



HB 0347

2003

1                                   A bill to be entitled  
 2           An act relating to sentencing; amending s. 921.0022, F.S.;  
 3           increasing the offense severity ranking for an accident  
 4           involving death, for failure to stop and for leaving the  
 5           scene; providing an effective date.

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

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

11           921.0022 Criminal Punishment Code; offense severity  
 12 ranking chart.--

13           (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
<del>316.027(1)(b)</del>	2nd	<del>Accident involving death, failure to stop; leaving scene.</del>
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon



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			without intent to kill.
20	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
21	784.041	3rd	Felony battery.
22	784.048 (3)	3rd	Aggravated stalking; credible threat.
23	784.048 (5)	3rd	Aggravated stalking of person under 16.
24	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
25	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
26	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
27	784.081 (2)	2nd	Aggravated assault on specified official or employee.
28	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
29	784.083 (2)	2nd	Aggravated assault on code inspector.
30	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
31	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
32	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or



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33			damage property.
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
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	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
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	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
36			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
37			
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
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	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
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	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
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	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
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	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
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	812.014 (2) (b) 2.	2nd	Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.
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44	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
45	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
46	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
47	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
48	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
49	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
50	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
51	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
52	827.03 (1)	3rd	Abuse of a child.
53	827.03 (3) (c)	3rd	Neglect of a child.
54	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
	836.05	2nd	Threats; extortion.



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55	836.10	2nd	Written threats to kill or do bodily injury.
56	843.12	3rd	Aids or assists person to escape.
57	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
58	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
59	943.0435 (9)	3rd	Sex offenders; failure to comply with reporting requirements.
60	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
61	944.40	2nd	Escapes.
62	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
63	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
64	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
65			(g) LEVEL 7
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67	<u>316.027 (1) (b)</u>	<u>2nd</u>	<u>Accident involving death, failure to stop; leaving scene.</u>
68	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
69	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
70	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
71	409.920 (2)	3rd	Medicaid provider fraud.
72	456.065 (2)	3rd	Practicing a health care profession without a license.
73	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
74	458.327 (1)	3rd	Practicing medicine without a license.
75	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
76	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
77	461.012 (1)	3rd	Practicing podiatric medicine without a license.
	462.17	3rd	Practicing naturopathy without a license.



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78	463.015 (1)	3rd	Practicing optometry without a license.
79	464.016 (1)	3rd	Practicing nursing without a license.
80	465.015 (2)	3rd	Practicing pharmacy without a license.
81	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
82	467.201	3rd	Practicing midwifery without a license.
83	468.366	3rd	Delivering respiratory care services without a license.
84	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
85	483.901 (9)	3rd	Practicing medical physics without a license.
86	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
87	484.053	3rd	Dispensing hearing aids without a license.
88	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.
89	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than



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			\$20,000 by money transmitter.
90	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
91	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
92	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
93	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
94	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
95	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
96	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
97	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
98	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware





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			victim pregnant.
99	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
100	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
101	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
102	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
103	784.081 (1)	1st	Aggravated battery on specified official or employee.
104	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
105	784.083 (1)	1st	Aggravated battery on code inspector.
106	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
107	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
108	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
109	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.



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110	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
111	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
112	796.03	2nd	Procuring any person under 16 years for prostitution.
113	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
114	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.
115	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
116	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
117	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
118	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
119	812.014 (2) (a)	1st	Property stolen, valued at \$100,000 or



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			more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
120	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
121	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
122	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
123	812.131 (2) (a)	2nd	Robbery by sudden snatching.
124	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
125	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
126	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
127	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.
128	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
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130	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
131	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
132	872.06	2nd	Abuse of a dead human body.
133	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 or school.
134	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.
135	893.13 (4) (a)	1st	Deliver to minor cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
136	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
137	893.135 (1) (b) 1. a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.



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- 138 893.135 (1) (c) 1. 1st Trafficking in illegal drugs, more than  
a. 4 grams, less than 14 grams.
- 139 893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than  
28 grams, less than 200 grams.
- 140 893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than  
200 grams, less than 5 kilograms.
- 141 893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14  
grams, less than 28 grams.
- 142 893.135 (1) (g) 1. 1st Trafficking in flunitrazepam, 4 grams or  
a. more, less than 14 grams.
- 143 893.135 (1) (h) 1. 1st Trafficking in gamma-hydroxybutyric acid  
a. (GHB), 1 kilogram or more, less than 5  
kilograms.
- 144 893.135 (1) (j) 1. 1st Trafficking in 1,4-Butanediol, 1  
a. kilogram or more, less than 5 kilograms.
- 145 893.135 (1) (k) 2. 1st Trafficking in Phenethylamines, 10 grams  
a. or more, less than 200 grams.
- 146 896.101 (5) (a) 3rd Money laundering, financial transactions  
exceeding \$300 but less than \$20,000.
- 147 896.104 (4) (a) 1. 3rd Structuring transactions to evade  
reporting or registration requirements,  
financial transactions exceeding \$300  
but less than \$20,000.

148 Section 2. This act shall take effect July 1, 2003.