

26 (b) Forces a person 16 years of age or older to touch the
 27 perpetrator on the breasts, genitals, genital area, or buttocks,
 28 or on the clothing covering them.

29 (2)(a) Except as provided in paragraph (b), a person who
 30 violates subsection (1) commits a misdemeanor of the first
 31 degree, punishable as provided in s. 775.082 or s. 775.083.

32 (b) A person who has a prior conviction for indecent
 33 battery and who commits a second or subsequent violation of
 34 subsection (1) commits a felony of the third degree, punishable
 35 as provided in s. 775.082, s. 775.083, or s. 775.084.

36 Section 2. Section 784.036, Florida Statutes, is created
 37 to read:

38 784.036 Charging battery and indecent battery.-
 39 Notwithstanding any other provision of law, a single indictment
 40 or information may, under proper circumstances, charge battery
 41 and indecent battery in connection with one course of conduct in
 42 separate counts that may be consolidated for trial, but the
 43 trier of fact may return a guilty verdict on one or the other,
 44 but not both, of the counts.

45 Section 3. Subsections (2), (3), and (4) of section
 46 794.05, Florida Statutes, are renumbered as subsections (3),
 47 (4), and (5), respectively, and a new subsection (2) is added to
 48 that section to read:

49 794.05 Unlawful sexual activity with certain minors; lewd
 50 or lascivious touching of certain minors.-

51 (2) A person 24 years of age or older who intentionally
 52 touches in a lewd or lascivious manner the breasts, genitals,
 53 genital area, or buttocks, or the clothing covering them, of a
 54 person 16 or 17 years of age, or forces or entices a person 16
 55 or 17 years of age to so touch the perpetrator, commits a felony
 56 of the third degree, punishable as provided in s. 775.082, s.
 57 775.083, or s. 775.084.

58 Section 4. Paragraphs (c) and (d) of subsection (3) of
 59 section 921.0022, Florida Statutes, are amended to read:

60 921.0022 Criminal Punishment Code; offense severity
 61 ranking chart.—

62 (3) OFFENSE SEVERITY RANKING CHART

63 (c) LEVEL 3

64

Florida Statute	Felony Degree	Description
119.10(2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2) (b)	3rd	Felony DUI, 3rd conviction.

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68	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
69	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
70	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
71	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
72	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
73	327.35(2)(b)	3rd	Felony BUI.
74	328.05(2)	3rd	Possess, sell, or counterfeit

75	328.07(4)	3rd	fictitious, stolen, or fraudulent titles or bills of sale of vessels.
76	376.302(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
77	379.2431 (1) (e) 5.	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
78	379.2431 (1) (e) 6.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
			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.
79	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
80	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
81	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
82	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
83	501.001(2) (b)	2nd	Tampers with a consumer product or the container using

			materially false/misleading information.
84	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
85	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
86	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
87	697.08	3rd	Equity skimming.
88	<u>784.0355(2) (b)</u>	<u>3rd</u>	<u>Indecent battery; second or subsequent offense.</u>
89	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
90	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or

			equipment used in firefighting.
91	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
92	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
93	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
94	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
95	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
96	812.081(2)	3rd	Theft of a trade secret.
97	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.

CS/HB 379

2022

98	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
99	817.233	3rd	Burning to defraud insurer.
100	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
101	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
102	817.236	3rd	Filing a false motor vehicle insurance application.
103	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
104	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.

CS/HB 379

2022

105	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
106	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
107	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
108	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
109	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
110	860.15(3)	3rd	Overcharging for repairs and

parts.

111

870.01(2) 3rd Riot.

112

870.01(4) 3rd Inciting a riot.

113

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).

114

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.

115

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.

116

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

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

118

893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

119

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

120

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

121	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
122	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.
123	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.
124	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.

125	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.
126	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
127	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
128	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
129	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
130			
131	(d) LEVEL 4		

CS/HB 379

2022

132	Florida	Felony	Description
	Statute	Degree	
133	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.
134	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
135	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
136	517.07(1)	3rd	Failure to register securities.
137	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.

138	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
139	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
140	784.075	3rd	Battery on detention or commitment facility staff.
141	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
142	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
143	784.081(3)	3rd	Battery on specified official or employee.
144	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
145	784.083(3)	3rd	Battery on code inspector.
146			

147	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
148	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
149	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
150	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
151	787.07	3rd	Human smuggling.
152	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.

CS/HB 379

2022

153	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
154	790.115 (2) (c)	3rd	Possessing firearm on school property.
155	<u>794.05 (2)</u>	<u>3rd</u>	<u>Lewd or lascivious touching of certain minors.</u>
156	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
157	806.135	2nd	Destroying or demolishing a memorial or historic property.
158	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault

CS/HB 379

2022

or battery.

159

810.06 3rd Burglary; possession of tools.

160

810.08(2)(c) 3rd Trespass on property, armed with firearm or dangerous weapon.

161

812.014(2)(c)3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

162

812.014 3rd Grand theft, 3rd degree; (2)(c)4.-10. specified items.

163

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen \$300 or more.

164

817.505(4)(a) 3rd Patient brokering.

165

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

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CS/HB 379

2022

167	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
168	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
169	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
170	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
171	837.02 (1)	3rd	Perjury in official proceedings.
172	837.021 (1)	3rd	Make contradictory statements in official proceedings.
173	838.022	3rd	Official misconduct.
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and

CS/HB 379

2022

174			custody of a state agency.
	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
175			
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
176			
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
177			
	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
178			
	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
179			
	870.01(3)	2nd	Aggravated rioting.
180			

CS/HB 379

2022

181	870.01(5)	2nd	Aggravated inciting a riot.
182	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
183	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).
184	914.14(2)	3rd	Witnesses accepting bribes.
185	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
186	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
187	916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
	918.12	3rd	Tampering with jurors.

CS/HB 379

2022

188	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
189	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
190	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
191			
192	Section 5. This act shall take effect October 1, 2022.		