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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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05/01/2019 07:37 PM

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Senator Stewart moved the following:

Senate Amendment (with title amendment)

Delete lines 2952 - 3207

and insert:

Section 46. Paragraph (b) of subsection (11) of section 381.0041, Florida Statutes, is amended to read:

381.0041 Donation and transfer of human tissue; testing requirements.—

(11)

(b) Any person who has human immunodeficiency virus infection, who knows he or she is infected with human



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12 immunodeficiency virus, and who has been informed that he or she
13 may communicate this disease by donating blood, plasma, organs,
14 skin, or other human tissue who donates blood, plasma, organs,
15 skin, or other human tissue for use in another person, other
16 than a person who knows he or she is infected with human
17 immunodeficiency virus, is guilty of a felony of the third
18 degree, punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084.

20 Section 47. Present subsection (3) of section 384.23,
21 Florida Statutes, is redesignated as subsection (4), and a new
22 subsection (3) and subsection (5) are added to that section, to
23 read:

24 384.23 Definitions.—

25 (3) "Sexual conduct" means conduct between persons,
26 regardless of gender, which is capable of transmitting a
27 sexually transmissible disease, including, but not limited to,
28 contact between a:

29 (a) Penis and a vulva or an anus; or

30 (b) Mouth and a penis, a vulva, or an anus.

31 (5) "Substantial risk of transmission" means a reasonable
32 probability of disease transmission as proven by competent
33 medical or epidemiological evidence.

34 Section 48. Section 384.24, Florida Statutes, is amended to
35 read:

36 384.24 Unlawful acts.—

37 (1) It is unlawful for any person who has chancroid,
38 gonorrhea, granuloma inguinale, lymphogranuloma venereum,
39 genital herpes simplex, chlamydia, nongonococcal urethritis
40 (NGU), pelvic inflammatory disease (PID)/acute salpingitis, ~~or~~



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41 syphilis, or human immunodeficiency virus infection, when such
42 person knows he or she is infected with one or more of these
43 diseases and when such person has been informed that he or she
44 may communicate this disease to another person through sexual
45 conduct intercourse, to act with the intent to transmit the
46 disease, to engage in have sexual conduct that poses a
47 substantial risk of transmission to another person when the
48 intercourse with any other person is unaware that the person is
49 a carrier of the disease, and to transmit the disease to the,
50 unless such other person has been informed of the presence of
51 the sexually transmissible disease and has consented to the
52 sexual intercourse.

53 (2) A person does not act with the intent set forth in
54 subsection (1) if he or she in good faith complies with a
55 treatment regimen prescribed by his or her health care provider
56 or with the behavioral recommendations of his or her health care
57 provider or public health officials to limit the risk of
58 transmission, or if he or she offers to comply with such
59 behavioral recommendations, but such offer is rejected by the
60 other person with whom he or she is engaging in sexual conduct.
61 For purposes of this section, the term "behavioral
62 recommendations" includes, but is not limited to, the use of a
63 prophylactic device to limit the risk of transmission of the
64 disease. Evidence of the person's failure to comply with such a
65 treatment regimen or such behavioral recommendations is not, in
66 and of itself, sufficient to establish that he or she acted with
67 the intent set forth in subsection (1) It is unlawful for any
68 person who has human immunodeficiency virus infection, when such
69 person knows he or she is infected with this disease and when



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70 ~~such person has been informed that he or she may communicate~~
71 ~~this disease to another person through sexual intercourse, to~~
72 ~~have sexual intercourse with any other person, unless such other~~
73 ~~person has been informed of the presence of the sexually~~
74 ~~transmissible disease and has consented to the sexual~~
75 ~~intercourse.~~

76 Section 49. Section 384.34, Florida Statutes, is amended to
77 read:

78 384.34 Penalties.—

79 (1) Any person who violates s. 384.24 ~~the provisions of s.~~
80 ~~384.24(1)~~ commits a misdemeanor of the first degree, punishable
81 as provided in s. 775.082 or s. 775.083.

82 (2) Any person who violates ~~the provisions of~~ s. 384.26 or
83 s. 384.29 commits a misdemeanor of the first degree, punishable
84 as provided in s. 775.082 or s. 775.083.

85 (3) Any person who maliciously disseminates any false
86 information or report concerning the existence of any sexually
87 transmissible disease commits a misdemeanor felony of the first
88 ~~third~~ degree, punishable as provided in s. 775.082 or s. 775.083
89 ~~ss. 775.082, 775.083, and 775.084.~~

90 (4) ~~Any person who violates the provisions of the~~
91 ~~department's rules pertaining to sexually transmissible diseases~~
92 ~~may be punished by a fine not to exceed \$500 for each violation.~~
93 ~~Any penalties enforced under this subsection shall be in~~
94 ~~addition to other penalties provided by this chapter. The~~
95 ~~department may enforce this section and adopt rules necessary to~~
96 ~~administer this section.~~

97 (5) ~~Any person who violates s. 384.24(2) commits a felony~~
98 ~~of the third degree, punishable as provided in s. 775.082, s.~~



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99 ~~775.083, or s. 775.084. Any person who commits multiple~~
100 ~~violations of s. 384.24(2) commits a felony of the first degree,~~
101 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

102 (6) Any person who obtains information that identifies an
103 individual who has a sexually transmissible disease, who knew or
104 should have known the nature of the information and maliciously,
105 or for monetary gain, disseminates this information or otherwise
106 makes this information known to any other person, except by
107 providing it either to a physician or nurse employed by the
108 Department of Health or to a law enforcement agency, commits a
109 felony of the third degree, punishable as provided in s.
110 775.082, s. 775.083, or s. 775.084.

111 Section 50. Subsections (1) and (3) of section 775.0877,
112 Florida Statutes, are amended to read:

113 775.0877 Criminal transmission of HIV; procedures;
114 penalties.—

115 (1) In any case in which a person has been convicted of or
116 has pled nolo contendere or guilty to, regardless of whether
117 adjudication is withheld, any of the following offenses, or the
118 attempt thereof, which offense or attempted offense involves the
119 transmission of body fluids from one person to another:

120 (a) Section 794.011, relating to sexual battery;

121 (b) Section 826.04, relating to incest;

122 (c) Section 800.04, relating to lewd or lascivious offenses
123 committed upon or in the presence of persons less than 16 years
124 of age;

125 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
126 relating to assault;

127 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),



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128 relating to aggravated assault;
129 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
130 relating to battery;
131 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
132 relating to aggravated battery;
133 (h) Section 827.03(2)(c), relating to child abuse;
134 (i) Section 827.03(2)(a), relating to aggravated child
135 abuse;
136 (j) Section 825.102(1), relating to abuse of an elderly
137 person or disabled adult;
138 (k) Section 825.102(2), relating to aggravated abuse of an
139 elderly person or disabled adult;
140 (l) Section 827.071, relating to sexual performance by
141 person less than 18 years of age;
142 (m) Sections 796.07 and 796.08, relating to prostitution;
143 or
144 (n) ~~Section 381.0041(11)(b), relating to donation of blood,~~
145 ~~plasma, organs, skin, or other human tissue; or~~
146 ~~(e)~~ Sections 787.06(3)(b), (d), (f), and (g), relating to
147 human trafficking,
148
149 the court shall order the offender to undergo HIV testing, to be
150 performed under the direction of the Department of Health in
151 accordance with s. 381.004, unless the offender has undergone
152 HIV testing voluntarily or pursuant to procedures established in
153 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
154 rule providing for HIV testing of criminal offenders or inmates,
155 subsequent to her or his arrest for an offense enumerated in
156 paragraphs (a)-(m) ~~(a)-(n)~~ for which she or he was convicted or



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157 to which she or he pled nolo contendere or guilty. The results
158 of an HIV test performed on an offender pursuant to this
159 subsection are not admissible in any criminal proceeding arising
160 out of the alleged offense.

161 (3) An offender who has undergone HIV testing pursuant to
162 subsection (1), and to whom positive test results have been
163 disclosed pursuant to subsection (2), who commits a second or
164 subsequent offense enumerated in paragraphs (1) (a) - (m) ~~(1) (a) -~~
165 ~~(n)~~, commits criminal transmission of HIV, a felony of the third
166 degree, punishable as provided in s. 775.082 or s. 775.083, ~~or~~
167 ~~s. 775.084~~. A person may be convicted and sentenced separately
168 for a violation of this subsection and for the underlying crime
169 enumerated in paragraphs (1) (a) - (m) ~~(1) (a) - (n)~~.

170 Section 51. Paragraphs (a) and (b) of subsection (2) and
171 paragraph (a) of subsection (3) of section 960.003, Florida
172 Statutes, are amended to read:

173 960.003 Hepatitis and HIV testing for persons charged with
174 or alleged by petition for delinquency to have committed certain
175 offenses; disclosure of results to victims.-

176 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
177 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.-

178 (a) In any case in which a person has been charged by
179 information or indictment with or alleged by petition for
180 delinquency to have committed any offense enumerated in s.
181 775.0877(1) (a) - (m) ~~s. 775.0877(1) (a) - (n)~~, which involves the
182 transmission of body fluids from one person to another, upon
183 request of the victim or the victim's legal guardian, or of the
184 parent or legal guardian of the victim if the victim is a minor,
185 the court shall order such person to undergo hepatitis and HIV



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186 testing within 48 hours after the information, indictment, or
187 petition for delinquency is filed. In the event the victim or,
188 if the victim is a minor, the victim's parent or legal guardian
189 requests hepatitis and HIV testing after 48 hours have elapsed
190 from the filing of the indictment, information, or petition for
191 delinquency, the testing shall be done within 48 hours after the
192 request.

193 (b) However, when a victim of any sexual offense enumerated
194 in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-(n)~~ is under the age
195 of 18 at the time the offense was committed or when a victim of
196 any sexual offense enumerated in s. 775.0877(1)(a)-(m) ~~s.~~
197 ~~775.0877(1)(a)-(n)~~ or s. 825.1025 is a disabled adult or elderly
198 person as defined in s. 825.1025 regardless of whether the
199 offense involves the transmission of bodily fluids from one
200 person to another, then upon the request of the victim or the
201 victim's legal guardian, or of the parent or legal guardian, the
202 court shall order such person to undergo hepatitis and HIV
203 testing within 48 hours after the information, indictment, or
204 petition for delinquency is filed. In the event the victim or,
205 if the victim is a minor, the victim's parent or legal guardian
206 requests hepatitis and HIV testing after 48 hours have elapsed
207 from the filing of the indictment, information, or petition for
208 delinquency, the testing shall be done within 48 hours after the
209 request. The testing shall be performed under the direction of
210 the Department of Health in accordance with s. 381.004. The
211 results of a hepatitis and HIV test performed on a defendant or
212 juvenile offender pursuant to this subsection shall not be
213 admissible in any criminal or juvenile proceeding arising out of
214 the alleged offense.



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215 (3) DISCLOSURE OF RESULTS.-

216 (a) The results of the test shall be disclosed no later
217 than 2 weeks after the court receives such results, under the
218 direction of the Department of Health, to the person charged
219 with or alleged by petition for delinquency to have committed or
220 to the person convicted of or adjudicated delinquent for any
221 offense enumerated in s. 775.0877(1)(a)-(m) ~~s. 775.0877(1)(a)-~~
222 ~~(n)~~, which involves the transmission of body fluids from one
223 person to another, and, upon request, to the victim or the
224 victim's legal guardian, or the parent or legal guardian of the
225 victim if the victim is a minor, and to public health agencies
226 pursuant to s. 775.0877. If the alleged offender is a juvenile,
227 the test results shall also be disclosed to the parent or
228 guardian. When the victim is a victim as described in paragraph
229 (2)(b), the test results must also be disclosed no later than 2
230 weeks after the court receives such results, to the person
231 charged with or alleged by petition for delinquency to have
232 committed or to the person convicted of or adjudicated
233 delinquent for any offense enumerated in s. 775.0877(1)(a)-(m)
234 ~~s. 775.0877(1)(a)-(n)~~, or s. 825.1025 regardless of whether the
235 offense involves the transmission of bodily fluids from one
236 person to another, and, upon request, to the victim or the
237 victim's legal guardian, or the parent or legal guardian of the
238 victim, and to public health agencies pursuant to s. 775.0877.
239 Otherwise, hepatitis and HIV test results obtained pursuant to
240 this section are confidential and exempt from the provisions of
241 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
242 shall not be disclosed to any other person except as expressly
243 authorized by law or court order.



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244 Section 52. Subsection (3) of section 921.0022, Florida
245 Statutes, is amended to read:
246 921.0022 Criminal Punishment Code; offense severity ranking
247 chart.—

248 (3) OFFENSE SEVERITY RANKING CHART
249 (a) LEVEL 1
250

Florida Statute	Felony Degree	Description
251 24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
252 212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
253 212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> \$300 but less than \$20,000.
254 316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
255 319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.



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256	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
257	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
258	322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
259	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
260	322.212(5)(a)	3rd	False application for driver license or identification card.
261	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
262	443.071(1)	3rd	False statement or



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263			representation to obtain or increase reemployment assistance benefits.
264	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> \$300 .
265	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
266	562.27 (1)	3rd	Possess still or still apparatus.
267	713.69	3rd	Tenant removes property upon which lien has accrued, value more than <u>\$1,000</u> \$50 .
268	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
269	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
	815.04 (5) (a)	3rd	Offense against intellectual



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270			property (i.e., computer programs, data).
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
271			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
272			
	826.01	3rd	Bigamy.
273			
	828.122 (3)	3rd	Fighting or baiting animals.
274			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
275			
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
276			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.



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277	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
278	838.15 (2)	3rd	Commercial bribe receiving.
279	838.16	3rd	Commercial bribery.
280	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
281	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
282	849.01	3rd	Keeping gambling house.
283	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
284	849.23	3rd	Gambling-related machines; "common offender" as to



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285			property rights.
286	849.25 (2)	3rd	Engaging in bookmaking.
287	860.08	3rd	Interfere with a railroad signal.
288	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
289	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
290	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
291	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
292			
293	(b) LEVEL 2		
294			
295	Florida Statute	Felony Degree	Description
	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the



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296			Marine Turtle Protection Act.
	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
297			
	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
298			
	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
299			
	590.28 (1)	3rd	Intentional burning of lands.
300			
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
301			



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302	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
303	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
304	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
305	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
306	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$300 or more but less than \$5,000.
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> \$100 or more but less than <u>\$5,000</u> \$300 , taken from unenclosed curtilage of dwelling.



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307	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
308	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
309	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
310	817.52 (3)	3rd	Failure to redeliver hired vehicle.
311	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
312	817.60 (5)	3rd	Dealing in credit cards of another.
313	817.60 (6) (a)	3rd	Forgery; purchase goods,



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314

817.61

3rd

services with false
card.

Fraudulent use of credit
cards over \$100 or more
within 6 months.

315

826.04

3rd

Knowingly marries or has
sexual intercourse with
person to whom related.

316

831.01

3rd

Forgery.

317

831.02

3rd

Uttering forged
instrument; utters or
publishes alteration
with intent to defraud.

318

831.07

3rd

Forging bank bills,
checks, drafts, or
promissory notes.

319

831.08

3rd

Possessing 10 or more
forged notes, bills,
checks, or drafts.

320

831.09

3rd

Uttering forged notes,
bills, checks, drafts,
or promissory notes.



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321	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
322	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
323	843.08	3rd	False personation.
324	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
325	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
326			
327			
328	(c) LEVEL 3		
329	Florida Statute	Felony Degree	Description



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330	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
331	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
332	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
333	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
334	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
335	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
336	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.



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337	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
338	327.35(2)(b)	3rd	Felony BUI.
339	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
340	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
341	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
342	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling,



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offering to sell,
molesting, or harassing
marine turtles, marine
turtle eggs, or marine
turtle nests in violation
of the Marine Turtle
Protection Act.

343

379.2431
(1) (e) 6.

3rd

Possessing any marine
turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

344

379.2431
(1) (e) 7.

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine
Turtle Protection Act.

345

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or
offering services requiring
licensure, without a
license.

346

400.9935 (4) (e)

3rd

Filing a false license
application or other
required information or



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347			failing to report information.
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
348			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
349			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
350			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
351			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
352			
	697.08	3rd	Equity skimming.
353			



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354	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
355	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
356	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
357	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
358	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
359	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
360	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.



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361	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
362	817.233	3rd	Burning to defraud insurer.
363	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
364	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
365	817.236	3rd	Filing a false motor vehicle insurance application.
366	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
367	817.413 (2)	3rd	Sale of used goods as new.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a



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counterfeit payment
 instrument with intent to
defraud.

368

831.29 2nd Possession of instruments
 for counterfeiting driver
 licenses or identification
 cards.

369

838.021 (3) (b) 3rd Threatens unlawful harm to
 public servant.

370

843.19 3rd Injure, disable, or kill
 police dog or horse.

371

860.15 (3) 3rd Overcharging for repairs
 and parts.

372

870.01 (2) 3rd Riot; inciting or
 encouraging.

373

893.13 (1) (a) 2. 3rd Sell, manufacture, or
 deliver cannabis (or other
 s. 893.03 (1) (c), (2) (c) 1.,
 (2) (c) 2., (2) (c) 3.,
 (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9.,
 (2) (c) 10., (3), or (4)
 drugs).



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374 893.13(1)(d)2. 2nd Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of university.

375 893.13(1)(f)2. 2nd Sell, manufacture, or
deliver s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3),
or (4) drugs within 1,000
feet of public housing
facility.

376 893.13(4)(c) 3rd Use or hire of minor;
deliver to minor other
controlled substances.

377 893.13(6)(a) 3rd Possession of any
controlled substance other
than felony possession of
cannabis.

378



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379	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
380	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
381	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
382	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.



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383	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
384	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
385	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
386	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
387	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
388	944.47(1)(c)	2nd	Possess contraband while



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upon the grounds of a
correctional institution.

389

985.721

3rd

Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

390

391

392

(d) LEVEL 4

393

Florida
Statute

Felony
Degree

Description

394

316.1935 (3) (a)

2nd

Driving at high speed or
with wanton disregard for
safety while fleeing or
attempting to elude law
enforcement officer who
is in a patrol vehicle
with siren and lights
activated.

395

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

396



303912

397	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
398	517.07 (1)	3rd	Failure to register securities.
399	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
400	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
401	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
402	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or



303912

403			materials.
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
404			
	784.081 (3)	3rd	Battery on specified official or employee.
405			
	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
406			
	784.083 (3)	3rd	Battery on code inspector.
407			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
408			
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
409			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent



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410

787.04 (3)

3rd

pending custody
proceedings.

Carrying child beyond
state lines with criminal
intent to avoid producing
child at custody hearing
or delivering to
designated person.

411

787.07

3rd

Human smuggling.

412

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

413

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

414

790.115 (2) (c)

3rd

Possessing firearm on
school property.

415

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender less
than 18 years.

416



303912

417	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
418	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
419	810.06	3rd	Burglary; possession of tools.
420	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
421	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
422	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
	812.0195 (2)	3rd	Dealing in stolen



303912

property by use of the
Internet; property stolen
\$300 or more.

423

817.505 (4) (a)

3rd

Patient brokering.

424

817.563 (1)

3rd

Sell or deliver substance
other than controlled
substance agreed upon,
excluding s. 893.03(5)
drugs.

425

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

426

817.625 (2) (a)

3rd

Fraudulent use of
scanning device, skimming
device, or reencoder.

427

817.625 (2) (c)

3rd

Possess, sell, or deliver
skimming device.

428

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.



303912

429	837.02 (1)	3rd	Perjury in official proceedings.
430	837.021 (1)	3rd	Make contradictory statements in official proceedings.
431	838.022	3rd	Official misconduct.
432	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
433	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
434	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
435	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.



303912

436	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
437	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
438	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
439	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
440	914.14(2)	3rd	Witnesses accepting bribes.
441	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
442	914.23(2)	3rd	Retaliation against a



303912

witness, victim, or
informant, no bodily
injury.

443

918.12 3rd Tampering with jurors.

444

934.215 3rd Use of two-way
communications device to
facilitate commission of
a crime.

445

944.47(1)(a)6. 3rd Introduction of
contraband (cellular
telephone or other
portable communication
device) into correctional
institution.

446

951.22(1)(h), 3rd Intoxicating drug,
(j), & (k) instrumentality, or
cellular telephone or
other device to aid
escape introduced into
county detention
facility.

447

448

449

(e) LEVEL 5

450



303912

	Florida Statute	Felony Degree	Description
451	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
452	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
453	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
454	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
455	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
456	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone



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crab traps, lines, or
buoys; illegal
bartering, trading, or
sale, conspiring or
aiding in such barter,
trade, or sale, or
supplying, agreeing to
supply, aiding in
supplying, or giving
away stone crab trap
tags or certificates;
making, altering,
forging, counterfeiting,
or reproducing stone
crab trap tags;
possession of forged,
counterfeit, or
imitation stone crab
trap tags; and engaging
in the commercial
harvest of stone crabs
while license is
suspended or revoked.

457

379.367(4)

3rd

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

458



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459	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
460	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
461	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
462	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
463	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or



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464			more but less than \$100,000.
465	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
466	790.01 (2)	3rd	Carrying a concealed firearm.
467	790.162	2nd	Threat to throw or discharge destructive device.
468	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
469	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
470	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



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471	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
472	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
473	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
474	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
475	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
476	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,050</u> \$300 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



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477	812.131 (2) (b)	3rd	Robbery by sudden snatching.
478	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
479	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
480	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
481	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.
482	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services



303912

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

483

817.611 (2) (a)

2nd

Traffic in or possess 5
to 14 counterfeit credit
cards or related
documents.

484

817.625 (2) (b)

2nd

Second or subsequent
fraudulent use of
scanning device,
skimming device, or
reencoder.

485

825.1025 (4)

3rd

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

486

827.071 (4)

2nd

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



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487	827.071 (5)	3rd	includes sexual conduct by a child.
488	828.12 (2)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
489	839.13 (2) (b)	2nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
490	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
491	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
			Lewd or lascivious exhibition using



303912

computer; offender 18
years or older.

492

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

493

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

494

874.05 (1) (b)

2nd

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

495

874.05 (2) (a)

2nd

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

496

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) 5.



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drugs).

497

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (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.

498

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)5. drugs) within 1,000 feet of university.

499

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited



303912

under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

500

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)5. drugs) within
1,000 feet of public
housing facility.

501

893.13(4)(b)

2nd

Use or hire of minor;
deliver to minor other
controlled substance.

502

893.1351(1)

3rd

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

503



303912

504
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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 228

and insert:

reported to the department; amending s. 381.0041,
F.S.; providing an exception to allow the donation of
human tissue by a person who has human
immunodeficiency virus infection under certain
circumstances; reclassifying a criminal offense
relating to such donations; amending s. 384.23, F.S.;
providing definitions; amending s. 384.24, F.S.;
expanding the scope of unlawful acts by a person
infected with a sexually transmissible disease;
expanding the list of sexually transmissible diseases
to include human immunodeficiency virus infection;
providing that certain actions are not sufficient
evidence to establish intent on the part of the person
who transmits the disease; providing a definition;
amending s. 384.34, F.S.; reclassifying specified
criminal offenses; removing a fine for specified rule
violations; amending s. 775.0877, F.S.; conforming
provisions to changes made by the act; amending s.
960.003, F.S.; conforming cross-references; amending
s. 921.0022,