

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Baker offered the following:

4
5 **Amendment**

6 Remove lines 10-299 and insert:

7 Section 1. Paragraphs (e), (f), and (g) of subsection (3)
8 of section 921.0022, Florida Statutes, are amended to read:

9 921.0022 Criminal Punishment Code; offense severity
10 ranking chart.—

11 (3) OFFENSE SEVERITY RANKING CHART

12 (e) LEVEL 5

13

Florida	Felony	
Statute	Degree	Description

14

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15	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
16	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
17	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
18	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
19	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply,

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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.

20

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

21

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

22

381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing HIV positive.

23

440.10(1)(g) 2nd Failure to obtain workers' compensation coverage.

24

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25	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
26	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
27	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
28	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
29	790.01 (3)	3rd	Unlawful carrying of a concealed firearm.
30	790.162	2nd	Threat to throw or discharge destructive device.

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31	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
32	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
33	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
34	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
35	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
36	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

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			to damage any structure or property.
37	812.0145(2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
38	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
39	812.015(8) (f)	3rd	Retail theft; multiple thefts within specified period.
40	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
41	812.081(3)	2nd	Trafficking in trade secrets.
42	812.131(2) (b)	3rd	Robbery by sudden snatching.
43	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
44			

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45	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
46	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
47	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.
48	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

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49	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
50	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
51	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
52	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
53	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain,

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54			serious physical injury, or death.
	836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
55			
	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.
56			
	843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
57			
	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
58			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.

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59	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
60	874.05(1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
61	874.05(2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
62	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. drugs).
63	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.,

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(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.

64

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.

65

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)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.

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66	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.
67	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
68	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
69			
70	(f) LEVEL 6		
71	Florida Statute	Felony Degree	Description
72	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
73			

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74	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
75	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
76	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
77	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
78	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
79	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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80	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
81	784.041	3rd	Felony battery; domestic battery by strangulation.
82	784.048 (3)	3rd	Aggravated stalking; credible threat.
83	784.048 (5)	3rd	Aggravated stalking of person under 16.
84	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
85	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
86	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
87	784.081 (2)	2nd	Aggravated assault on specified official or employee.

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88	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
89	784.083 (2)	2nd	Aggravated assault on code inspector.
90	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
91	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
92	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
93	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or

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94			use of firearms in violent manner.
95	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
96	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
97	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
98	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
99	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.

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100	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
101	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
102	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
103	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
104	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
105	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.

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106	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
107	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
108	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
109	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
110	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
111	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
112			

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113	817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
114	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
115	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
116	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
117	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
118	827.03(2)(c)	3rd	Abuse of a child.
119	827.03(2)(d)	3rd	Neglect of a child.
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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120	<u>827.071 (5)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.</u>
121	828.126 (3)	3rd	Sexual activities involving animals.
122	836.05	2nd	Threats; extortion.
123	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
124	843.12	3rd	Aids or assists person to escape.
125	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
126			

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127	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
128	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
129	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
130	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
131	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
	944.35(3) (a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

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supervision, resulting in great
bodily harm.

132

944.40 2nd Escapes.

133

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

134

944.47(1) (a) 5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

135

951.22(1) (i) 3rd Firearm or weapon introduced
into county detention facility.

136

137 (g) LEVEL 7

138

Florida	Felony	
Statute	Degree	Description

139

316.027(2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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140

316.193(3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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141	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.
142	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
143	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
144	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
145	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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146	456.065 (2)	3rd	Practicing a health care profession without a license.
147	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
148	458.327 (1)	3rd	Practicing medicine without a license.
149	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
150	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
151	461.012 (1)	3rd	Practicing podiatric medicine without a license.
152	462.17	3rd	Practicing naturopathy without a license.
153			

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154	463.015 (1)	3rd	Practicing optometry without a license.
155	464.016 (1)	3rd	Practicing nursing without a license.
156	465.015 (2)	3rd	Practicing pharmacy without a license.
157	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
158	467.201	3rd	Practicing midwifery without a license.
159	468.366	3rd	Delivering respiratory care services without a license.
160	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
161	483.901 (7)	3rd	Practicing medical physics without a license.

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162	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
163	484.053	3rd	Dispensing hearing aids without a license.
164	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.
165	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.
166	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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167	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
168	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
169	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
170	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
171	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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172	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
173	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
174	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
175	784.045 (1) (a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
176	784.045 (1) (a)2.	2nd	Aggravated battery; using deadly weapon.
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.

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177	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
178	784.048 (7)	3rd	Aggravated stalking; violation of court order.
179	784.07(2) (d)	1st	Aggravated battery on law enforcement officer.
180	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
181	784.08(2) (a)	1st	Aggravated battery on a person 65 years of age or older.
182	784.081 (1)	1st	Aggravated battery on specified official or employee.
183	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
184			

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185	784.083 (1)	1st	Aggravated battery on code inspector.
186	787.06(3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
187	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.
188	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
189	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
190	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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191	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
192	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
193	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
194	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	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.

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195	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
196	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
197	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
198	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.
199	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.

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200	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
201	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
202	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
203	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
204	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
205	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.

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

207

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

208

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

209

812.014 (2) (f) 2nd Grand theft; second degree;
firearm with previous
conviction of s.
812.014 (2) (c) 5.

210

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

211

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

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212	812.131 (2) (a)	2nd	Robbery by sudden snatching.
213	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
214	817.034 (4) (a)1.	1st	Communications fraud, value greater than \$50,000.
215	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
216	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
217	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
218	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

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a significant cause of the
insolvency of that entity.

219

817.418 (2) (a) 3rd Offering for sale or
advertising personal protective
equipment with intent to
defraud.

220

817.504 (1) (a) 3rd Offering or advertising a
vaccine with intent to defraud.

221

817.535 (2) (a) 3rd Filing false lien or other
unauthorized document.

222

817.611 (2) (b) 2nd Traffic in or possess 15 to 49
counterfeit credit cards or
related documents.

223

825.102 (3) (b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

224

825.103 (3) (b) 2nd Exploiting an elderly person or
disabled adult and property is

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valued at \$10,000 or more, but
less than \$50,000.

225

827.03(2)(b) 2nd Neglect of a child causing
great bodily harm, disability,
or disfigurement.

226

827.04(3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

227

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

228

827.071(4) 2nd Possess with intent to promote
any photographic material,
motion picture, etc., which
includes child pornography.

229

837.05(2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

230