611 (2) (a)</u>	<u>2nd</u>	<u>Traffic in or possess 5 to 14 counterfeit credit</u>

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176	817.568 (2) (b)	2nd	<u>cards or related documents.</u> 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.
177	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
178	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
179	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion

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180

827.071 (5)

3rd

picture, etc., which includes sexual conduct by a child.

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

181

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.

182

843.01

3rd

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

183

847.0135 (5) (b)

2nd

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

184

847.0137
(2) & (3)

3rd

Transmission of pornography by

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185			electronic device or equipment.
185	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
186			
186	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
187			
187	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
188			
188	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).
189			
189	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c),

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(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.

190

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.

191

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),

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or (4) within 1,000 feet
of property used for
religious services or a
specified business site.

192

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.

193

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).

194

893.1351(1)

3rd

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

195

196

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197 (g) LEVEL 7

198

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

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

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211			license.
	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			

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220	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
221	483.901 (9)	3rd	Practicing medical physics without a license.
222	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
223	484.053	3rd	Dispensing hearing aids without a license.
224	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.
225	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.
	560.125 (5) (a)	3rd	Money services business by

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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

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231			than the perpetrator or the perpetrator of an attempted felony.
	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			

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237	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
238	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
239	784.048 (7)	3rd	Aggravated stalking; violation of court order.
240	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
241	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
242	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
243	784.081 (1)	1st	Aggravated battery on specified official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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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

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251			threatening to use any hoax bomb while committing or attempting to commit a felony.
	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			

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256	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
257	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
258	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
259	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.
260	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.
	806.01 (2)	2nd	Maliciously damage

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261

structure by fire or
explosive.

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

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267			\$50,000, grand theft in 2nd degree.
268	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
269	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
270	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
271	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
272	812.131 (2) (a)	2nd	Robbery by sudden snatching.
273	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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274	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
275	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
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.
	<u>817.611 (2) (b)</u>	<u>2nd</u>	<u>Traffic in or possess 15</u>

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280	825.102 (3) (b)	2nd	<u>to 49 counterfeit credit cards or related documents.</u> 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

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285			enforcement officer.
286	838.015	2nd	Bribery.
287	838.016	2nd	Unlawful compensation or reward for official behavior.
288	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
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.
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex

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294

act.

872.06

2nd

Abuse of a dead human
body.

295

874.05 (2) (b)

1st

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

296

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

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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.

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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

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310

893.135
(1) (g) 1.a.

1st

grams, less than 28 grams.
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

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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.

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

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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.
329	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
330			
331	(h) LEVEL 8		
332			
333	Florida Statute	Felony Degree	Description
334	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or

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			death.
335	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
336	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
337	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
338	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.
339	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.
340	655.50 (10) (b) 2.	2nd	Failure to report financial transactions

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

341 777.03 (2) (a) 1st Accessory after the fact,
capital felony.

342 782.04 (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.

343 782.051 (2) 1st Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony not enumerated
in s. 782.04(3).

344 782.071 (1) (b) 1st Committing vehicular
homicide and failing to

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render aid or give
information.

345

782.072(2)

1st

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

346

787.06(3)(a)1.

1st

Human trafficking for
labor and services of a
child.

347

787.06(3)(b)

1st

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

348

787.06(3)(c)2.

1st

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

349

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.

350

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351	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 state.
352	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
353	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.
354	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.
	794.011(5)(c)	2nd	Sexual battery; victim 12

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

355 794.011 (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.

356 794.08 (3) 2nd Female genital
mutilation, removal of a
victim younger than 18
years of age from this
state.

357 800.04 (4) (b) 2nd Lewd or lascivious
battery.

358 800.04 (4) (c) 1st Lewd or lascivious
battery; offender 18
years of age or older;
prior conviction for
specified sex offense.

359

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360	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
361	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
362	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
363	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
364	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
365	812.13 (2) (b)	1st	Robbery with a weapon.
	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

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366	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
367	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
368	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
369	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.
370	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age

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of 18.

371	<u>817.611(2)(c)</u>	<u>1st</u>	<u>Traffic in or possess 50</u> <u>or more counterfeit</u> <u>credit cards or related</u> <u>documents.</u>
372	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
373	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
374	825.103(3)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
375	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
376	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital

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377

felony.

860.121(2)(c)

1st

Shooting at or throwing
any object in path of
railroad vehicle
resulting in great bodily
harm.

378

860.16

1st

Aircraft piracy.

379

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).

380

893.13(2)(b)

1st

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

381

893.13(6)(c)

1st

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

382

893.135(1)(a)2.

1st

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

383

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384	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
385	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
386	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
387	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
388	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
389	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
	893.135	1st	Trafficking in

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390	(1) (f) 1.b.		amphetamine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
391	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
392	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.b.		Butanediol, 5 kilograms or more, less than 10 kilograms.
393	893.135	1st	Trafficking in
	(1) (k) 2.b.		Phenethylamines, 200 grams or more, less than 400 grams.
394	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or

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395

resides there.

895.03 (1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

396

895.03 (2)

1st

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

397

895.03 (3)

1st

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

398

896.101 (5) (b)

2nd

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

399

896.104 (4) (a) 2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or

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

400

401

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