

By the Committee on Criminal Justice; and Senator Flores

591-02721-12

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1                                   A bill to be entitled  
2           An act relating to human trafficking; amending s.  
3           16.56, F.S.; adding violations of ch. 787, F.S., to  
4           the jurisdiction of the Office of Statewide  
5           Prosecution; creating s. 480.0535, F.S.; requiring an  
6           employee of a massage establishment and any person  
7           performing massage therein to present, upon request of  
8           an investigator, valid government identification while  
9           in the establishment; providing documentation  
10          requirements for the operator of a massage  
11          establishment; providing criminal penalties; amending  
12          s. 775.21, F.S.; adding additional offenses to the  
13          list of sexual predator qualifying offenses; repealing  
14          s. 787.05, F.S., relating to unlawfully obtaining  
15          labor or services; amending s. 787.06, F.S.; revising  
16          legislative findings relating to human trafficking;  
17          revising definitions; creating additional offenses  
18          relating to human trafficking; providing criminal  
19          penalties; increasing criminal penalties for certain  
20          offenses; providing for forfeiture of property used,  
21          attempted to be used, or intended to be used in  
22          violation of specified human trafficking provisions;  
23          amending s. 787.07, F.S.; increasing the criminal  
24          penalty for human smuggling; amending s. 796.035,  
25          F.S.; revising provisions relating to selling or  
26          buying of minors into sex trafficking or prostitution;  
27          repealing s. 796.045, F.S., relating to sex  
28          trafficking; amending s. 905.34, F.S.; adding  
29          violations of ch. 787, F.S., to the jurisdiction of a

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30 statewide grand jury; amending s. 934.07, F.S.;

31 providing additional authorization for the

32 interception of wire, oral, or electronic

33 communications; amending ss. 943.0435, 944.606, and

34 944.607, F.S.; adding additional offenses to the list

35 of sexual offender qualifying offenses; amending ss.

36 90.404, 772.102, 794.056, 895.02, and 938.085, F.S.;

37 conforming cross-references; amending s. 921.0022,

38 F.S.; ranking offenses on the sentencing guidelines

39 chart of the Criminal Punishment Code; providing an

40 effective date.

41

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

43

44 Section 1. Paragraph (a) of subsection (1) of section

45 16.56, Florida Statutes, is amended to read:

46 16.56 Office of Statewide Prosecution.—

47 (1) There is created in the Department of Legal Affairs an

48 Office of Statewide Prosecution. The office shall be a separate

49 "budget entity" as that term is defined in chapter 216. The

50 office may:

51 (a) Investigate and prosecute the offenses of:

52 1. Bribery, burglary, criminal usury, extortion, gambling,

53 kidnapping, larceny, murder, prostitution, perjury, robbery,

54 carjacking, and home-invasion robbery;

55 2. Any crime involving narcotic or other dangerous drugs;

56 3. Any violation of the provisions of the Florida RICO

57 (Racketeer Influenced and Corrupt Organization) Act, including

58 any offense listed in the definition of racketeering activity in

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59 s. 895.02(1)(a), providing such listed offense is investigated  
60 in connection with a violation of s. 895.03 and is charged in a  
61 separate count of an information or indictment containing a  
62 count charging a violation of s. 895.03, the prosecution of  
63 which listed offense may continue independently if the  
64 prosecution of the violation of s. 895.03 is terminated for any  
65 reason;

66 4. Any violation of the provisions of the Florida Anti-  
67 Fencing Act;

68 5. Any violation of the provisions of the Florida Antitrust  
69 Act of 1980, as amended;

70 6. Any crime involving, or resulting in, fraud or deceit  
71 upon any person;

72 7. Any violation of s. 847.0135, relating to computer  
73 pornography and child exploitation prevention, or any offense  
74 related to a violation of s. 847.0135 or any violation of  
75 chapter 827 where the crime is facilitated by or connected to  
76 the use of the Internet or any device capable of electronic data  
77 storage or transmission;

78 8. Any violation of the provisions of chapter 815;

79 9. Any criminal violation of part I of chapter 499;

80 10. Any violation of the provisions of the Florida Motor  
81 Fuel Tax Relief Act of 2004;

82 11. Any criminal violation of s. 409.920 or s. 409.9201;

83 12. Any crime involving voter registration, voting, or  
84 candidate or issue petition activities;

85 13. Any criminal violation of the Florida Money Laundering  
86 Act; ~~or~~

87 14. Any criminal violation of the Florida Securities and

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88 Investor Protection Act; or

89 15. Any violation of the provisions of chapter 787, as well  
90 as any and all offenses related to a violation of the provisions  
91 of chapter 787;

92  
93 or any attempt, solicitation, or conspiracy to commit any of the  
94 crimes specifically enumerated above. The office shall have such  
95 power only when any such offense is occurring, or has occurred,  
96 in two or more judicial circuits as part of a related  
97 transaction, or when any such offense is connected with an  
98 organized criminal conspiracy affecting two or more judicial  
99 circuits. Informations or indictments charging such offenses  
100 shall contain general allegations stating the judicial circuits  
101 and counties in which crimes are alleged to have occurred or the  
102 judicial circuits and counties in which crimes affecting such  
103 circuits or counties are alleged to have been connected with an  
104 organized criminal conspiracy.

105 Section 2. Section 480.0535, Florida Statutes, is created  
106 to read:

107 480.0535 Documents required while working in a massage  
108 establishment.-

109 (1) In order to provide the department and law enforcement  
110 agencies the means to more effectively identify, investigate,  
111 and arrest persons engaging in human trafficking, a person  
112 employed by a massage establishment and any person performing  
113 massage therein must immediately present, upon the request of an  
114 investigator of the department or a law enforcement officer,  
115 valid government identification while in the establishment. A  
116 valid government identification for the purposes of this section

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117 is:

118 (a) A valid, unexpired driver license issued by any state,  
119 territory, or district of the United States;

120 (b) A valid, unexpired identification card issued by any  
121 state, territory, or district of the United States;

122 (c) A valid, unexpired United States passport;

123 (d) A naturalization certificate issued by the United  
124 States Department of Homeland Security;

125 (e) A valid, unexpired alien registration receipt card  
126 (green card); or

127 (f) A valid, unexpired employment authorization card issued  
128 by the United States Department of Homeland Security.

129 (2) A person operating a massage establishment must:

130 (a) Immediately present, upon the request of an  
131 investigator of the department or a law enforcement officer:

132 1. Valid government identification while in the  
133 establishment.

134 2. A copy of the documentation specified in paragraph  
135 (1) (a) for each employee and any person performing massage in  
136 the establishment.

137 (b) Ensure that each employee and any person performing  
138 massage in the massage establishment is able to immediately  
139 present, upon the request of an investigator of the department  
140 or a law enforcement officer, valid government identification  
141 while in the establishment.

142 (3) A person who violates any provision of this section  
143 commits:

144 (a) For a first violation, a misdemeanor of the second  
145 degree, punishable as provided in s. 775.082 or s. 775.083.

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146       (b) For a second violation, a misdemeanor of the first  
147 degree, punishable as provided in s. 775.082 or s. 775.083.

148       (c) For a third or subsequent violation, a felony of the  
149 third degree, punishable as provided in s. 775.082, s. 775.083,  
150 or s. 775.084.

151       Section 3. Paragraph (a) of subsection (4) of section  
152 775.21, Florida Statutes, is amended to read:

153       775.21 The Florida Sexual Predators Act.—

154       (4) SEXUAL PREDATOR CRITERIA.—

155       (a) For a current offense committed on or after October 1,  
156 1993, upon conviction, an offender shall be designated as a  
157 “sexual predator” under subsection (5), and subject to  
158 registration under subsection (6) and community and public  
159 notification under subsection (7) if:

160       1. The felony is:

161       a. A capital, life, or first-degree felony violation, or  
162 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
163 is a minor and the defendant is not the victim’s parent or  
164 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
165 violation of a similar law of another jurisdiction; or

166       b. Any felony violation, or any attempt thereof, of s.  
167 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
168 minor and the defendant is not the victim’s parent or guardian;  
169 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
170 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
171 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s.  
172 985.701(1); or a violation of a similar law of another  
173 jurisdiction, and the offender has previously been convicted of  
174 or found to have committed, or has pled nolo contendere or

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175 guilty to, regardless of adjudication, any violation of s.  
176 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
177 minor and the defendant is not the victim's parent or guardian;  
178 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
179 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
180 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
181 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a  
182 similar law of another jurisdiction;

183 2. The offender has not received a pardon for any felony or  
184 similar law of another jurisdiction that is necessary for the  
185 operation of this paragraph; and

186 3. A conviction of a felony or similar law of another  
187 jurisdiction necessary to the operation of this paragraph has  
188 not been set aside in any postconviction proceeding.

189 Section 4. Section 787.05, Florida Statutes, is repealed.

190 Section 5. Section 787.06, Florida Statutes, is amended to  
191 read:

192 787.06 Human trafficking.—

193 (1)(a) The Legislature finds that human trafficking is a  
194 form of modern-day slavery. Victims of human trafficking are  
195 young children, teenagers, and adults. Thousands of victims are  
196 trafficked annually across international borders worldwide. Many  
197 of these victims are trafficked into this state. Victims of  
198 human trafficking also include citizens of the United States and  
199 those persons trafficked domestically within the borders of the  
200 United States. The Legislature finds that victims of human  
201 trafficking are subjected to force, fraud, or coercion for the  
202 purpose of sexual exploitation or forced labor.

203 (b) The Legislature finds that while many victims of human

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204 trafficking are forced to work in prostitution or the sexual  
205 entertainment industry, trafficking also occurs in forms of  
206 labor exploitation, such as domestic servitude, restaurant work,  
207 janitorial work, sweatshop factory work, and migrant  
208 agricultural work.

209 (c) The Legislature finds that traffickers use various  
210 techniques to instill fear in victims and to keep them enslaved.  
211 Some traffickers keep their victims under lock and key. However,  
212 the most frequently used practices are less obvious techniques  
213 that include isolating victims from the public and family  
214 members; confiscating passports, visas, or other identification  
215 documents; using or threatening to use violence toward victims  
216 or their families; telling victims that they will be imprisoned  
217 or deported for immigration violations if they contact  
218 authorities; and controlling the victims' funds by holding the  
219 money ostensibly for safekeeping.

220 (d) It is the intent of the Legislature that the  
221 perpetrators of human trafficking be penalized for their illegal  
222 conduct and that the victims of trafficking be protected and  
223 assisted by this state and its agencies. In furtherance of this  
224 policy, it is the intent of the Legislature that the state  
225 Supreme Court, The Florida Bar, and relevant state agencies  
226 prepare and implement training programs in order that judges,  
227 attorneys, law enforcement personnel, investigators, and others  
228 are able to identify traffickers and victims of human  
229 trafficking and direct victims to appropriate agencies for  
230 assistance. It is the intent of the Legislature that the  
231 Department of Children and Family Services and other state  
232 agencies cooperate with other state and federal agencies to

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233 ensure that victims of human trafficking can access social  
234 services and benefits to alleviate their plight.

235 (2) As used in this section, the term:

236 ~~(a) "Financial harm" includes extortionate extension of~~  
237 ~~credit, loan sharking as defined in s. 687.071, or employment~~  
238 ~~contracts that violate the statute of frauds as provided in s.~~  
239 ~~725.01.~~

240 ~~(a)(b) "Coercion" "Forced labor or services" means labor or~~  
241 ~~services obtained from a person by:~~

242 1. Using or threatening to use physical force against any  
243 ~~that person or another person;~~

244 2. Restraining, isolating, or confining or threatening to  
245 restrain, isolate, or confine any ~~that~~ ~~person or another person~~  
246 without lawful authority and against her or his will;

247 3. Using lending or other credit methods to establish a  
248 debt by any ~~that~~ ~~person or another person~~ when labor or services  
249 are pledged as a security for the debt, if the value of the  
250 labor or services as reasonably assessed is not applied toward  
251 the liquidation of the debt, the length and nature of the labor  
252 or services are not respectively limited and defined;

253 4. Destroying, concealing, removing, confiscating,  
254 withholding, or possessing any actual or purported passport,  
255 visa, or other immigration document, or any other actual or  
256 purported government identification document, of any ~~that~~ ~~person~~  
257 ~~or another person;~~

258 5. Causing or threatening to cause financial harm to any  
259 person; ~~or~~

260 6. Enticing or luring any person by fraud or deceit; or  
261 ~~coercion~~

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262 7. Providing a controlled substance as outlined in Schedule  
263 I or Schedule II of s. 893.03 to any person for the purpose of  
264 exploitation of that person.

265 (b) "Commercial sexual activity" means any violation of  
266 chapter 796 or an attempt to commit any such offense, and  
267 includes sexually explicit performances and the production of  
268 pornography.

269 (c) "Financial harm" includes extortionate extension of  
270 credit, loan sharking as defined in s. 687.071, or employment  
271 contracts that violate the statute of frauds as provided in s.  
272 725.01.

273 (d)~~(e)~~ "Human trafficking" means transporting, soliciting,  
274 recruiting, harboring, providing, enticing, maintaining, or  
275 obtaining another person for the purpose of exploitation of that  
276 person for transport.

277 (e) "Labor" means work of economic or financial value.

278 (f)~~(d)~~ "Maintain," means, when used in relation to labor or  
279 services, means to secure or make possible continued performance  
280 thereof, regardless of any initial agreement on the part of the  
281 victim to perform such type service.

282 (g) "Obtain" means, in relation to labor or services, to  
283 secure performance thereof.

284 (h) "Services" means any act committed at the behest of,  
285 under the supervision of, or for the benefit of another. The  
286 term includes, but is not limited to, forced marriage,  
287 servitude, or the removal of organs.

288 (i) "Sexually explicit performance" means an act or show,  
289 whether public or private, that is live, photographed, recorded,  
290 or videotaped and intended to arouse or satisfy the sexual

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291 desires or appeal to the prurient interest.

292 (j) "Unauthorized alien" means an alien who is not  
293 authorized under federal law to be employed in the United  
294 States, as provided in 8 U.S.C. s. 1324a(h)(3). The term shall  
295 be interpreted consistently with that section and any applicable  
296 federal rules or regulations.

297 (k) "Venture" means any group of two or more individuals  
298 associated in fact, whether or not a legal entity.

299 (3) Any person who knowingly, or in reckless disregard of  
300 the facts, engages in, or attempts to engage in, or benefits  
301 financially by receiving anything of value from participation in  
302 a venture that has subjected a person to human trafficking:

303 (a) Using coercion for labor or services ~~Engages, or~~  
304 ~~attempts to engage, in human trafficking with the intent or~~  
305 ~~knowledge that the trafficked person will be subjected to forced~~  
306 ~~labor or services; or~~

307 ~~(b) Benefits financially by receiving anything of value~~  
308 ~~from participation in a venture that has subjected a person to~~  
309 ~~forced labor or services; commits a felony of the first ~~second~~~~  
310 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~  
311 ~~775.084.~~

312 (b) Using coercion for commercial sexual activity commits a  
313 felony of the first degree, punishable as provided in s.  
314 775.082, s. 775.083, or s. 775.084.

315 (c) Using coercion for labor or services of any individual  
316 who is an unauthorized alien commits a felony of the first  
317 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
318 775.084.

319 (d) Using coercion for commercial sexual activity of any

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320 individual who is an unauthorized alien commits a felony of the  
321 first degree, punishable as provided in s. 775.082, s. 775.083,  
322 or s. 775.084.

323 (e) Using coercion for labor or services who does so by the  
324 transfer or transport of any individual from outside this state  
325 to within the state commits a felony of the first degree,  
326 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

327 (f) Using coercion for commercial sexual activity who does  
328 so by the transfer or transport of any individual from outside  
329 this state to within the state commits a felony of the first  
330 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
331 775.084.

332 (g) For commercial sexual activity in which any child under  
333 the age of 18 is involved commits a felony of the first degree,  
334 punishable by imprisonment for a term of years not exceeding  
335 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.  
336 In a prosecution under this paragraph in which the defendant had  
337 a reasonable opportunity to observe the person who was subject  
338 to human trafficking, the state need not prove that the  
339 defendant knew that the person had not attained the age of 18  
340 years.

341 (h) For commercial sexual activity in which any child under  
342 the age of 15 is involved commits a life felony, punishable as  
343 provided in s. 775.082, s. 775.083, or s. 775.084. In a  
344 prosecution under this paragraph in which the defendant had a  
345 reasonable opportunity to observe the person who was subject to  
346 human trafficking, the state need not prove that the defendant  
347 knew that the person had not attained the age of 15 years.  
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349 For each instance of human trafficking of any individual under  
350 this subsection, a separate crime is committed and a separate  
351 punishment is authorized.

352 (4) Any parent, legal guardian, or other person having  
353 custody or control of a minor who sells or otherwise transfers  
354 custody or control of such minor, or offers to sell or otherwise  
355 transfer custody of such minor, with knowledge or in reckless  
356 disregard of the fact that, as a consequence of the sale or  
357 transfer, the minor will be subject to human trafficking commits  
358 a first degree felony, punishable as provided in s. 775.082, s.  
359 775.083, or s. 775.084.

360 (5)~~(4)~~ The Criminal Justice Standards and Training  
361 Commission shall establish standards for basic and advanced  
362 training programs for law enforcement officers in the subjects  
363 of investigating and preventing human trafficking crimes. ~~After~~  
364 ~~January 1, 2007,~~ Every basic skills course required for law  
365 enforcement officers to obtain initial certification must  
366 include training on human trafficking crime prevention and  
367 investigation.

368 (6)~~(5)~~ Each state attorney shall develop standards of  
369 instruction for prosecutors to receive training on the  
370 investigation and prosecution of human trafficking crimes and  
371 shall provide for periodic and timely instruction.

372 (7) Any real property or personal property that was used,  
373 attempted to be used, or intended to be used in violation of any  
374 provision of this section may be seized and shall be forfeited  
375 subject to the provisions of the Florida Contraband Forfeiture  
376 Act.

377 Section 6. Section 787.07, Florida Statutes, is amended to

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378 read:

379 787.07 Human smuggling.—

380 (1) A person who transports into this state an individual  
381 who the person knows, or should know, is illegally entering the  
382 United States from another country commits a felony ~~misdemeanor~~  
383 of the third ~~first~~ degree, punishable as provided in s. 775.082,  
384 ~~or~~ s. 775.083, or s. 775.084.

385 (2) A person commits a separate offense for each individual  
386 he or she transports into this state in violation of this  
387 section.

388 Section 7. Section 796.035, Florida Statutes, is amended to  
389 read:

390 796.035 Selling or buying of minors into ~~sex trafficking or~~  
391 prostitution; penalties.—Any parent, legal guardian, or other  
392 person having custody or control of a minor who sells or  
393 otherwise transfers custody or control of such minor, or offers  
394 to sell or otherwise transfer custody of such minor, with  
395 knowledge or in reckless disregard of the fact that, as a  
396 consequence of the sale or transfer, the minor will engage in  
397 prostitution, ~~perform naked for compensation, or otherwise~~  
398 ~~participate in the trade of sex trafficking,~~ commits a felony of  
399 the first degree, punishable as provided in s. 775.082, s.  
400 775.083, or s. 775.084.

401 Section 8. Section 796.045, Florida Statutes, is repealed.

402 Section 9. Subsections (11) and (12) of section 905.34,  
403 Florida Statutes, are amended, and subsection (13) is added to  
404 that section, to read:

405 905.34 Powers and duties; law applicable.—The jurisdiction  
406 of a statewide grand jury impaneled under this chapter shall

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407 extend throughout the state. The subject matter jurisdiction of  
408 the statewide grand jury shall be limited to the offenses of:

409 (11) Any criminal violation of the Florida Money Laundering  
410 Act; ~~or~~

411 (12) Any criminal violation of the Florida Securities and  
412 Investor Protection Act; or

413 (13) Any violation of chapter 787, as well as any and all  
414 offenses related to a violation of chapter 787;

415  
416 or any attempt, solicitation, or conspiracy to commit any  
417 violation of the crimes specifically enumerated above, when any  
418 such offense is occurring, or has occurred, in two or more  
419 judicial circuits as part of a related transaction or when any  
420 such offense is connected with an organized criminal conspiracy  
421 affecting two or more judicial circuits. The statewide grand  
422 jury may return indictments and presentments irrespective of the  
423 county or judicial circuit where the offense is committed or  
424 triable. If an indictment is returned, it shall be certified and  
425 transferred for trial to the county where the offense was  
426 committed. The powers and duties of, and law applicable to,  
427 county grand juries shall apply to a statewide grand jury except  
428 when such powers, duties, and law are inconsistent with the  
429 provisions of ss. 905.31-905.40.

430 Section 10. Paragraph (a) of subsection (1) of section  
431 934.07, Florida Statutes, is amended to read:

432 934.07 Authorization for interception of wire, oral, or  
433 electronic communications.-

434 (1) The Governor, the Attorney General, the statewide  
435 prosecutor, or any state attorney may authorize an application

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436 to a judge of competent jurisdiction for, and such judge may  
437 grant in conformity with ss. 934.03-934.09 an order authorizing  
438 or approving the interception of, wire, oral, or electronic  
439 communications by:

440 (a) The Department of Law Enforcement or any law  
441 enforcement agency as defined in s. 934.02 having responsibility  
442 for the investigation of the offense as to which the application  
443 is made when such interception may provide or has provided  
444 evidence of the commission of the offense of murder, kidnapping,  
445 aircraft piracy, arson, gambling, robbery, burglary, theft,  
446 dealing in stolen property, criminal usury, bribery, or  
447 extortion; any felony violation of ss. 790.161-790.166,  
448 inclusive; any violation of s. 787.06; any violation of chapter  
449 893; any violation of the provisions of the Florida Anti-Fencing  
450 Act; any violation of chapter 895; any violation of chapter 896;  
451 any violation of chapter 815; any violation of chapter 847; any  
452 violation of s. 827.071; any violation of s. 944.40; or any  
453 conspiracy or solicitation to commit any violation of the laws  
454 of this state relating to the crimes specifically enumerated in  
455 this paragraph.

456 Section 11. Paragraph (a) of subsection (1) of section  
457 943.0435, Florida Statutes, is amended to read:

458 943.0435 Sexual offenders required to register with the  
459 department; penalty.—

460 (1) As used in this section, the term:

461 (a)1. "Sexual offender" means a person who meets the  
462 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
463 subparagraph c., or sub-subparagraph d., as follows:

464 a.(I) Has been convicted of committing, or attempting,

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465 soliciting, or conspiring to commit, any of the criminal  
466 offenses proscribed in the following statutes in this state or  
467 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
468 or s. 787.025(2)(c), where the victim is a minor and the  
469 defendant is not the victim's parent or guardian; s.  
470 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
471 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
472 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
473 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
474 985.701(1); or any similar offense committed in this state which  
475 has been redesignated from a former statute number to one of  
476 those listed in this sub-sub-subparagraph; and

477 (II) Has been released on or after October 1, 1997, from  
478 the sanction imposed for any conviction of an offense described  
479 in sub-sub-subparagraph (I). For purposes of sub-sub-  
480 subparagraph (I), a sanction imposed in this state or in any  
481 other jurisdiction includes, but is not limited to, a fine,  
482 probation, community control, parole, conditional release,  
483 control release, or incarceration in a state prison, federal  
484 prison, private correctional facility, or local detention  
485 facility;

486 b. Establishes or maintains a residence in this state and  
487 who has not been designated as a sexual predator by a court of  
488 this state but who has been designated as a sexual predator, as  
489 a sexually violent predator, or by another sexual offender  
490 designation in another state or jurisdiction and was, as a  
491 result of such designation, subjected to registration or  
492 community or public notification, or both, or would be if the  
493 person were a resident of that state or jurisdiction, without

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494 regard to whether the person otherwise meets the criteria for  
495 registration as a sexual offender;

496 c. Establishes or maintains a residence in this state who  
497 is in the custody or control of, or under the supervision of,  
498 any other state or jurisdiction as a result of a conviction for  
499 committing, or attempting, soliciting, or conspiring to commit,  
500 any of the criminal offenses proscribed in the following  
501 statutes or similar offense in another jurisdiction: s. 787.01,  
502 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
503 the defendant is not the victim's parent or guardian; s.  
504 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
505 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
506 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
507 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
508 985.701(1); or any similar offense committed in this state which  
509 has been redesignated from a former statute number to one of  
510 those listed in this sub-subparagraph; or

511 d. On or after July 1, 2007, has been adjudicated  
512 delinquent for committing, or attempting, soliciting, or  
513 conspiring to commit, any of the criminal offenses proscribed in  
514 the following statutes in this state or similar offenses in  
515 another jurisdiction when the juvenile was 14 years of age or  
516 older at the time of the offense:

517 (I) Section 794.011, excluding s. 794.011(10);

518 (II) Section 800.04(4)(b) where the victim is under 12  
519 years of age or where the court finds sexual activity by the use  
520 of force or coercion;

521 (III) Section 800.04(5)(c)1. where the court finds  
522 molestation involving unclothed genitals; or

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523 (IV) Section 800.04(5)(d) where the court finds the use of  
524 force or coercion and unclothed genitals.

525 2. For all qualifying offenses listed in sub-subparagraph  
526 (1)(a)1.d., the court shall make a written finding of the age of  
527 the offender at the time of the offense.

528

529 For each violation of a qualifying offense listed in this  
530 subsection, the court shall make a written finding of the age of  
531 the victim at the time of the offense. For a violation of s.  
532 800.04(4), the court shall additionally make a written finding  
533 indicating that the offense did or did not involve sexual  
534 activity and indicating that the offense did or did not involve  
535 force or coercion. For a violation of s. 800.04(5), the court  
536 shall additionally make a written finding that the offense did  
537 or did not involve unclothed genitals or genital area and that  
538 the offense did or did not involve the use of force or coercion.

539 Section 12. Paragraph (b) of subsection (1) of section  
540 944.606, Florida Statutes, is amended to read:

541 944.606 Sexual offenders; notification upon release.—

542 (1) As used in this section:

543 (b) "Sexual offender" means a person who has been convicted  
544 of committing, or attempting, soliciting, or conspiring to  
545 commit, any of the criminal offenses proscribed in the following  
546 statutes in this state or similar offenses in another  
547 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
548 the victim is a minor and the defendant is not the victim's  
549 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.  
550 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
551 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.

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552 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
553 847.0145; or s. 985.701(1); or any similar offense committed in  
554 this state which has been redesignated from a former statute  
555 number to one of those listed in this subsection, when the  
556 department has received verified information regarding such  
557 conviction; an offender's computerized criminal history record  
558 is not, in and of itself, verified information.

559 Section 13. Paragraph (a) of subsection (1) of section  
560 944.607, Florida Statutes, is amended to read:

561 944.607 Notification to Department of Law Enforcement of  
562 information on sexual offenders.—

563 (1) As used in this section, the term:

564 (a) "Sexual offender" means a person who is in the custody  
565 or control of, or under the supervision of, the department or is  
566 in the custody of a private correctional facility:

567 1. On or after October 1, 1997, as a result of a conviction  
568 for committing, or attempting, soliciting, or conspiring to  
569 commit, any of the criminal offenses proscribed in the following  
570 statutes in this state or similar offenses in another  
571 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
572 the victim is a minor and the defendant is not the victim's  
573 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.  
574 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
575 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
576 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
577 847.0145; or s. 985.701(1); or any similar offense committed in  
578 this state which has been redesignated from a former statute  
579 number to one of those listed in this paragraph; or

580 2. Who establishes or maintains a residence in this state

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581 and who has not been designated as a sexual predator by a court  
582 of this state but who has been designated as a sexual predator,  
583 as a sexually violent predator, or by another sexual offender  
584 designation in another state or jurisdiction and was, as a  
585 result of such designation, subjected to registration or  
586 community or public notification, or both, or would be if the  
587 person were a resident of that state or jurisdiction, without  
588 regard as to whether the person otherwise meets the criteria for  
589 registration as a sexual offender.

590 Section 14. Paragraphs (b) and (c) of subsection (2) of  
591 section 90.404, Florida Statutes, are amended to read:

592 90.404 Character evidence; when admissible.—

593 (2) OTHER CRIMES, WRONGS, OR ACTS.—

594 (b)1. In a criminal case in which the defendant is charged  
595 with a crime involving child molestation, evidence of the  
596 defendant's commission of other crimes, wrongs, or acts of child  
597 molestation is admissible and may be considered for its bearing  
598 on any matter to which it is relevant.

599 2. For the purposes of this paragraph, the term "child  
600 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
601 787.06(3)(g) and (h), s. 794.011, excluding s. 794.011(10), s.  
602 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s. 800.04, s.  
603 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when  
604 committed against a person 16 years of age or younger.

605 (c)1. In a criminal case in which the defendant is charged  
606 with a sexual offense, evidence of the defendant's commission of  
607 other crimes, wrongs, or acts involving a sexual offense is  
608 admissible and may be considered for its bearing on any matter  
609 to which it is relevant.

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610           2. For the purposes of this paragraph, the term "sexual  
611 offense" means conduct proscribed by s. 787.025(2)(c), s.  
612 787.06(3)(b), (d), (f), (g), or (h), s. 794.011, excluding s.  
613 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s.  
614 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.  
615 985.701(1).

616           Section 15. Paragraph (a) of subsection (1) of section  
617 772.102, Florida Statutes, is amended to read:

618           772.102 Definitions.—As used in this chapter, the term:

619           (1) "Criminal activity" means to commit, to attempt to  
620 commit, to conspire to commit, or to solicit, coerce, or  
621 intimidate another person to commit:

622           (a) Any crime that is chargeable by indictment or  
623 information under the following provisions:

624           1. Section 210.18, relating to evasion of payment of  
625 cigarette taxes.

626           2. Section 414.39, relating to public assistance fraud.

627           3. Section 440.105 or s. 440.106, relating to workers'  
628 compensation.

629           4. Part IV of chapter 501, relating to telemarketing.

630           5. Chapter 517, relating to securities transactions.

631           6. Section 550.235 or s. 550.3551, relating to dogracing  
632 and horseracing.

633           7. Chapter 550, relating to jai alai frontons.

634           8. Chapter 552, relating to the manufacture, distribution,  
635 and use of explosives.

636           9. Chapter 562, relating to beverage law enforcement.

637           10. Section 624.401, relating to transacting insurance  
638 without a certificate of authority, s. 624.437(4)(c)1., relating

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639 to operating an unauthorized multiple-employer welfare  
640 arrangement, or s. 626.902(1)(b), relating to representing or  
641 aiding an unauthorized insurer.

642 11. Chapter 687, relating to interest and usurious  
643 practices.

644 12. Section 721.08, s. 721.09, or s. 721.13, relating to  
645 real estate timeshare plans.

646 13. Chapter 782, relating to homicide.

647 14. Chapter 784, relating to assault and battery.

648 15. Chapter 787, relating to kidnapping or human  
649 trafficking.

650 16. Chapter 790, relating to weapons and firearms.

651 17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or s.  
652 796.07, relating to prostitution.

653 18. Chapter 806, relating to arson.

654 19. Section 810.02(2)(c), relating to specified burglary of  
655 a dwelling or structure.

656 20. Chapter 812, relating to theft, robbery, and related  
657 crimes.

658 21. Chapter 815, relating to computer-related crimes.

659 22. Chapter 817, relating to fraudulent practices, false  
660 pretenses, fraud generally, and credit card crimes.

661 23. Section 827.071, relating to commercial sexual  
662 exploitation of children.

663 24. Chapter 831, relating to forgery and counterfeiting.

664 25. Chapter 832, relating to issuance of worthless checks  
665 and drafts.

666 26. Section 836.05, relating to extortion.

667 27. Chapter 837, relating to perjury.

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668 28. Chapter 838, relating to bribery and misuse of public  
669 office.

670 29. Chapter 843, relating to obstruction of justice.

671 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
672 s. 847.07, relating to obscene literature and profanity.

673 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
674 849.25, relating to gambling.

675 32. Chapter 893, relating to drug abuse prevention and  
676 control.

677 33. Section 914.22 or s. 914.23, relating to witnesses,  
678 victims, or informants.

679 34. Section 918.12 or s. 918.13, relating to tampering with  
680 jurors and evidence.

681 Section 16. Subsection (1) of section 794.056, Florida  
682 Statutes, is amended to read:

683 794.056 Rape Crisis Program Trust Fund.—

684 (1) The Rape Crisis Program Trust Fund is created within  
685 the Department of Health for the purpose of providing funds for  
686 rape crisis centers in this state. Trust fund moneys shall be  
687 used exclusively for the purpose of providing services for  
688 victims of sexual assault. Funds credited to the trust fund  
689 consist of those funds collected as an additional court  
690 assessment in each case in which a defendant pleads guilty or  
691 nolo contendere to, or is found guilty of, regardless of  
692 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
693 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
694 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
695 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
696 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;

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697 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.  
698 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
699 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
700 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
701 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
702 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
703 fund also shall include revenues provided by law, moneys  
704 appropriated by the Legislature, and grants from public or  
705 private entities.

706 Section 17. Paragraph (a) of subsection (1) of section  
707 895.02, Florida Statutes, is amended to read:

708 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

709 (1) "Racketeering activity" means to commit, to attempt to  
710 commit, to conspire to commit, or to solicit, coerce, or  
711 intimidate another person to commit:

712 (a) Any crime that is chargeable by petition, indictment,  
713 or information under the following provisions of the Florida  
714 Statutes:

715 1. Section 210.18, relating to evasion of payment of  
716 cigarette taxes.

717 2. Section 316.1935, relating to fleeing or attempting to  
718 elude a law enforcement officer and aggravated fleeing or  
719 eluding.

720 3. Section 403.727(3)(b), relating to environmental  
721 control.

722 4. Section 409.920 or s. 409.9201, relating to Medicaid  
723 fraud.

724 5. Section 414.39, relating to public assistance fraud.

725 6. Section 440.105 or s. 440.106, relating to workers'

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726 compensation.

727 7. Section 443.071(4), relating to creation of a fictitious  
728 employer scheme to commit unemployment compensation fraud.

729 8. Section 465.0161, relating to distribution of medicinal  
730 drugs without a permit as an Internet pharmacy.

731 9. Section 499.0051, relating to crimes involving  
732 contraband and adulterated drugs.

733 10. Part IV of chapter 501, relating to telemarketing.

734 11. Chapter 517, relating to sale of securities and  
735 investor protection.

736 12. Section 550.235 or s. 550.3551, relating to dogracing  
737 and horseracing.

738 13. Chapter 550, relating to jai alai frontons.

739 14. Section 551.109, relating to slot machine gaming.

740 15. Chapter 552, relating to the manufacture, distribution,  
741 and use of explosives.

742 16. Chapter 560, relating to money transmitters, if the  
743 violation is punishable as a felony.

744 17. Chapter 562, relating to beverage law enforcement.

745 18. Section 624.401, relating to transacting insurance  
746 without a certificate of authority, s. 624.437(4)(c)1., relating  
747 to operating an unauthorized multiple-employer welfare  
748 arrangement, or s. 626.902(1)(b), relating to representing or  
749 aiding an unauthorized insurer.

750 19. Section 655.50, relating to reports of currency  
751 transactions, when such violation is punishable as a felony.

752 20. Chapter 687, relating to interest and usurious  
753 practices.

754 21. Section 721.08, s. 721.09, or s. 721.13, relating to

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755 real estate timeshare plans.

756 22. Section 775.13(5)(b), relating to registration of  
757 persons found to have committed any offense for the purpose of  
758 benefiting, promoting, or furthering the interests of a criminal  
759 gang.

760 23. Section 777.03, relating to commission of crimes by  
761 accessories after the fact.

762 24. Chapter 782, relating to homicide.

763 25. Chapter 784, relating to assault and battery.

764 26. Chapter 787, relating to kidnapping or human  
765 trafficking.

766 27. Chapter 790, relating to weapons and firearms.

767 28. Chapter 794, relating to sexual battery, but only if  
768 such crime was committed with the intent to benefit, promote, or  
769 further the interests of a criminal gang, or for the purpose of  
770 increasing a criminal gang member's own standing or position  
771 within a criminal gang.

772 29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.  
773 796.05, or s. 796.07, relating to prostitution and sex  
774 trafficking.

775 30. Chapter 806, relating to arson and criminal mischief.

776 31. Chapter 810, relating to burglary and trespass.

777 32. Chapter 812, relating to theft, robbery, and related  
778 crimes.

779 33. Chapter 815, relating to computer-related crimes.

780 34. Chapter 817, relating to fraudulent practices, false  
781 pretenses, fraud generally, and credit card crimes.

782 35. Chapter 825, relating to abuse, neglect, or  
783 exploitation of an elderly person or disabled adult.

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784           36. Section 827.071, relating to commercial sexual  
785 exploitation of children.

786           37. Chapter 831, relating to forgery and counterfeiting.

787           38. Chapter 832, relating to issuance of worthless checks  
788 and drafts.

789           39. Section 836.05, relating to extortion.

790           40. Chapter 837, relating to perjury.

791           41. Chapter 838, relating to bribery and misuse of public  
792 office.

793           42. Chapter 843, relating to obstruction of justice.

794           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
795 s. 847.07, relating to obscene literature and profanity.

796           44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
797 849.25, relating to gambling.

798           45. Chapter 874, relating to criminal gangs.

799           46. Chapter 893, relating to drug abuse prevention and  
800 control.

801           47. Chapter 896, relating to offenses related to financial  
802 transactions.

803           48. Sections 914.22 and 914.23, relating to tampering with  
804 or harassing a witness, victim, or informant, and retaliation  
805 against a witness, victim, or informant.

806           49. Sections 918.12 and 918.13, relating to tampering with  
807 jurors and evidence.

808           Section 18. Section 938.085, Florida Statutes, is amended  
809 to read:

810           938.085 Additional cost to fund rape crisis centers.—In  
811 addition to any sanction imposed when a person pleads guilty or  
812 nolo contendere to, or is found guilty of, regardless of

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813 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
814 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
815 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
816 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
817 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;  
818 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.  
819 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
820 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
821 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
822 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and  
823 (14) (c); or s. 985.701(1), the court shall impose a surcharge of  
824 \$151. Payment of the surcharge shall be a condition of  
825 probation, community control, or any other court-ordered  
826 supervision. The sum of \$150 of the surcharge shall be deposited  
827 into the Rape Crisis Program Trust Fund established within the  
828 Department of Health by chapter 2003-140, Laws of Florida. The  
829 clerk of the court shall retain \$1 of each surcharge that the  
830 clerk of the court collects as a service charge of the clerk's  
831 office.

832 Section 19. Paragraphs (d), (g), (h), (i), and (j) of  
833 subsection (3) of section 921.0022, Florida Statutes, are  
834 amended to read:

835 921.0022 Criminal Punishment Code; offense severity ranking  
836 chart.—

837

838 (3) OFFENSE SEVERITY RANKING CHART

839 (d) LEVEL 4

840

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Florida Statute	Felony Degree	Description
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841

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.
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842

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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843

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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844

499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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845

784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
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846

784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
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847

784.075	3rd	Battery on detention or commitment facility staff.
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848

784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain
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fluids or materials.

849

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

850

784.081 (3) 3rd Battery on specified official or employee.

851

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

852

784.083 (3) 3rd Battery on code inspector.

853

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

854

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

855

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

856

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

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787.07                    3rd    Human smuggling.

790.115 (1)                3rd    Exhibiting firearm or weapon within  
1,000 feet of a school.

790.115 (2) (b)            3rd    Possessing electric weapon or device,  
destructive device, or other weapon on  
school property.

790.115 (2) (c)            3rd    Possessing firearm on school property.

800.04 (7) (c)             3rd    Lewd or lascivious exhibition; offender  
less than 18 years.

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 or battery.

810.06                      3rd    Burglary; possession of tools.

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

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

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but less than \$20,000.

868

812.014  
(2) (c) 4.-10.

3rd Grand theft, 3rd degree, a will,  
firearm, motor vehicle, livestock, etc.

869

812.0195(2)

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

870

817.563(1)

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

871

817.568(2) (a)

3rd Fraudulent use of personal  
identification information.

872

817.625(2) (a)

3rd Fraudulent use of scanning device or  
reencoder.

873

828.125(1)

2nd Kill, maim, or cause great bodily harm  
or permanent breeding disability to any  
registered horse or cattle.

874

837.02(1)

3rd Perjury in official proceedings.

875

837.021(1)

3rd Make contradictory statements in  
official proceedings.

876

838.022

3rd Official misconduct.

877

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878 839.13(2)(a) 3rd Falsifying records of an individual in  
the care and custody of a state agency.

879 839.13(2)(c) 3rd Falsifying records of the Department of  
Children and Family Services.

880 843.021 3rd Possession of a concealed handcuff key  
by a person in custody.

881 843.025 3rd Deprive law enforcement, correctional,  
or correctional probation officer of  
means of protection or communication.

882 843.15(1)(a) 3rd Failure to appear while on bail for  
felony (bond estreature or bond  
jumping).

883 847.0135(5)(c) 3rd Lewd or lascivious exhibition using  
computer; offender less than 18 years.

884 874.05(1) 3rd Encouraging or recruiting another to  
join a criminal gang.

885 893.13(2)(a)1. 2nd Purchase of cocaine (or other s.  
893.03(1)(a), (b), or (d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

886 914.14(2) 3rd Witnesses accepting bribes.

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887 914.22(1) 3rd Force, threaten, etc., witness, victim,  
or informant.

888 914.23(2) 3rd Retaliation against a witness, victim,  
or informant, no bodily injury.

889 918.12 3rd Tampering with jurors.

890 934.215 3rd Use of two-way communications device to  
facilitate commission of a crime.

891 (g) LEVEL 7

892 Florida Felony  
Statute Degree Description

893 316.027(1)(b) 1st Accident involving death, failure to  
stop; leaving scene.

894 316.193(3)(c)2. 3rd DUI resulting in serious bodily injury.

895 316.1935(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.

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327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

409.920 3rd Medicaid provider fraud; \$10,000 or less.  
(2)(b)1.a.

409.920 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.  
(2)(b)1.b.

456.065(2) 3rd Practicing a health care profession without a license.

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

458.327(1) 3rd Practicing medicine without a license.

459.013(1) 3rd Practicing osteopathic medicine without a license.

460.411(1) 3rd Practicing chiropractic medicine without a license.

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461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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917 484.053 3rd Dispensing hearing aids without a license.

918 494.0018(2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

919 560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

920 560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

921 655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

922 775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

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775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051 (3)	2nd	Attempted felony murder of a person by a person other 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).
782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.

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931	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
932	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
933	784.048 (7)	3rd	Aggravated stalking; violation of court order.
934	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
935	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
936	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
937	784.081 (1)	1st	Aggravated battery on specified official or employee.
938	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
939	784.083 (1)	1st	Aggravated battery on code inspector.
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787.06(3)(a)

1st

Human trafficking using coercion for labor and services.

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787.06(3)(e)

1st

Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

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946

790.07(4)

1st

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

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948

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

949

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

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790.165(3)

2nd

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

951

790.166(3)

2nd

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

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953	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
954	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
955	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.
956	796.03	2nd	Procuring any person under 16 years for prostitution.
957	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
958	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
959	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed;

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no assault or battery.

960

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

961

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

962

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

963

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.

964

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

965

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

966

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

967

812.0145 (2) (a) 1st Theft from person 65 years of age or

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older; \$50,000 or more.

968

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

969

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

970

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

971

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

972

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

973

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

974

817.2341 1st Making false entries of material fact  
(2) (b) & or false statements regarding property  
(3) (b) values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

975

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily

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harm, disability, or disfigurement.

976

825.103 (2) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

977

827.03 (3) (b)

2nd

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

978

827.04 (3)

3rd

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

979

837.05 (2)

3rd

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

980

838.015

2nd

Bribery.

981

838.016

2nd

Unlawful compensation or reward for official behavior.

982

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

983

838.22

2nd

Bid tampering.

984

847.0135 (3)

3rd

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

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847.0135(4)            2nd    Traveling to meet a minor to commit an unlawful sex act.

872.06                2nd    Abuse of a dead human body.

874.10                1st,PBL    Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

893.13(1)(c)1.        1st    Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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.

893.13(4)(a)           1st    Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

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(2) (b), or (2) (c) 4. drugs).

991

893.135 (1) (a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

992

893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

993

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

994

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

995

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

996

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

997

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

998

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

999

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5

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kilograms.

893.135  
(1) (k) 2.a.

1st

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

893.1351(2)

2nd

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

896.101(5)(a)

3rd

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

896.104(4)(a)1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

943.0435(4)(c)

2nd

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

943.0435(8)

2nd

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

943.0435(9)(a)

3rd

Sexual offender; failure to comply with reporting requirements.

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943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

1016

1017 (h) LEVEL 8

1018

Florida	Felony	
Statute	Degree	Description

1019

316.193 2nd DUI manslaughter.  
(3) (c) 3.a.

1020

316.1935(4) (b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

1021

327.35(3) (c) 3. 2nd Vessel BUI manslaughter.

1022

499.0051(7) 1st Knowing trafficking in contraband prescription drugs.

1023

499.0051(8) 1st Knowing forgery of prescription labels or prescription drug labels.

1024

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.

1025

560.125(5) (b) 2nd Money transmitter business by

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1026

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

655.50 (10) (b) 2. 2nd

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

1027

777.03 (2) (a) 1st

Accessory after the fact, capital felony.

1028

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, aircraft piracy, or unlawfully discharging bomb.

1029

782.051 (2) 1st

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

1030

782.071 (1) (b) 1st

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

1031

782.072 (2) 1st

Committing vessel homicide and failing

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to render aid or give information.

1032

787.06(3)(b)      1st      Human trafficking using coercion for commercial sexual activity.

1033

787.06(3)(c)      1st      Human trafficking using coercion for labor and services of an unauthorized alien.

1034

1035

787.06(3)(f)      1st      Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.

1036

1037

790.161(3)      1st      Discharging a destructive device which results in bodily harm or property damage.

1038

1039

794.011(5)      2nd      Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

1040

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

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1041	800.04 (4)	2nd	Lewd or lascivious battery.
1042	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1043	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1044	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1045	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1046	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1047	812.13 (2) (b)	1st	Robbery with a weapon.
1048	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1049	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
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825.102 (2) 1st Aggravated abuse of an elderly person or disabled adult.

1052

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

1053

825.103 (2) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

1054

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

1055

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

1056

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

1057

860.16 1st Aircraft piracy.

1058

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).

893.13 (2) (b) 1st Purchase in excess of 10 grams of any

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substance specified in s. 893.03(1) (a) or (b).

893.13(6) (c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

893.135(1) (a) 2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

893.135(1) (b) 1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

893.135(1) (c) 1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

893.135(1) (d) 1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

893.135(1) (e) 1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

893.135(1) (f) 1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.

893.135(1) (g) 1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

893.135 1st Trafficking in gamma-hydroxybutyric

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(1) (h) 1.b.

acid (GHB), 5 kilograms or more, less than 10 kilograms.

1068

893.135

1st

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

(1) (j) 1.b.

1069

893.135

1st

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

(1) (k) 2.b.

1070

893.1351 (3)

1st

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

1071

895.03 (1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

1072

895.03 (2)

1st

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

1073

895.03 (3)

1st

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

1074

896.101 (5) (b)

2nd

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

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896.104 (4) (a) 2.      2nd      Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

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1085	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1086	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1087	775.0844	1st	Aggravated white collar crime.
1088	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1089	782.04 (3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
1090	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
1091	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
	787.01 (1) (a) 1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.

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787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

1093

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

1094

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

1095

787.06(3)(d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized alien.

1096

787.06(3)(g) 1st,PBL Human trafficking for commercial sexual activity of a child under the age of 18.

1097

1098

787.06(4) 1st Selling or buying of minors into human trafficking.

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790.161 1st Attempted capital destructive device

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offense.

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790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

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812.13(2)(a) 1st, PBL Robbery with firearm or other deadly  
weapon.

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812.133(2)(a) 1st, PBL Carjacking; firearm or other deadly  
weapon.

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812.135(2)(b) 1st Home-invasion robbery with weapon.

1113

817.568(7) 2nd, PBL Fraudulent use of personal  
identification information of an  
individual under the age of 18 by his  
or her parent, legal guardian, or  
person exercising custodial authority.

1114

827.03(2) 1st Aggravated child abuse.

1115

847.0145(1) 1st Selling, or otherwise transferring  
custody or control, of a minor.

1116

847.0145(2) 1st Purchasing, or otherwise obtaining  
custody or control, of a minor.

1117

859.01 1st Poisoning or introducing bacteria,  
radioactive materials, viruses, or  
chemical compounds into food, drink,  
medicine, or water with intent to kill  
or injure another person.

893.135 1st Attempted capital trafficking offense.

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1118	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1119	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1120	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1121	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1122	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1123	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1124	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1125	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1126	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
1127	896.101 (5) (c)	1st	Money laundering, financial

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instruments totaling or exceeding  
\$100,000.

1128

896.104 (4) (a) 3. 1st Structuring transactions to evade  
reporting or registration  
requirements, financial transactions  
totaling or exceeding \$100,000.

1129

1130 (j) LEVEL 10

1131

Florida	Felony	
Statute	Degree	Description

1132

499.0051 (10) 1st Knowing sale or purchase of contraband  
prescription drugs resulting in death.

1133

782.04 (2) 1st,PBL Unlawful killing of human; act is  
homicide, unpremeditated.

1134

782.07 (3) 1st Aggravated manslaughter of a child.

1135

787.01 (1) (a) 3. 1st,PBL Kidnapping; inflict bodily harm upon or  
terrorize victim.

1136

1137

787.01 (3) (a) Life Kidnapping; child under age 13,  
perpetrator also commits aggravated  
child abuse, sexual battery, or lewd or  
lascivious battery, molestation,

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conduct, or exhibition.

1138

787.06(3)(h)

Life

Human trafficking for commercial sexual activity of a child under the age of 15.

1139

~~782.07(3)~~

~~1st~~

~~Aggravated manslaughter of a child.~~

1140

1141

794.011(3)

Life

Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.

1142

812.135(2)(a)

1st, PBL

Home-invasion robbery with firearm or other deadly weapon.

1143

876.32

1st

Treason against the state.

1144

1145

Section 20. This act shall take effect July 1, 2012.