

A bill to be entitled

An act relating to criminal offenses; creating s. 775.0847, F.S.; providing for the reclassification of felonies committed against the elderly or disabled; amending s. 784.08, F.S.; providing for the reclassification of misdemeanors committed against persons 65 years of age or older; amending s. 812.0145, F.S.; providing for a mandatory term of imprisonment for certain thefts against persons 65 years of age or older; amending s. 825.103, F.S.; providing for a mandatory term of imprisonment for certain acts of exploitation against an elderly person or disabled adult; amending ss. 775.0877 and 921.0022, F.S., relating to orders for HIV testing for certain offenses and the sentencing guidelines; revising an offense description and conforming cross-references to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as "The Seniors' Safety Act."

Section 2. Section 775.0847, Florida Statutes, is created to read:

775.0847 Felonies committed against the elderly or disabled; reclassification of offenses.--Whenever a person is charged with committing a felony offense upon a person 65 years of age or older or an elderly person or disabled adult as defined in chapter 825, regardless of whether the person charged

29 knew or had reason to know the age, infirmity, or disability of
 30 the victim, the offense for which the person is charged shall be
 31 reclassified as follows:

32 (1) In the case of a felony of the third degree, the
 33 offense is reclassified to a felony of the second degree.

34 (2) In the case of a felony of the second degree, the
 35 offense is reclassified to a felony of the first degree.

36 (3) In the case of a felony of the first degree, the
 37 offense is reclassified to a felony of the first degree,
 38 punishable by life imprisonment.

39 Section 3. Subsection (2) of section 784.08, Florida
 40 Statutes, is amended to read:

41 784.08 Assault or battery on persons 65 years of age or
 42 older; reclassification of offenses; minimum sentence.--

43 (2) Whenever a person is charged with committing an
 44 ~~assault or aggravated assault~~ or a battery ~~or aggravated battery~~
 45 upon a person 65 years of age or older, regardless of whether
 46 the person charged knew he or she knows or had has reason to
 47 know the age of the victim, the offense for which the person is
 48 charged shall be reclassified as follows:

49 ~~(a) In the case of aggravated battery, from a felony of~~
 50 ~~the second degree to a felony of the first degree.~~

51 ~~(b) In the case of aggravated assault, from a felony of~~
 52 ~~the third degree to a felony of the second degree.~~

53 (a)-(e) In the case of battery, from a misdemeanor of the
 54 first degree to a felony of the third degree.

55 (b)-(d) In the case of assault, from a misdemeanor of the
 56 second degree to a misdemeanor of the first degree.

57 Section 4. Section 812.0145, Florida Statutes, is amended
 58 to read:

59 812.0145 Theft from persons 65 years of age or older;
 60 penalties reclassification of offenses.--

61 (1) A person who is convicted of theft of more than \$1,000
 62 from a person 65 years of age or older shall be ordered by the
 63 sentencing judge to make restitution to the victim of such
 64 offense and to perform up to 500 hours of community service
 65 work. Restitution and community service work shall be in
 66 addition to any fine or sentence which may be imposed and shall
 67 not be in lieu thereof.

68 (2) Notwithstanding any other law, if the funds, assets,
 69 or property involved in a theft from a person 65 years of age or
 70 older is valued at \$10,000 or more, the court shall sentence the
 71 offender to a mandatory minimum term of imprisonment of 3 years.
 72 However, the mandatory term of imprisonment does not apply to
 73 the theft of one or more motor vehicles, regardless of
 74 associated value. ~~Whenever a person is charged with committing~~
 75 ~~theft from a person 65 years of age or older, when he or she~~
 76 ~~knows or has reason to believe that the victim was 65 years of~~
 77 ~~age or older, the offense for which the person is charged shall~~
 78 ~~be reclassified as follows:~~

79 (a) This subsection does not prevent a court from imposing
 80 a greater sentence of incarceration as authorized by law. ~~If the~~
 81 ~~funds, assets, or property involved in the theft from a person~~
 82 ~~65 years of age or older is valued at \$50,000 or more, the~~
 83 ~~offender commits a felony of the first degree, punishable as~~
 84 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

85 **(b) If the minimum mandatory term of imprisonment imposed**
 86 **under this section exceeds the maximum sentence authorized by s.**
 87 **775.082, s. 775.084, or the Criminal Punishment Code under**
 88 **chapter 921, the mandatory minimum sentence must be imposed. If**
 89 **the mandatory minimum term of imprisonment under this section is**
 90 **less than the sentence authorized by s. 775.082, s. 775.084, or**
 91 **the Criminal Punishment Code under chapter 921, the sentence**
 92 **imposed by the court must include the mandatory minimum term of**
 93 **imprisonment required in this subsection.** ~~If the funds, assets,~~
 94 ~~or property involved in the theft from a person 65 years of age~~
 95 ~~or older is valued at \$10,000 or more, but less than \$50,000,~~
 96 ~~the offender commits a felony of the second degree, punishable~~
 97 ~~as provided in s. 775.082, s. 775.083, or s. 775.084.~~

98 ~~(c) If the funds, assets, or property involved in the~~
 99 ~~theft from a person 65 years of age or older is valued at \$300~~
 100 ~~or more, but less than \$10,000, the offender commits a felony of~~
 101 ~~the third degree, punishable as provided in s. 775.082, s.~~
 102 ~~775.083, or s. 775.084.~~

103 Section 5. Subsections (3) and (4) are added to section
 104 825.103, Florida Statutes, to read:

105 825.103 Exploitation of an elderly person or disabled
 106 adult; penalties.--

107 **(3) Notwithstanding any other law, if the funds, assets,**
 108 **or property involved in the exploitation of an elderly person or**
 109 **a disabled adult is valued at \$10,000 or more, the court shall**
 110 **sentence the offender to a mandatory minimum term of**
 111 **imprisonment of 3 years.**

112 **(4) This section does not prevent a court from imposing a**

113 greater sentence of incarceration as authorized by law. If the
 114 minimum mandatory term of imprisonment imposed under subsection
 115 (3) exceeds the maximum sentence authorized by s. 775.082, s.
 116 775.084, or the Criminal Punishment Code under chapter 921, the
 117 mandatory minimum sentence must be imposed. If the mandatory
 118 minimum term of imprisonment under this section is less than the
 119 sentence authorized by s. 775.082, s. 775.084, or the Criminal
 120 Punishment Code under chapter 921, the sentence imposed by the
 121 court must include the mandatory minimum term of imprisonment
 122 required in subsection (3).

123 Section 6. Subsection (1) of section 775.0877, Florida
 124 Statutes, is amended to read:

125 775.0877 Criminal transmission of HIV; procedures;
 126 penalties.--

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

132 (a) Section 794.011, relating to sexual battery,

133 (b) Section 826.04, relating to incest,

134 (c) Section 800.04(1), (2), and (3), relating to lewd,
 135 lascivious, or indecent assault or act upon any person less than
 136 16 years of age,

137 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(b)
 138 ~~784.08(2)(d)~~, relating to assault,

139 (e) Sections 784.021 and~~7~~ 784.07(2)(c), ~~and 784.08(2)(b)~~,
 140 relating to aggravated assault,

141 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(a)
 142 ~~784.08(2)(c)~~, relating to battery,
 143 (g) Sections 784.045 and, 784.07(2)(d), ~~and 784.08(2)(a)~~,
 144 relating to aggravated battery,
 145 (h) Section 827.03(1), relating to child abuse,
 146 (i) Section 827.03(2), relating to aggravated child abuse,
 147 (j) Section 825.102(1), relating to abuse of an elderly
 148 person or disabled adult,
 149 (k) Section 825.102(2), relating to aggravated abuse of an
 150 elderly person or disabled adult,
 151 (l) Section 827.071, relating to sexual performance by
 152 person less than 18 years of age,
 153 (m) Sections 796.03, 796.07, and 796.08, relating to
 154 prostitution, or
 155 (n) Section 381.0041(11)(b), relating to donation of
 156 blood, plasma, organs, skin, or other human tissue,
 157
 158 the court shall order the offender to undergo HIV testing, to be
 159 performed under the direction of the Department of Health in
 160 accordance with s. 381.004, unless the offender has undergone
 161 HIV testing voluntarily or under ~~pursuant to~~ procedures
 162 established in s. 381.004(3)(h)6. or s. 951.27, or any other
 163 applicable law or rule providing for HIV testing of criminal
 164 offenders or inmates, subsequent to her or his arrest for an
 165 offense enumerated in paragraphs (a)-(n) for which she or he was
 166 convicted or to which she or he pled nolo contendere or guilty.
 167 The results of an HIV test performed on an offender under
 168 ~~pursuant to~~ this subsection are not admissible in any criminal

HB 149

2007

169 proceeding arising out of the alleged offense.

170 Section 7. Paragraphs (b), (c), (d), (e), (f), and (g) of
 171 subsection (3) of section 921.0022, Florida Statutes, are
 172 amended to read:

173 921.0022 Criminal Punishment Code; offense severity
 174 ranking chart.--

175 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
	(b) LEVEL 2	
370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
370.12(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100

HB 149

2007

180	517.07	3rd	cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
181	590.28 (1)	3rd	Registration of securities and furnishing of prospectus required.
182	784.05 (3)	3rd	<u>Intentional or reckless burning of lands</u> Willful, malicious, or intentional burning.
183	787.04 (1)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
184			In violation of court order, take, entice, etc., minor beyond state limits.

HB 149

2007

185	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
186	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
187	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
188	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
188	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from

HB 149

2007

189	812.015 (7)	3rd	unenclosed curtilage of dwelling.
190	817.234 (1) (a) 2.	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
191	817.481 (3) (a)	3rd	False statement in support of insurance claim.
192	817.52 (3)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
193	817.54	3rd	Failure to redeliver hired vehicle.
			With intent to defraud, obtain mortgage note, etc., by false

HB 149

2007

194			representation.
	817.60 (5)	3rd	Dealing in credit cards of another.
195			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
196			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
197			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
198			
	831.01	3rd	Forgery.
199			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
200			

HB 149

2007

201	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
202	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
203	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
204	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
205	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
206	843.08	3rd	Falsely impersonating an officer.
	893.13 (2) (a) 2.	3rd	Purchase of any s.

HB 149

2007

			893.03 (1) (c) , (2) (c) 1. , (2) (c) 2. , (2) (c) 3. , (2) (c) 5. , (2) (c) 6. , (2) (c) 7. , (2) (c) 8. , (2) (c) 9. , (3) , or (4) drugs other than cannabis.
207	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
208		(c) LEVEL 3	
209	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
210	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
211	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
212	316.1935 (2)	3rd	Fleeing or

HB 149

2007

213	319.30 (4)	3rd	<p>attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</p>
214	319.33 (1) (a)	3rd	<p>Possession by junkyard of motor vehicle with identification number plate removed.</p>
215	319.33 (1) (c)	3rd	<p>Alter or forge any certificate of title to a motor vehicle or mobile home.</p>
216	319.33 (4)	3rd	<p>Procure or pass title on stolen vehicle.</p>
			<p>With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained</p>

HB 149

2007

217	327.35 (2) (b)	3rd	title or registration.
218	328.05 (2)	3rd	Felony BUI. Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
219	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
220	370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or

HB 149

2007

221	370.12 (1) (e) 6.	3rd	marine turtle nests in violation of the Marine Turtle Protection Act.
222	376.302 (5)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
223	400.903 (3)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
224	440.105 (3) (b)	3rd	Operating a clinic without a license or filing false license application or other required information.
			Receipt of fee or consideration without approval by

HB 149

2007

225	440.1051(3)	3rd	judge of compensation claims.
226	501.001(2)(b)	2nd	False report of workers' compensation fraud or retaliation for making such a report.
227	624.401(4)(a)	3rd	Tampers with a consumer product or the container using materially false/misleading information.
228	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority. Transacting insurance without a certificate of authority; premium collected less than \$20,000.

HB 149

2007

229	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
230	697.08	3rd	Equity skimming.
231	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
232	796.05 (1)	3rd	Live on earnings of a prostitute.
233	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
234	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
235	810.09 (2) (c)	3rd	Trespass on property

HB 149

2007

236	812.014 (2) (c) 2.	3rd	other than structure or conveyance armed with firearm or dangerous weapon. Grand theft; \$5,000 or more but less than \$10,000.
237	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
238	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
239	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
240	817.233	3rd	Burning to defraud insurer.

HB 149

2007

241	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
242	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
243	817.236	3rd	Filing a false motor vehicle insurance application.
244	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
245	817.413 (2)	3rd	Sale of used goods as new.
246	817.505 (4)	3rd	Patient brokering.
247	828.12 (2)	3rd	Tortures any animal with intent to

HB 149

2007

248	831.28 (2) (a)	3rd	<p>inflict intense pain, serious physical injury, or death.</p>
249	831.29	2nd	<p>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</p>
250	838.021 (3) (b)	3rd	<p>Possession of instruments for counterfeiting drivers' licenses or identification cards.</p>
251	843.19	3rd	<p>Threatens unlawful harm to public servant.</p>
252			<p>Injure, disable, or kill police dog or horse.</p>

HB 149

2007

253	860.15 (3)	3rd	Overcharging for repairs and parts.
254	870.01 (2)	3rd	Riot; inciting or encouraging.
255	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
256	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.
	893.13 (1) (f) 2.	2nd	Sell, manufacture,

HB 149

2007

or deliver s.
 893.03 (1) (c),
 (2) (c) 1., (2) (c) 2.,
 (2) (c) 3., (2) (c) 5.,
 (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9.,
 (3), or (4) drugs
 within 1,000 feet of
 public housing
 facility.

257

893.13 (6) (a) 3rd

Possession of any
 controlled substance
 other than felony
 possession of
 cannabis.

258

893.13 (7) (a) 8. 3rd

Withhold information
 from practitioner
 regarding previous
 receipt of or
 prescription for a
 controlled
 substance.

259

893.13 (7) (a) 9. 3rd

Obtain or attempt to
 obtain controlled
 substance by fraud,

HB 149

2007

260

893.13 (7) (a) 10. 3rd

forgery,
misrepresentation,
etc.

Affix false or
forged label to
package of
controlled
substance.

261

893.13 (7) (a) 11. 3rd

Furnish false or
fraudulent material
information on any
document or record
required by chapter
893.

262

893.13 (8) (a) 1. 3rd

Knowingly assist a
patient, other
person, or owner of
an animal in
obtaining a
controlled substance
through deceptive,
untrue, or
fraudulent
representations in
or related to the

HB 149

2007

263

893.13 (8) (a) 2. 3rd

practitioner's
practice.

Employ a trick or
scheme in the
practitioner's
practice to assist a
patient, other
person, or owner of
an animal in
obtaining a
controlled
substance.

264

893.13 (8) (a) 3. 3rd

Knowingly write a
prescription for a
controlled substance
for a fictitious
person.

265

893.13 (8) (a) 4. 3rd

Write a prescription
for a controlled
substance for a
patient, other
person, or an animal
if the sole purpose
of writing the
prescription is a

HB 149

2007

266	918.13 (1) (a)	3rd	monetary benefit for the practitioner.
267	944.47 (1) (a) 1.-2.	3rd	Alter, destroy, or conceal investigation evidence.
268	944.47 (1) (c)	2nd	Introduce contraband to correctional facility.
269	985.721	3rd	Possess contraband while upon the grounds of a correctional institution.
270		(d) LEVEL 4	Escapes from a juvenile facility (secure detention or residential commitment facility).
271	316.1935 (3) (a)	2nd	Driving at high

HB 149

2007

272	499.0051(1)	3rd	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.
273	499.0051(2)	3rd	Failure to maintain or deliver pedigree papers.
274	499.0051(6)	2nd	Failure to authenticate pedigree papers.
275	784.07(2)(b)	3rd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
			Battery of law enforcement officer, firefighter, intake officer, etc.

HB 149

2007

276	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
277	784.075	3rd	Battery on detention or commitment facility staff.
278	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
279	784.08 (2) <u>(a)</u> (e)	3rd	Battery on a person 65 years of age or older.
280	784.081 (3)	3rd	Battery on specified official or employee.
281	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
282	784.083 (3)	3rd	Battery on code

HB 149

2007

283	784.085	3rd	inspector.
284	787.03 (1)	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
285	787.04 (2)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
286	787.04 (3)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
			Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

HB 149

2007

287	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
288	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
289	790.115 (2) (c)	3rd	Possessing firearm on school property.
290	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
291	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
292	810.02 (4) (b)	3rd	Burglary, or attempted burglary,

HB 149

2007

293	810.06	3rd	of an unoccupied conveyance; unarmed; no assault or battery.
294	810.08 (2) (c)	3rd	Burglary; possession of tools.
295	812.014 (2) (c) 3.	3rd	Trespass on property, armed with firearm or dangerous weapon.
296	812.014 (2) (c) 4. -10.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
297	812.0195 (2)	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
			Dealing in stolen property by use of the Internet; property stolen \$300

HB 149

2007

298	817.563 (1)	3rd	or more.
299	817.568 (2) (a)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs
300	817.625 (2) (a)	3rd	Fraudulent use of personal identification information.
301	828.125 (1)	2nd	Fraudulent use of scanning device or reencoder.
302	837.02 (1)	3rd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
303			Perjury in official proceedings.

HB 149

2007

304	837.021(1)	3rd	Make contradictory statements in official proceedings.
305	838.022	3rd	Official misconduct.
306	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
307	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
308	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection

HB 149

2007

309	843.15 (1) (a)	3rd	or communication.
310	874.05 (1)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
311	893.13 (2) (a) 1.	2nd	Encouraging or recruiting another to join a criminal street gang.
312	914.14 (2)	3rd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
313	914.22 (1)	3rd	Witnesses accepting bribes.
314			Force, threaten, etc., witness, victim, or informant.

HB 149

2007

315	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
316	918.12	3rd	Tampering with jurors.
317	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
318	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
319	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
320	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting
		(e) LEVEL 5	

HB 149

2007

321	327.30 (5)	3rd	in death or serious bodily injury.
322	381.0041 (11) (b)	3rd	Vessel accidents involving personal injury; leaving scene.
323	440.10 (1) (g)	2nd	Donate blood, plasma, or organs knowing HIV positive.
324	440.105 (5)	2nd	Failure to obtain workers' compensation coverage.
325	440.381 (2)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
			Submission of false, misleading, or incomplete information with the

HB 149

2007

326	624.401(4)(b)2.	2nd	purpose of avoiding or reducing workers' compensation premiums.
327	626.902(1)(c)	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
328	790.01(2)	3rd	Representing an unauthorized insurer; repeat offender.
329	790.162	2nd	Carrying a concealed firearm.
330	790.163(1)	2nd	Threat to throw or discharge destructive device.
			False report of deadly explosive or weapon of mass

HB 149

2007

331	790.221 (1)	2nd	destruction. Possession of short-barreled shotgun or machine gun.
332	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
333	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
334	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
335	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
336	812.0145 (2) (b)	2nd	Theft from person 65

HB 149

2007

337	812.015 (8)	3rd	years of age or elder; \$10,000 or more but less than \$50,000.
338	812.019 (1)	2nd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
339	812.131 (2) (b)	3rd	Stolen property; dealing in or trafficking in.
340	812.16 (2)	3rd	Robbery by sudden snatching.
341	817.034 (4) (a) 2.	2nd	Owning, operating, or conducting a chop shop.
342	817.234 (11) (b)	2nd	Communications fraud, value \$20,000 to \$50,000.
			Insurance fraud; property value

HB 149

2007

343

817.2341(1), 3rd
(2) (a) & (3) (a)

\$20,000 or more but
less than \$100,000.

Filing false
financial
statements, making
false entries of
material fact or
false statements
regarding property
values relating to
the solvency of an
insuring entity.

344

817.568(2) (b) 2nd

Fraudulent use of
personal
identification
information; value
of benefit, services
received, payment
avoided, or amount
of injury or fraud,
\$5,000 or more or
use of personal
identification
information of 10 or
more individuals.

345

HB 149

2007

346	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
347	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
348	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
349	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
349	839.13 (2) (b)	2nd	Falsifying records of an individual in

HB 149

2007

350	843.01	3rd	the care and custody of a state agency involving great bodily harm or death.
351	847.0137 (2) & (3)	3rd	Resist officer with violence to person; resist arrest with violence.
352	847.0138 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
353	874.05 (2)	2nd	Transmission of material harmful to minors to a minor by electronic device or equipment.
			Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.

HB 149

2007

357

893.13 (1) (d) 1. 1st

Sell, manufacture,
or deliver cocaine
(or other s.
893.03 (1) (a),
(1) (b), (1) (d),
(2) (a), (2) (b), or
(2) (c) 4. drugs)
within 1,000 feet of
university.

358

893.13 (1) (e) 2. 2nd

Sell, manufacture,
or deliver cannabis
or other drug
prohibited under s.
893.03 (1) (c),
(2) (c) 1., (2) (c) 2.,
(2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7.,
(2) (c) 8., (2) (c) 9.,
(3), or (4) within
1,000 feet of
property used for
religious services
or a specified
business site.

893.13 (1) (f) 1. 1st

Sell, manufacture,
or deliver cocaine

HB 149

2007

			(or other s. 893.03 (1) (a), (1) (b), (1) (d), or (2) (a), (2) (b), or (2) (c)4. drugs) within 1,000 feet of public housing facility.
359	893.13 (4) (b)	2nd	Deliver to minor cannabis (or other s. 893.03 (1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs).
360		(f) LEVEL 6	
361	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
362	499.0051 (3)	2nd	Forgery of pedigree papers.
363	499.0051 (4)	2nd	Purchase or receipt

HB 149

2007

364			of legend drug from unauthorized person.
	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
365			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
366			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
367			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
368			
	784.041	3rd	Felony battery.
369			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
370			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
371			

HB 149

2007

372	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
373	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
374	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
375	784.081 (2)	2nd	Aggravated assault on specified official or employee.
376	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
377	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with

HB 149

2007

378	790.115 (2) (d)	2nd	purpose other than those in s. 787.01.
379	790.161 (2)	2nd	Discharging firearm or weapon on school property.
380	790.164 (1)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
381	790.19	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
382	794.011 (8) (a)	3rd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
			Solicitation of minor to participate in sexual activity

HB 149

2007

383	794.05 (1)	2nd	by custodial adult. Unlawful sexual activity with specified minor.
384	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.
385	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
386	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
387	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
388			

HB 149

2007

389	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
390	812.015 (9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
391	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
392	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
393	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly

HB 149

2007

394	825.102 (3) (c)	3rd	person or disabled adult.
395	825.1025 (3)	3rd	Neglect of an elderly person or disabled adult.
396	825.103 (2) (c)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
397	827.03 (1)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
398	827.03 (3) (c)	3rd	Abuse of a child.
399	827.071 (2) & (3)	2nd	Neglect of a child.
			Use or induce a child in a sexual performance, or promote or direct such performance.

HB 149

2007

400	836.05	2nd	Threats; extortion.
401	836.10	2nd	Written threats to kill or do bodily injury.
402	843.12	3rd	Aids or assists person to escape.
403	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
404	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
405	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

HB 149

2007

406	944.40	2nd	supervision, resulting in great bodily harm.
407	944.46	3rd	Escapes.
408	944.47 (1) (a) 5.	2nd	Harboring, concealing, aiding escaped prisoners.
409	951.22 (1)	3rd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
410	316.027 (1) (b)	(g) LEVEL 7	Intoxicating drug, firearm, or weapon introduced into county facility.
411	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
412			

HB 149

2007

413

316.193 (3) (c) 2. 3rd

DUI resulting in serious bodily injury.

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.

414

327.35 (3) (c) 2. 3rd

Vessel BUI resulting in serious bodily injury.

415

402.319 (2) 2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm,

HB 149

2007

			permanent disfiguration, permanent disability, or death.
416	409.920 (2)	3rd	Medicaid provider fraud.
417	456.065 (2)	3rd	Practicing a health care profession without a license.
418	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
419	458.327 (1)	3rd	Practicing medicine without a license.
420	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
421	460.411 (1)	3rd	Practicing

HB 149

2007

			chiropractic medicine without a license.
422	461.012 (1)	3rd	Practicing podiatric medicine without a license.
423	462.17	3rd	Practicing naturopathy without a license.
424	463.015 (1)	3rd	Practicing optometry without a license.
425	464.016 (1)	3rd	Practicing nursing without a license.
426	465.015 (2)	3rd	Practicing pharmacy without a license.
427	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
428	467.201	3rd	Practicing midwifery without a license.
429			

HB 149

2007

430	468.366	3rd	Delivering respiratory care services without a license.
431	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
432	483.901 (9)	3rd	Practicing medical physics without a license.
433	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
434	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property

HB 149

2007

435	560.123 (8) (b) 1.	3rd	unlawfully obtained exceeded \$50,000 and there were five or more victims.
436	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
437	655.50 (10) (b) 1.	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
438			Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

HB 149

2007

439	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
440	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
441	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
442	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

HB 149

2007

443	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
444	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
445	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
445	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.

HB 149

2007

446	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
447	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
448	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
449	784.048 (7)	3rd	Aggravated stalking; violation of court order.
450	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
451	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
452	784.08 (2) (a)	1st	Aggravated battery on a person 65 years

HB 149

2007

453	784.081 (1)	1st	of age or older. Aggravated battery on specified official or employee.
454	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
455	784.083 (1)	1st	Aggravated battery on code inspector.
456	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
457	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
458	790.165 (2)	2nd	Manufacture, sell, possess, or deliver

HB 149

2007

459	790.165 (3)	2nd	hoax bomb.
460	790.166 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
461	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
462	796.03	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
463			Procuring any person under 16 years for prostitution.

HB 149

2007

464	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
465	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.
466	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
467	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
468	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied

HB 149

2007

469

812.014 (2) (a) 1. 1st

conveyance; unarmed;
no assault or
battery.

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.

470

812.014 (2) (b) 2. 2nd

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

471

812.014 (2) (b) 3. 2nd

Property stolen,
emergency medical
equipment; 2nd
degree grand theft.

472

~~812.0145 (2) (a) 1st~~

~~Theft from person 65
years of age or
older, \$50,000 or~~

HB 149

2007

473	812.019 (2)	1st	<p>more.</p> <p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
474	812.131 (2) (a)	2nd	<p>Robbery by sudden snatching.</p>
475	812.133 (2) (b)	1st	<p>Carjacking; no firearm, deadly weapon, or other weapon.</p>
476	817.234 (8) (a)	2nd	<p>Solicitation of motor vehicle accident victims with intent to defraud.</p>
477	817.234 (9)	2nd	<p>Organizing, planning, or participating in an intentional motor</p>

HB 149

2007

478	817.234 (11) (c)	1st	vehicle collision. Insurance fraud; property value \$100,000 or more.
479	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
480	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
481	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and

HB 149

2007

482	827.03 (3) (b)	2nd	property is valued at \$20,000 or more, but less than \$100,000.
483	827.04 (3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
484	837.05 (2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
485	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
486	838.016	2nd	Unlawful compensation or reward for official behavior.

HB 149

2007

487	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
488	838.22	2nd	Bid tampering.
489	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
490	872.06	2nd	Abuse of a dead human body.
491	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

HB 149

2007

492

893.13 (1) (e) 1. 1st

owned recreational facility or community center.

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.

493

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).

494

893.135 (1) (a) 1. 1st

Trafficking in cannabis, more than 25 lbs., less than

HB 149

2007

495	893.135 (1) (b) 1.a.	1st	2,000 lbs. Trafficking in cocaine, more than 28 grams, less than 200 grams.
496	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
497	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
498	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
499	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
500	893.135	1st	Trafficking in

HB 149

2007

501	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	
	(1) (h) 1.a.		Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
502	893.135	1st	
	(1) (j) 1.a.		Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
503	893.135	1st	
	(1) (k) 2.a.		Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
504	896.101 (5) (a)	3rd	
			Money laundering, financial transactions exceeding \$300 but less than \$20,000.
505			

HB 149

2007

506	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
507	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
508	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
508	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting

HB 149

2007

509	943.0435 (13)	3rd	requirements.
510	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
511	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
512	944.607 (10) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
513	944.607 (12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
			Failure to report or

HB 149

2007

providing false
information about a
sexual offender;
harbor or conceal a
sexual offender.

514

944.607(13)

3rd

Sexual offender;
failure to report
and reregister;
failure to respond
to address
verification.

515

516

Section 8. This act shall take effect July 1, 2007.