

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Healthy Families
 2 Subcommittee

3 Representative Passidomo offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Paragraph (c) of subsection (2) of section 812.0145,
 8 Florida Statutes, is amended to read:

9 812.0145 Theft from persons 65 years of age or older;
 10 reclassification of offenses.—

11 (2) Whenever a person is charged with committing theft
 12 from a person 65 years of age or older, when he or she knows or
 13 has reason to believe that the victim was 65 years of age or
 14 older, the offense for which the person is charged shall be
 15 reclassified as follows:

16 (c) If the funds, assets, or property involved in the
 17 theft from a person 65 years of age or older is valued at ~~\$300~~
 18 ~~or more, but~~ less than \$10,000, the offender commits a felony of
 19 the third degree, punishable as provided in s. 775.082, s.
 20 775.083, or s. 775.084.

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21 Section 2. Chapter 825, Florida Statutes, entitled "Abuse,
22 Neglect, and Exploitation of Elderly Persons and Disabled
23 Adults," is renamed "Abuse, Neglect, and Exploitation of
24 Vulnerable Adults."

25 Section 3. Section 825.101, Florida Statutes, is amended
26 to read:

27 825.101 Definitions.—As used in this chapter:

28 (1) "Business relationship" means a relationship between
29 two or more individuals or entities where there exists an oral
30 or written contract or agreement for goods or services.

31 (2) "Caregiver" means a person who has been entrusted with
32 or has assumed responsibility for the care or the property of a
33 vulnerable ~~an elderly person or disabled~~ adult. "Caregiver"
34 includes, but is not limited to, relatives, court-appointed or
35 voluntary guardians, adult household members, neighbors, health
36 care providers, and employees and volunteers of facilities as
37 defined in subsection (5) ~~(7)~~.

38 ~~(3) "Deception" means:~~

39 ~~(a) Misrepresenting or concealing a material fact relating~~
40 ~~to:~~

41 ~~1. Services rendered, disposition of property, or use of~~
42 ~~property, when such services or property are intended to benefit~~
43 ~~an elderly person or disabled adult;~~

44 ~~2. Terms of a contract or agreement entered into with an~~
45 ~~elderly person or disabled adult; or~~

46 ~~3. An existing or preexisting condition of any property~~
47 ~~involved in a contract or agreement entered into with an elderly~~
48 ~~person or disabled adult; or~~

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49 ~~(b) Using any misrepresentation, false pretense, or false~~
50 ~~promise in order to induce, encourage, or solicit an elderly~~
51 ~~person or disabled adult to enter into a contract or agreement.~~

52 ~~(4) "Disabled adult" means a person 18 years of age or~~
53 ~~older who suffers from a condition of physical or mental~~
54 ~~incapacitation due to a developmental disability, organic brain~~
55 ~~damage, or mental illness, or who has one or more physical or~~
56 ~~mental limitations that restrict the person's ability to perform~~
57 ~~the normal activities of daily living.~~

58 ~~(5) "Elderly person" means a person 60 years of age or~~
59 ~~older who is suffering from the infirmities of aging as~~
60 ~~manifested by advanced age or organic brain damage, or other~~
61 ~~physical, mental, or emotional dysfunctioning, to the extent~~
62 ~~that the ability of the person to provide adequately for the~~
63 ~~person's own care or protection is impaired.~~

64 ~~(4)-(6) "Endeavor" means to attempt or try.~~

65 ~~(5)-(7) "Facility" means any location providing day or~~
66 ~~residential care or treatment for vulnerable elderly persons or~~
67 ~~disabled adults. The term "facility" may include, but is not~~
68 ~~limited to, any hospital, training center, state institution,~~
69 ~~nursing home, assisted living facility, adult family-care home,~~
70 ~~adult day care center, group home, mental health treatment~~
71 ~~center, or continuing care community.~~

72 ~~(6)-(8) "Intimidation" means the communication by word or~~
73 ~~act to an elderly person or disabled adult that the elderly~~
74 ~~person or disabled adult will be deprived of food, nutrition,~~
75 ~~clothing, shelter, supervision, medicine, medical services,~~
76 ~~money, or financial support or will suffer physical violence.~~

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77 "Impaired" means any loss or abnormality of psychological,
78 physiological, or anatomical structure or function due to a
79 mental, emotional, sensory, long-term physical, or developmental
80 disability or dysfunction, or brain damage, or the infirmities
81 of aging, resulting in a vulnerable adult's decreased ability to
82 perform mental tasks and physical activities of daily living as
83 defined is s. 415.102.

84 ~~(9) "Lacks capacity to consent" means an impairment by~~
85 ~~reason of mental illness, developmental disability, organic~~
86 ~~brain disorder, physical illness or disability, chronic use of~~
87 ~~drugs, chronic intoxication, short-term memory loss, or other~~
88 ~~cause, that causes an elderly person or disabled adult to lack~~
89 ~~sufficient understanding or capacity to make or communicate~~
90 ~~reasonable decisions concerning the elderly person's or disabled~~
91 ~~adult's person or property.~~

92 (7)~~(10)~~ "Obtains or uses" means any manner of:

- 93 (a) Taking or exercising control over property; or
94 (b) Making any use, disposition, or transfer of property.

95 (8)~~(11)~~ "Position of trust and confidence" with respect to
96 a vulnerable ~~an elderly person or a disabled~~ adult means the
97 position of a person who:

98 (a) Is a parent, spouse, adult child, or other relative by
99 blood or marriage of the vulnerable ~~elderly person or disabled~~
100 adult;

101 (b) Is a joint tenant or tenant in common with the
102 vulnerable ~~elderly person or disabled~~ adult;

103 (c) Has a legal or fiduciary relationship with the
104 vulnerable ~~elderly person or disabled~~ adult, including, but not

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105 limited to, a court-appointed or voluntary guardian, trustee,
106 attorney, or conservator;

107 (d) Is a caregiver of the vulnerable ~~elderly person or~~
108 ~~disabled~~ adult; or

109 (e) Is any other person who has been entrusted with or has
110 assumed responsibility for the use or management of the
111 vulnerable ~~elderly person's or disabled~~ adult's funds, assets,
112 or property.

113 ~~(9)-(12)~~ "Property" means anything of value and includes:

114 (a) Real property, including things growing on, affixed
115 to, and found in land.

116 (b) Tangible or intangible personal property, including
117 rights, privileges, interests, and claims.

118 (c) Services.

119 ~~(10)-(13)~~ "Services" means anything of value resulting from
120 a person's physical or mental labor or skill, or from the use,
121 possession, or presence of property, and includes:

122 (a) Repairs or improvements to property.

123 (b) Professional services.

124 (c) Private, public, or governmental communication,
125 transportation, power, water, or sanitation services.

126 (d) Lodging accommodations.

127 (e) Admissions to places of exhibition or entertainment.

128 ~~(11)-(14)~~ "Value" means value determined according to any
129 of the following:

130 (a)1. The market value of the property at the time and
131 place of the offense or, if the market value cannot be

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132 satisfactorily ascertained, the cost of replacing the property
133 within a reasonable time after the offense.

134 2. In the case of a written instrument such as a check,
135 draft, or promissory note, which does not have a readily
136 ascertainable market value, the value is the amount due or
137 collectible. The value of any other instrument that creates,
138 releases, discharges, or otherwise affects any valuable legal
139 right, privilege, or obligation is the greatest amount of
140 economic loss that the owner of the instrument might reasonably
141 suffer by the loss of the instrument.

142 3. The value of a trade secret that does not have a
143 readily ascertainable market value is any reasonable value
144 representing the damage to the owner suffered by reason of
145 losing advantage over those who do not know of or use the trade
146 secret.

147 (b) If the value of the property cannot be ascertained,
148 the trier of fact may find the value to be not less than a
149 certain amount; if no such minimum value can be ascertained, the
150 value is an amount less than \$100.

151 (c) Amounts of value of separate properties involved in
152 exploitation committed pursuant to one scheme or course of
153 conduct, whether the exploitation involves the same person or
154 several persons, may be aggregated in determining the degree of
155 the offense.

156 (12) "Vulnerable adult" means a person 18 years of age or
157 older whose ability to perform the normal activities of daily
158 living or to provide for his or her own care or protection is
159 impaired.

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160 Section 4. Section 825.102, Florida Statutes, is amended
161 to read:

162 825.102 Abuse, aggravated abuse, and neglect of a
163 vulnerable ~~an elderly person or disabled~~ adult; penalties.-

164 (1) "Abuse of a vulnerable ~~an elderly person or disabled~~
165 adult" means:

166 (a) Intentional infliction of physical or psychological
167 injury upon a vulnerable ~~an elderly person or disabled~~ adult;

168 (b) An intentional act that could reasonably be expected
169 to result in physical or psychological injury to a vulnerable ~~an~~
170 ~~elderly person or disabled~~ adult; or

171 (c) Active encouragement of any person to commit an act
172 that results or could reasonably be expected to result in
173 physical or psychological injury to a vulnerable ~~an elderly~~
174 ~~person or disabled~~ adult.

175

176 A person who knowingly or willfully abuses a vulnerable ~~an~~
177 ~~elderly person or disabled~~ adult without causing great bodily
178 harm, permanent disability, or permanent disfigurement to the
179 vulnerable ~~elderly person or disabled~~ adult commits a felony of
180 the third degree, punishable as provided in s. 775.082, s.
181 775.083, or s. 775.084.

182 (2) "Aggravated abuse of a vulnerable ~~an elderly person or~~
183 ~~disabled~~ adult" occurs when a person:

184 (a) Commits aggravated battery on a vulnerable ~~an elderly~~
185 ~~person or disabled~~ adult;

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186 (b) Willfully tortures, maliciously punishes, or willfully
187 and unlawfully cages a vulnerable, ~~an elderly person or disabled~~
188 adult; or

189 (c) Knowingly or willfully abuses a vulnerable ~~an elderly~~
190 ~~person or disabled~~ adult and in so doing causes great bodily
191 harm, permanent disability, or permanent disfigurement to the
192 vulnerable ~~elderly person or disabled~~ adult.

193
194 A person who commits aggravated abuse of a vulnerable ~~an elderly~~
195 ~~person or disabled~~ adult commits a felony of the first degree,
196 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

197 (3) (a) "Neglect of a vulnerable ~~an elderly person or~~
198 ~~disabled~~ adult" means:

199 1. A caregiver's failure or omission to provide a
200 vulnerable ~~an elderly person or disabled~~ adult with the care,
201 supervision, and services necessary to maintain the vulnerable
202 ~~elderly person's or disabled~~ adult's physical and mental health,
203 including, but not limited to, food, nutrition, clothing,
204 shelter, supervision, medicine, and medical services that a
205 prudent person would consider essential for the well-being of
206 the vulnerable ~~elderly person or disabled~~ adult; or

207 2. A caregiver's failure to make a reasonable effort to
208 protect a vulnerable ~~an elderly person or disabled~~ adult from
209 abuse, neglect, or exploitation by another person.

210
211 Neglect of a vulnerable ~~an elderly person or disabled~~ adult may
212 be based on repeated conduct or on a single incident or omission
213 that results in, or could reasonably be expected to result in,

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214 serious physical or psychological injury, or a substantial risk
215 of death, to a vulnerable ~~an elderly person or disabled~~ adult.

216 (b) A person who willfully or by culpable negligence
217 neglects a vulnerable ~~an elderly person or disabled~~ adult and in
218 so doing causes great bodily harm, permanent disability, or
219 permanent disfigurement to the vulnerable ~~elderly person or~~
220 ~~disabled~~ adult commits a felony of the second degree, punishable
221 as provided in s. 775.082, s. 775.083, or s. 775.084.

222 (c) A person who willfully or by culpable negligence
223 neglects a vulnerable ~~an elderly person or disabled~~ adult
224 without causing great bodily harm, permanent disability, or
225 permanent disfigurement to the vulnerable ~~elderly person or~~
226 ~~disabled~~ adult commits a felony of the third degree, punishable
227 as provided in s. 775.082, s. 775.083, or s. 775.084.

228 Section 5. Section 825.1025, Florida Statutes, is amended
229 to read:

230 825.1025 Lewd or lascivious offenses committed upon or in
231 the presence of a vulnerable adult ~~an elderly person or disabled~~
232 ~~person.~~

233 (1) As used in this section, "sexual activity" means the
234 oral, anal, or vaginal penetration by, or union with, the sexual
235 organ of another or the anal or vaginal penetration of another
236 by any other object; however, sexual activity does not include
237 an act done for a bona fide medical purpose.

238 (2) (a) "Lewd or lascivious battery upon a vulnerable adult
239 ~~an elderly person or disabled person~~" occurs when a person
240 encourages, forces, or entices a vulnerable adult ~~an elderly~~
241 ~~person or disabled person~~ to engage in sadomasochistic abuse,

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242 sexual bestiality, prostitution, or any other act involving
243 sexual activity, when the person knows or reasonably should know
244 that the vulnerable adult's ability ~~elderly person or disabled~~
245 ~~person either lacks the capacity to consent~~ is impaired or the
246 vulnerable adult fails to give consent.

247 (b) A person who commits lewd or lascivious battery upon a
248 vulnerable adult ~~an elderly person or disabled person~~ commits a
249 felony of the second degree, punishable as provided in s.
250 775.082, s. 775.083, or s. 775.084.

251 (3) (a) "Lewd or lascivious molestation of a vulnerable
252 adult ~~an elderly person or disabled person~~" occurs when a person
253 intentionally touches in a lewd or lascivious manner the
254 breasts, genitals, genital area, or buttocks, or the clothing
255 covering them, of a vulnerable adult ~~an elderly person or~~
256 ~~disabled person~~ when the person knows or reasonably should know
257 that the vulnerable adult's ability ~~elderly person or disabled~~
258 ~~person either lacks the capacity to consent~~ is impaired or the
259 vulnerable adult fails to give consent.

260 (b) A person who commits lewd or lascivious molestation of
261 a vulnerable adult ~~an elderly person or disabled person~~ commits
262 a felony of the third degree, punishable as provided in s.
263 775.082, s. 775.083, or s. 775.084.

264 (4) (a) "Lewd or lascivious exhibition in the presence of a
265 vulnerable adult ~~an elderly person or disabled person~~" occurs
266 when a person, in the presence of a vulnerable adult ~~an elderly~~
267 ~~person or disabled person~~:

268 1. Intentionally masturbates;

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269 2. Intentionally exposes his or her genitals in a lewd or
270 lascivious manner; or

271 3. Intentionally commits any other lewd or lascivious act
272 that does not involve actual physical or sexual contact with the
273 vulnerable adult ~~elderly person or disabled person~~, including,
274 but not limited to, sadomasochistic abuse, sexual bestiality, or
275 the simulation of any act involving sexual activity,

276
277 when the person knows or reasonably should know that the
278 vulnerable adult's ability ~~elderly person or disabled person~~
279 ~~either lacks the capacity to consent or fails to give consent to~~
280 having such act committed in his or her presence is impaired or
281 the vulnerable adult fails to give consent.

282 (b) A person who commits a lewd or lascivious exhibition
283 in the presence of a vulnerable adult ~~an elderly person or~~
284 ~~disabled person~~ commits a felony of the third degree, punishable
285 as provided in s. 775.082, s. 775.083, or s. 775.084.

286 Section 6. Section 825.103, Florida Statutes, is amended
287 to read:

288 825.103 Exploitation of a vulnerable ~~an elderly person or~~
289 ~~disabled~~ adult; penalties.—

290 (1) "Exploitation of a vulnerable ~~an elderly person or~~
291 ~~disabled~~ adult" means:

292 (a) Knowingly, ~~by deception or intimidation,~~ obtaining or
293 using, or endeavoring to obtain or use, the vulnerable ~~an~~
294 ~~elderly person's or disabled~~ adult's funds, assets, or property
295 with the intent to temporarily or permanently deprive the
296 vulnerable ~~elderly person or disabled~~ adult of the use, benefit,

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297 or possession of the funds, assets, or property, or to benefit
298 someone other than the vulnerable ~~elderly person or disabled~~
299 adult, by a person who:

300 1. Stands in a position of trust and confidence with the
301 vulnerable ~~elderly person or disabled~~ adult; or

302 2. Has a business relationship with the vulnerable ~~elderly~~
303 ~~person or disabled~~ adult;

304 (b) Obtaining or using, endeavoring to obtain or use, or
305 conspiring with another to obtain or use a vulnerable ~~an elderly~~
306 ~~person's or disabled~~ adult's funds, assets, or property with the
307 intent to temporarily or permanently deprive the vulnerable
308 ~~elderly person or disabled~~ adult of the use, benefit, or
309 possession of the funds, assets, or property, or to benefit
310 someone other than the vulnerable ~~elderly person or disabled~~
311 adult, by a person who knows or reasonably should know that the
312 vulnerable adult's ability ~~elderly person or disabled adult~~
313 ~~lacks the capacity to consent~~ is impaired; or

314 (c) Breach of a fiduciary duty to a vulnerable ~~an elderly~~
315 ~~person or disabled~~ adult by his or her ~~the person's~~ guardian or
316 agent under a power of attorney which results in an unauthorized
317 appropriation, sale, or transfer of property.

318 (2) (a) If the funds, assets, or property involved in the
319 exploitation of the vulnerable ~~elderly person or disabled~~ adult
320 is valued at \$100,000 or more, the offender commits a felony of
321 the first degree, punishable as provided in s. 775.082, s.
322 775.083, or s. 775.084.

323 (b) If the funds, assets, or property involved in the
324 exploitation of the vulnerable ~~elderly person or disabled~~ adult

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325 is valued at \$20,000 or more, but less than \$100,000, the
326 offender commits a felony of the second degree, punishable as
327 provided in s. 775.082, s. 775.083, or s. 775.084.

328 (c) If the funds, assets, or property involved in the
329 exploitation of a vulnerable ~~an elderly person or disabled~~ adult
330 is valued at less than \$20,000, the offender commits a felony of
331 the third degree, punishable as provided in s. 775.082, s.
332 775.083, or s. 775.084.

333 Section 7. Section 825.105, Florida Statutes, is amended
334 to read:

335 825.105 Good faith assistance.—This chapter is not
336 intended to impose criminal liability on a person who makes a
337 good faith effort to assist a vulnerable ~~an elderly person or~~
338 ~~disabled~~ adult in the management of the funds, assets, or
339 property of the vulnerable ~~elderly person or disabled~~ adult,
340 which effort fails through no fault of the person.

341 Section 8. Section 825.106, Florida Statutes, is amended
342 to read:

343 825.106 Criminal actions involving vulnerable ~~elderly~~
344 ~~persons or disabled~~ adults; speedy trial.—In a criminal action
345 in which a vulnerable ~~an elderly person or disabled~~ adult is a
346 victim, the state may move the court to advance the trial on the
347 docket. The presiding judge, after consideration of the age and
348 health of the victim, may advance the trial on the docket. The
349 motion may be filed and served with the information or charges
350 or at any time thereafter.

351 Section 9. Paragraph (a) of subsection (24) of section
352 90.803, Florida Statutes, is amended to read:

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353 90.803 Hearsay exceptions; availability of declarant
354 immaterial.—The provision of s. 90.802 to the contrary
355 notwithstanding, the following are not inadmissible as evidence,
356 even though the declarant is available as a witness:

357 (24) HEARSAY EXCEPTION; STATEMENT OF VULNERABLE ~~ELDERLY~~
358 ~~PERSON OR DISABLED~~ ADULT.—

359 (a) Unless the source of information or the method or
360 circumstances by which the statement is reported indicates a
361 lack of trustworthiness, an out-of-court statement made by a
362 vulnerable ~~an elderly person or disabled~~ adult, as defined in s.
363 825.101, describing any act of abuse or neglect, any act of
364 exploitation, the offense of battery or aggravated battery or
365 assault or aggravated assault or sexual battery, or any other
366 violent act on the declarant vulnerable ~~elderly person or~~
367 ~~disabled~~ adult, not otherwise admissible, is admissible in
368 evidence in any civil or criminal proceeding if:

369 1. The court finds in a hearing conducted outside the
370 presence of the jury that the time, content, and circumstances
371 of the statement provide sufficient safeguards of reliability.
372 In making its determination, the court may consider the mental
373 and physical age and maturity of the vulnerable ~~elderly person~~
374 ~~or disabled~~ adult, the nature and duration of the abuse or
375 offense, the relationship of the victim to the offender, the
376 reliability of the assertion, the reliability of the vulnerable
377 ~~elderly person or disabled~~ adult, and any other factor deemed
378 appropriate; and

379 2. The vulnerable ~~elderly person or disabled~~ adult either:

380 a. Testifies; or

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381 b. Is unavailable as a witness, provided that there is
382 corroborative evidence of the abuse or offense. Unavailability
383 shall include a finding by the court that the vulnerable adult
384 is impaired, as defined in s. 825.101, or the vulnerable elderly
385 ~~person's or disabled~~ adult's participation in the trial or
386 proceeding would result in a substantial likelihood of severe
387 emotional, mental, or physical harm, in addition to findings
388 pursuant to s. 90.804(1).

389 Section 10. Paragraphs (dd), (ee), and (ff) of subsection
390 (2) of section 435.04, Florida Statutes, are amended to read:

391 435.04 Level 2 screening standards.—

392 (2) The security background investigations under this
393 section must ensure that no persons subject to the provisions of
394 this section have been arrested for and are awaiting final
395 disposition of, have been found guilty of, regardless of
396 adjudication, or entered a plea of nolo contendere or guilty to,
397 or have been adjudicated delinquent and the record has not been
398 sealed or expunged for, any offense prohibited under any of the
399 following provisions of state law or similar law of another
400 jurisdiction:

401 (dd) Section 825.102, relating to abuse, aggravated abuse,
402 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

403 (ee) Section 825.1025, relating to lewd or lascivious
404 offenses committed upon or in the presence of a vulnerable ~~an~~
405 ~~elderly person or disabled~~ adult.

406 (ff) Section 825.103, relating to exploitation of a
407 vulnerable ~~an elderly person or disabled~~ adult, if the offense
408 was a felony.

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409 Section 11. Paragraph (d) of subsection (1) of section
410 775.084, Florida Statutes, is amended to read:

411 775.084 Violent career criminals; habitual felony
412 offenders and habitual violent felony offenders; three-time
413 violent felony offenders; definitions; procedure; enhanced
414 penalties or mandatory minimum prison terms.—

415 (1) As used in this act:

416 (d) "Violent career criminal" means a defendant for whom
417 the court must impose imprisonment pursuant to paragraph (4) (d),
418 if it finds that:

419 1. The defendant has previously been convicted as an adult
420 three or more times for an offense in this state or other
421 qualified offense that is:

422 a. Any forcible felony, as described in s. 776.08;

423 b. Aggravated stalking, as described in s. 784.048(3) and
424 (4);

425 c. Aggravated child abuse, as described in s.
426 827.03(2) (a);

427 d. Aggravated abuse of a vulnerable ~~an elderly person or~~
428 ~~disabled~~ adult, as described in s. 825.102(2);

429 e. Lewd or lascivious battery, lewd or lascivious
430 molestation, lewd or lascivious conduct, or lewd or lascivious
431 exhibition, as described in s. 800.04 or s. 847.0135(5);

432 f. Escape, as described in s. 944.40; or

433 g. A felony violation of chapter 790 involving the use or
434 possession of a firearm.

435 2. The defendant has been incarcerated in a state prison
436 or a federal prison.

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437 3. The primary felony offense for which the defendant is
438 to be sentenced is a felony enumerated in subparagraph 1. and
439 was committed on or after October 1, 1995, and:

440 a. While the defendant was serving a prison sentence or
441 other sentence, or court-ordered or lawfully imposed supervision
442 that is imposed as a result of a prior conviction for an
443 enumerated felony; or

444 b. Within 5 years after the conviction of the last prior
445 enumerated felony, or within 5 years after the defendant's
446 release from a prison sentence, probation, community control,
447 control release, conditional release, parole, or court-ordered
448 or lawfully imposed supervision or other sentence that is
449 imposed as a result of a prior conviction for an enumerated
450 felony, whichever is later.

451 4. The defendant has not received a pardon for any felony
452 or other qualified offense that is necessary for the operation
453 of this paragraph.

454 5. A conviction of a felony or other qualified offense
455 necessary to the operation of this paragraph has not been set
456 aside in any postconviction proceeding.

457 Section 12. Paragraph (a) of subsection (5) of section
458 775.0844, Florida Statutes, is amended to read:

459 775.0844 White Collar Crime Victim Protection Act.—

460 (5) Any person who commits an aggravated white collar
461 crime as defined in this section and in so doing either:

462 (a) Victimized 10 or more vulnerable adults ~~elderly~~
463 ~~persons~~, as defined in s. 825.101(5);

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465 and thereby obtains or attempts to obtain \$50,000 or more,
466 commits a felony of the first degree, punishable as provided in
467 s. 775.082, s. 775.083, or s. 775.084.

468 Section 13. Paragraphs (j) and (k) of subsection (1) of
469 section 775.0877, Florida Statutes, are amended to read:

470 775.0877 Criminal transmission of HIV; procedures;
471 penalties.—

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

477 (j) Section 825.102(1), relating to abuse of a vulnerable
478 ~~an elderly person or disabled~~ adult;

479 (k) Section 825.102(2), relating to aggravated abuse of a
480 vulnerable ~~an elderly person or disabled~~ adult;

481
482 the court shall order the offender to undergo HIV testing, to be
483 performed under the direction of the Department of Health in
484 accordance with s. 381.004, unless the offender has undergone
485 HIV testing voluntarily or pursuant to procedures established in
486 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
487 rule providing for HIV testing of criminal offenders or inmates,
488 subsequent to her or his arrest for an offense enumerated in
489 paragraphs (a)-(n) for which she or he was convicted or to which
490 she or he pled nolo contendere or guilty. The results of an HIV
491 test performed on an offender pursuant to this subsection are

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492 not admissible in any criminal proceeding arising out of the
 493 alleged offense.

494 Section 14. Subsection (2) of section 782.07, Florida
 495 Statutes, is amended to read:

496 782.07 Manslaughter; aggravated manslaughter of a
 497 vulnerable ~~an elderly person or disabled~~ adult; aggravated
 498 manslaughter of a child; aggravated manslaughter of an officer,
 499 a firefighter, an emergency medical technician, or a paramedic.-

500 (2) A person who causes the death of a vulnerable ~~any~~
 501 ~~elderly person or disabled~~ adult by culpable negligence under s.
 502 825.102(3) commits aggravated manslaughter of a vulnerable ~~an~~
 503 ~~elderly person or disabled~~ adult, a felony of the first degree,
 504 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

505 Section 15. Paragraphs (c), (e), (f), (g), and (h) of
 506 subsection (3) of section 921.0022, Florida Statutes, are
 507 amended to read:

508 921.0022 Criminal Punishment Code; offense severity
 509 ranking chart.-

510 (3) OFFENSE SEVERITY RANKING CHART

511 (c) LEVEL 3

512

Florida	Felony	
Statute	Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

513

514

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 253 (2013)

Amendment No.

316.066

3rd

Unlawfully obtaining or using
confidential crash reports.

(3) (b) - (d)

515

316.193(2) (b)

3rd

Felony DUI, 3rd conviction.

516

316.1935(2)

3rd

Fleeing or attempting to elude
law enforcement officer in
patrol vehicle with siren and
lights activated.

517

319.30(4)

3rd

Possession by junkyard of motor
vehicle with identification
number plate removed.

518

319.33(1) (a)

3rd

Alter or forge any certificate
of title to a motor vehicle or
mobile home.

519

319.33(1) (c)

3rd

Procure or pass title on stolen
vehicle.

520

319.33(4)

3rd

With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

521

327.35(2) (b)

3rd

Felony BUI.

522

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Amendment No.

328.05(2)

3rd

Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

523

328.07(4)

3rd

Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

524

376.302(5)

3rd

Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

525

379.2431

3rd

Taking, disturbing, mutilating,
destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

(1) (e) 5.

526

379.2431

3rd

Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

(1) (e) 6.

527

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Bill No. HB 253 (2013)

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400.9935(4)

3rd

Operating a clinic without a license or filing false license application or other required information.

528

440.1051(3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

529

501.001(2)(b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

530

624.401(4)(a)

3rd

Transacting insurance without a certificate of authority.

531

624.401(4)(b)1.

3rd

Transacting insurance without a certificate of authority; premium collected less than \$20,000.

532

626.902(1)(a) &
(b)

3rd

Representing an unauthorized insurer.

533

697.08

3rd

Equity skimming.

534

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535	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
536	796.05(1)	3rd	Live on earnings of a prostitute.
537	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
538	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
539	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
540	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
541	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; <u>\$1</u> \$300 or more but less than \$10,000.
	815.04(4)(b)	2nd	Computer offense devised to

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Amendment No.

defraud or obtain property.

542

817.034 (4) (a) 3. 3rd Engages in scheme to defraud
(Florida Communications Fraud
Act), property valued at less
than \$20,000.

543

817.233 3rd Burning to defraud insurer.

544

817.234 3rd Unlawful solicitation of
(8) (b) - (c) persons involved in motor
vehicle accidents.

545

817.234 (11) (a) 3rd Insurance fraud; property value
less than \$20,000.

546

817.236 3rd Filing a false motor vehicle
insurance application.

547

817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

548

817.413 (2) 3rd Sale of used goods as new.

549

817.505 (4) 3rd Patient brokering.

550

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551	Amendment No. 828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
552	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
553	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
554	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
555	843.19	3rd	Injure, disable, or kill police dog or horse.
556	860.15 (3)	3rd	Overcharging for repairs and parts.
557	870.01 (2)	3rd	Riot; inciting or encouraging.
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s.

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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).

558

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.

559

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)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.

560

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

561

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

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a controlled substance.

562

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

563

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

564

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

565

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

566

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person,

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or owner of an animal in
obtaining a controlled
substance.

567

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

568

893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

569

918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

570

944.47
(1)(a)1.-2. 3rd Introduce contraband to
correctional facility.

571

944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

572

985.721 3rd Escapes from a juvenile
facility (secure detention or

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residential commitment
facility).

573

574 (e) LEVEL 5

575

Florida Felony

Statute Degree Description

576

316.027(1)(a) 3rd Accidents involving personal
injuries, failure to stop;
leaving scene.

577

316.1935(4)(a) 2nd Aggravated fleeing or eluding.

578

322.34(6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

579

327.30(5) 3rd Vessel accidents involving
personal injury; leaving scene.

580

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

581

379.3671(2)(c)3. 3rd Willful molestation,
possession, or removal of a

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commercial harvester's trap
contents or trap gear by
another harvester.

582

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

583

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

584

440.105(5) 2nd Unlawful solicitation for the
purpose of making workers'
compensation claims.

585

440.381(2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

586

624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

587

626.902(1)(c) 2nd Representing an unauthorized
insurer; repeat offender.

588

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790.01 (2)	3rd	Carrying a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.0145 (2) (b)	2nd	Theft from person 65 years of

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age or older; \$10,000 or more
but less than \$50,000.

597

812.015 (8) 3rd Retail theft; property stolen
is valued at \$300 or more and
one or more specified acts.

598

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

599

812.131 (2) (b) 3rd Robbery by sudden snatching.

600

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

601

817.034 (4) (a) 2. 2nd Communications fraud, value
\$20,000 to \$50,000.

602

817.234 (11) (b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

603

817.2341 (1), 3rd Filing false financial
(2) (a) & statements, making false
(3) (a) entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

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604

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.

605

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

606

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of a vulnerable ~~an elderly person or disabled~~ adult.

607

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

608

827.071 (5) 3rd Possess, control, or intentionally view any

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photographic material, motion picture, etc., which includes sexual conduct by a child.

609

839.13(2)(b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

610

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

611

847.0135(5)(b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

612

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

613

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

614

874.05(2)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent

Amendment No.

offense.

615

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

616

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

617

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.

618

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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.

619

893.13(1)(f)1.

1st

Sell, manufacture, or deliver
cocaine (or other s.

893.03(1)(a), (1)(b), (1)(d),
or (2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of
public housing facility.

620

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).

621

893.1351(1)

3rd

Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

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622
623
624
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627
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629
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631

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.

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632	784.041	3rd	Felony battery; domestic battery by strangulation.
633	784.048 (3)	3rd	Aggravated stalking; credible threat.
634	784.048 (5)	3rd	Aggravated stalking of person under 16.
635	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
636	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
637	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
638	784.081 (2)	2nd	Aggravated assault on specified official or employee.
639	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
640	784.083 (2)	2nd	Aggravated assault on code

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inspector.

641

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

642

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

643

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

644

790.164 (1) 2nd False report of deadly
explosive, weapon of mass
destruction, or act of arson or
violence to state property.

645

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

646

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

647

794.05 (1) 2nd Unlawful sexual activity with

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specified minor.

648

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.

649

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

650

806.031 (2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

651

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

652

810.145 (8) (b) 2nd Video voyeurism; certain minor
victims; 2nd or subsequent
offense.

653

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or
more, but less than \$100,000,
grand theft in 2nd degree.

654

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of

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others.

655

812.015 (9) (a) 2nd Retail theft; property stolen
\$300 or more; second or
subsequent conviction.

656

812.015 (9) (b) 2nd Retail theft; property stolen
\$3,000 or more; coordination of
others.

657

812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

658

817.034 (4) (a) 1. 1st Communications fraud, value
greater than \$50,000.

659

817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

660

825.102 (1) 3rd Abuse of a vulnerable an
~~elderly person or disabled~~
adult.

661

825.102 (3) (c) 3rd Neglect of a vulnerable an
~~elderly person or disabled~~
adult.

662

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825.1025(3)	3rd	Lewd or lascivious molestation of <u>a vulnerable</u> an elderly person or disabled adult.	663
825.103(2)(c)	3rd	Exploiting <u>a vulnerable</u> an elderly person or disabled adult and property is valued at less than \$20,000.	664
827.03(2)(c)	3rd	Abuse of a child.	665
827.03(2)(d)	3rd	Neglect of a child.	666
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	667
836.05	2nd	Threats; extortion.	668
836.10	2nd	Written threats to kill or do bodily injury.	669
843.12	3rd	Aids or assists person to escape.	670
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene	

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materials depicting minors.

671

847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

672

847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

673

914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

674

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.

675

944.40 2nd Escapes.

676

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

677

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

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into correctional facility.

678

951.22 (1) 3rd Intoxicating drug, firearm, or
 weapon introduced into county
 facility.

679

680 (g) LEVEL 7

681

Florida	Felony	
Statute	Degree	Description

682

316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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683

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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684

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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685

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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686
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692
693

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
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.

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694	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
695	461.012 (1)	3rd	Practicing podiatric medicine without a license.
696	462.17	3rd	Practicing naturopathy without a license.
697	463.015 (1)	3rd	Practicing optometry without a license.
698	464.016 (1)	3rd	Practicing nursing without a license.
699	465.015 (2)	3rd	Practicing pharmacy without a license.
700	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
701	467.201	3rd	Practicing midwifery without a license.
702	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

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laboratory personnel without a
license.

703

483.901(9) 3rd Practicing medical physics
without a license.

704

484.013(1)(c) 3rd Preparing or dispensing optical
devices without a prescription.

705

484.053 3rd Dispensing hearing aids without
a license.

706

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.

707

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.

708

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

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\$20,000.

709

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

710

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

711

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

712

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

713

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

714

782.07(1) 2nd Killing of a human being by the

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act, procurement, or culpable
negligence of another
(manslaughter).

715

782.071 2nd Killing of a human being or
viable fetus by the operation
of a motor vehicle in a
reckless manner (vehicular
homicide).

716

782.072 2nd Killing of a human being by the
operation of a vessel in a
reckless manner (vessel
homicide).

717

784.045 (1) (a) 1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

718

784.045 (1) (a) 2. 2nd Aggravated battery; using
deadly weapon.

719

784.045 (1) (b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

720

784.048 (4) 3rd Aggravated stalking; violation
of injunction or court order.

721

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722	784.048 (7)	3rd	Aggravated stalking; violation of court order.
723	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
724	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
725	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
726	784.081 (1)	1st	Aggravated battery on specified official or employee.
727	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
728	784.083 (1)	1st	Aggravated battery on code inspector.
729	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
	787.06 (3) (e)	1st	Human trafficking using

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

730

790.07(4) 1st Specified weapons violation
subsequent to previous
conviction of s. 790.07(1) or
(2).

731

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

732

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

733

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

734

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

735

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction

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while committing or attempting
to commit a felony.

736

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

737

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.

738

796.03 2nd Procuring any person under 16
years for prostitution.

739

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim less than 12 years of
age; offender less than 18
years.

740

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.

741

806.01 (2) 2nd Maliciously damage structure by

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fire or explosive.

742

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

743

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

744

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

745

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

746

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.

747

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

748

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749	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
750	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
751	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
752	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
753	812.131 (2) (a)	2nd	Robbery by sudden snatching.
754	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
755	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

Amendment No.

756

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

757

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

758

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

759

825.103(2)(b) 2nd Exploiting a vulnerable an
~~elderly person or disabled~~
adult and property is valued at
\$20,000 or more, but less than
\$100,000.

760

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

761

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827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
762		
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
763		
838.015	2nd	Bribery.
764		
838.016	2nd	Unlawful compensation or reward for official behavior.
765		
838.021 (3) (a)	2nd	Unlawful harm to a public servant.
766		
838.22	2nd	Bid tampering.
767		
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
768		
847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
769		
872.06	2nd	Abuse of a dead human body.
770		
874.10	1st, PBL	Knowingly initiates, organizes,

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plans, finances, directs,
manages, or supervises criminal
gang-related activity.

771

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.

772

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.

773

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

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(2) (c) 4. drugs).

774

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

775

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

776

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

777

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

778

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

779

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

780

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

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grams.

781

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

782

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

783

893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.a. 10 grams or more, less than 200
 grams.

784

893.1351 (2) 2nd Possession of place for
 trafficking in or manufacturing
 of controlled substance.

785

896.101 (5) (a) 3rd Money laundering, financial
 transactions exceeding \$300 but
 less than \$20,000.

786

896.104 (4) (a) 1. 3rd Structuring transactions to
 evade reporting or registration
 requirements, financial
 transactions exceeding \$300 but
 less than \$20,000.

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787

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

788

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

789

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

790

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

791

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

792

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

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793

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

794

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

795

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

796

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

797

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

798

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

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(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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.

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560.125 (5) (b)

2nd

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

809

655.50 (10) (b) 2.

2nd

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

810

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

811

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, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

812

782.051 (2)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not

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enumerated in s. 782.04(3).

813

782.071(1)(b) 1st Committing vehicular homicide and failing to render aid or give information.

814

782.072(2) 1st Committing vessel homicide and failing to render aid or give information.

815

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

816

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

817

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.

818

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

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819

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

820

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

821

800.04(4) 2nd Lewd or lascivious battery.

822

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

823

810.02(2)(a) 1st,PBL Burglary with assault or battery.

824

810.02(2)(b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

825

810.02(2)(c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

826

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827

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

828

812.13 (2) (b) 1st Robbery with a weapon.

829

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

830

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

831

825.102 (2) 1st Aggravated abuse of a ~~vulnerable an elderly person or disabled~~ adult.

832

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

833

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

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834	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
835	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
836	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
837	860.16	1st	Aircraft piracy.
838	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).
839	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any 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).

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840

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

841

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

842

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

843

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

844

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

845

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

846

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

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895.03(3)

1st

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

854

896.101(5)(b)

2nd

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

855

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.

856

857 Section 16. Paragraph (c) of subsection (8) of section
858 948.06, Florida Statutes, is amended to read:

859 948.06 Violation of probation or community control;
860 revocation; modification; continuance; failure to pay
861 restitution or cost of supervision.—

862 (8)

863 (c) For purposes of this section, the term "qualifying
864 offense" means any of the following:

865 1. Kidnapping or attempted kidnapping under s. 787.01,
866 false imprisonment of a child under the age of 13 under s.
867 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
868 or (c).

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869 2. Murder or attempted murder under s. 782.04, attempted
870 felony murder under s. 782.051, or manslaughter under s. 782.07.

871 3. Aggravated battery or attempted aggravated battery
872 under s. 784.045.

873 4. Sexual battery or attempted sexual battery under s.
874 794.011(2), (3), (4), or (8)(b) or (c).

875 5. Lewd or lascivious battery or attempted lewd or
876 lascivious battery under s. 800.04(4), lewd or lascivious
877 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
878 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
879 under s. 800.04(7)(b), or lewd or lascivious exhibition on
880 computer under s. 847.0135(5)(b).

881 6. Robbery or attempted robbery under s. 812.13,
882 carjacking or attempted carjacking under s. 812.133, or home
883 invasion robbery or attempted home invasion robbery under s.
884 812.135.

885 7. Lewd or lascivious offense upon or in the presence of a
886 vulnerable adult ~~an elderly or disabled person~~ or attempted lewd
887 or lascivious offense upon or in the presence of a vulnerable
888 adult ~~an elderly or disabled person~~ under s. 825.1025.

889 8. Sexual performance by a child or attempted sexual
890 performance by a child under s. 827.071.

891 9. Computer pornography under s. 847.0135(2) or (3),
892 transmission of child pornography under s. 847.0137, or selling
893 or buying of minors under s. 847.0145.

894 10. Poisoning food or water under s. 859.01.

895 11. Abuse of a dead human body under s. 872.06.

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896 12. Any burglary offense or attempted burglary offense
897 that is either a first degree felony or second degree felony
898 under s. 810.02(2) or (3).

899 13. Arson or attempted arson under s. 806.01(1).

900 14. Aggravated assault under s. 784.021.

901 15. Aggravated stalking under s. 784.048(3), (4), (5), or
902 (7).

903 16. Aircraft piracy under s. 860.16.

904 17. Unlawful throwing, placing, or discharging of a
905 destructive device or bomb under s. 790.161(2), (3), or (4).

906 18. Treason under s. 876.32.

907 19. Any offense committed in another jurisdiction which
908 would be an offense listed in this paragraph if that offense had
909 been committed in this state.

910 Section 17. Paragraph (b) of subsection (2) of section
911 960.003, Florida Statutes, is amended to read:

912 960.003 Hepatitis and HIV testing for persons charged with
913 or alleged by petition for delinquency to have committed certain
914 offenses; disclosure of results to victims.—

915 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
916 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

917 (b) However, when a victim of any sexual offense
918 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
919 the time the offense was committed or when a victim of any
920 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
921 825.1025 is a vulnerable ~~disabled~~ adult ~~or elderly person~~ as
922 defined in s. 825.101 ~~825.1025~~ regardless of whether the offense
923 involves the transmission of bodily fluids from one person to

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924 another, then upon the request of the victim or the victim's
925 legal guardian, or of the parent or legal guardian, the court
926 shall order such person to undergo hepatitis and HIV testing
927 within 48 hours after the information, indictment, or petition
928 for delinquency is filed. In the event the victim or, if the
929 victim is a minor, the victim's parent or legal guardian
930 requests hepatitis and HIV testing after 48 hours have elapsed
931 from the filing of the indictment, information, or petition for
932 delinquency, the testing shall be done within 48 hours after the
933 request. The testing shall be performed under the direction of
934 the Department of Health in accordance with s. 381.004. The
935 results of a hepatitis and HIV test performed on a defendant or
936 juvenile offender pursuant to this subsection is ~~shall~~ not ~~be~~
937 admissible in any criminal or juvenile proceeding arising out of
938 the alleged offense.

939 Section 18. Paragraphs (gg), (hh), and (ii) of subsection
940 (1) of section 1012.315, Florida Statutes, are amended to read:

941 1012.315 Disqualification from employment.—A person is
942 ineligible for educator certification, and instructional
943 personnel and school administrators, as defined in s. 1012.01,
944 are ineligible for employment in any position that requires
945 direct contact with students in a district school system,
946 charter school, or private school that accepts scholarship
947 students under s. 1002.39 or s. 1002.395, if the person,
948 instructional personnel, or school administrator has been
949 convicted of:

950 (1) Any felony offense prohibited under any of the
951 following statutes:

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952 (gg) Section 825.102, relating to abuse, aggravated abuse,
953 or neglect of a vulnerable ~~an elderly person or disabled~~ adult.

954 (hh) Section 825.103, relating to exploitation of a
955 vulnerable ~~an elderly person or disabled~~ adult.

956 (ii) Section 825.1025, relating to lewd or lascivious
957 offenses committed upon or in the presence of a vulnerable adult
958 ~~an elderly person or disabled person~~.

959 Section 19. This act shall take effect on October 1, 2013.

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T I T L E A M E N D M E N T

965

Remove everything before the enacting clause and insert:

966

A bill to be entitled

967

An act related to protection of vulnerable adults; amending s.

968

812.0145, F.S.; reducing the minimum amount of a theft from a

969

person 65 years of age or older that constitutes a felony of the

970

third degree; providing criminal penalties; renaming ch. 825,

971

F.S., as "Adult, Neglect, and Exploitation of Vulnerable

972

Adults"; amending s. 825.101, F.S.; revising definitions;

973

defining the term "vulnerable adult"; defining the term

974

"impaired"; amending s. 825.102, F.S.; revising terminology to

975

prohibit specified offenses against a vulnerable adult; amending

976

s. 825.1025, F.S.; revising terminology to prohibit specified

977

lewd and lascivious offenses committed upon or in the presence

978

of a vulnerable adult; conforming provisions to changes made by

979

the act; amending s. 825.103, F.S.; revising terminology to

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980 prohibit specified offenses involving exploitation of a
981 vulnerable adult; conforming provisions to changes made by the
982 act; amending s. 825.105, F.S.; revising terminology to provide
983 legislative intent relating to good faith assistance to a
984 vulnerable adult; amending s. 825.106, F.S.; revising
985 terminology concerning speedy trial of specified offenses;
986 amending ss. 90.803, 435.04, 775.084, 775.0844, 775.0877,
987 782.07, 921.0022, 948.06, 960.003, and 1012.315, F.S.;
988 conforming provisions to changes made by the act; providing an
989 effective date. Enter Amending Text Here