

By the Committee on Children, Families, and Elder Affairs; and
Senator Richter

586-01859-14

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1 A bill to be entitled
2 An act relating to offenses against vulnerable
3 persons; amending s. 90.803, F.S.; revising when an
4 out-of-court statement by an elderly person or
5 disabled adult is admissible in certain proceedings;
6 amending s. 817.568, F.S.; expanding applicability of
7 prohibition on the fraudulent use of personal
8 identification information of specified victims
9 without consent to include persons 60 years of age or
10 older; amending s. 825.101, F.S.; revising and
11 deleting definitions; amending s. 825.103, F.S.;
12 deleting a requirement that property of an elderly
13 person or disabled adult be obtained by deception or
14 intimidation in order to constitute exploitation of
15 such a person; specifying additional circumstances
16 that constitute a breach of a fiduciary duty and
17 specifying when an unauthorized appropriation occurs;
18 creating a presumption that certain inter vivos
19 transfers are a result of exploitation; providing
20 exceptions; providing for jury instructions concerning
21 the presumption; revising the valuation of funds,
22 assets, or property involved for various degrees of
23 offenses of exploitation of an elderly person or
24 disabled adult; providing for return of property
25 seized from a defendant to the victim before trial in
26 certain circumstances; amending ss. 775.0844 and
27 921.0022, F.S.; conforming provisions to changes made
28 by the act; reenacting s. 772.11(1), F.S., relating to
29 a civil remedy for theft or exploitation, to

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30 incorporate the amendments made by the act to s.
31 825.103, F.S., in a reference thereto; providing an
32 effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Paragraph (a) of subsection (24) of section
37 90.803, Florida Statutes, is amended to read:

38 90.803 Hearsay exceptions; availability of declarant
39 immaterial.—The provision of s. 90.802 to the contrary
40 notwithstanding, the following are not inadmissible as evidence,
41 even though the declarant is available as a witness:

42 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR
43 DISABLED ADULT.—

44 (a) Unless the source of information or the method or
45 circumstances by which the statement is reported indicates a
46 lack of trustworthiness, an out-of-court statement made by an
47 elderly person or disabled adult, as defined in s. 825.101,
48 describing any act of abuse or neglect, any act of exploitation,
49 the offense of battery or aggravated battery or assault or
50 aggravated assault or sexual battery, or any other violent act
51 on the declarant elderly person or disabled adult, not otherwise
52 admissible, is admissible in evidence in any civil or criminal
53 proceeding if:

54 1. The court finds in a hearing conducted outside the
55 presence of the jury that the time, content, and circumstances
56 of the statement provide sufficient safeguards of reliability.
57 In making its determination, the court may consider the mental
58 and physical age and maturity of the elderly person or disabled

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59 adult, the nature and duration of the abuse or offense, the
60 relationship of the victim to the offender, the reliability of
61 the assertion, the reliability of the elderly person or disabled
62 adult, and any other factor deemed appropriate; and

63 2. The elderly person or disabled adult ~~either:~~

64 a. ~~Testifies; or~~

65 ~~b.~~ is unavailable as a witness, provided that there is
66 corroborative evidence of the abuse or offense. Unavailability
67 shall include a finding by the court that the elderly person's
68 or disabled adult's participation in the trial or proceeding
69 would result in a substantial likelihood of severe emotional,
70 mental, or physical harm, in addition to findings pursuant to s.
71 90.804(1).

72 Section 2. Subsections (6) and (7) of section 817.568,
73 Florida Statutes, are amended to read:

74 817.568 Criminal use of personal identification
75 information.-

76 (6) Any person who willfully and without authorization
77 fraudulently uses personal identification information concerning
78 an individual who is younger ~~less~~ than 18 years of age or 60
79 years of age or older without first obtaining the consent of
80 that individual or of his or her legal guardian commits a felony
81 of the second degree, punishable as provided in s. 775.082, s.
82 775.083, or s. 775.084.

83 (7) Any person who is in the relationship of parent or
84 legal guardian, or who otherwise exercises custodial authority
85 over an individual who is younger ~~less~~ than 18 years of age or
86 60 years of age or older, who willfully and fraudulently uses
87 personal identification information of that individual commits a

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88 felony of the second degree, punishable as provided in s.
 89 775.082, s. 775.083, or s. 775.084.

90 Section 3. Subsections (2), (3), and (8) of section
 91 825.101, Florida Statutes, are amended to read:

92 825.101 Definitions.—As used in this chapter:

93 (2) "Caregiver" means a person who has been entrusted with
 94 or has assumed responsibility for the care or the property of an
 95 elderly person or disabled adult. "Caregiver" includes, but is
 96 not limited to, relatives, court-appointed or voluntary
 97 guardians, adult household members, neighbors, health care
 98 providers, and employees and volunteers of facilities as defined
 99 in subsection (6) ~~(7)~~.

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

101 ~~(a) Misrepresenting or concealing a material fact relating~~
 102 ~~to:~~

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

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

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

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

114 ~~(8) "Intimidation" means the communication by word or act~~
 115 ~~to an elderly person or disabled adult that the elderly person~~
 116 ~~or disabled adult will be deprived of food, nutrition, clothing,~~

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117 ~~shelter, supervision, medicine, medical services, money, or~~
118 ~~financial support or will suffer physical violence.~~

119 Section 4. Section 825.103, Florida Statutes, is amended to
120 read:

121 825.103 Exploitation of an elderly person or disabled
122 adult; penalties.—

123 (1) "Exploitation of an elderly person or disabled adult"
124 means:

125 (a) ~~Knowingly, by deception or intimidation,~~ obtaining or
126 using, or endeavoring to obtain or use, an elderly person's or
127 disabled adult's funds, assets, or property with the intent to
128 temporarily or permanently deprive the elderly person or
129 disabled adult of the use, benefit, or possession of the funds,
130 assets, or property, or to benefit someone other than the
131 elderly person or disabled adult, by a person who:

132 1. Stands in a position of trust and confidence with the
133 elderly person or disabled adult; or

134 2. Has a business relationship with the elderly person or
135 disabled adult;

136 (b) Obtaining or using, endeavoring to obtain or use, or
137 conspiring with another to obtain or use an elderly person's or
138 disabled adult's funds, assets, or property with the intent to
139 temporarily or permanently deprive the elderly person or
140 disabled adult of the use, benefit, or possession of the funds,
141 assets, or property, or to benefit someone other than the
142 elderly person or disabled adult, by a person who knows or
143 reasonably should know that the elderly person or disabled adult
144 lacks the capacity to consent; or

145 (c) Breach of a fiduciary duty to an elderly person or

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146 disabled adult by the person's guardian or agent under a power
147 of attorney which results in an unauthorized appropriation,
148 sale, or transfer of property. An unauthorized appropriation
149 under this paragraph occurs when the elderly person or disabled
150 adult does not receive the reasonably equivalent financial value
151 in goods or services, or when the fiduciary violates any of
152 these duties:

153 1. For agents appointed under chapter 709:

154 a. Committing fraud in obtaining their appointments;

155 b. Abusing their powers;

156 c. Wasting, embezzling, or intentionally mismanaging the
157 assets of the ward or beneficiary of the trust; or

158 d. Acting contrary to the principal's sole benefit or best
159 interest.

160 2. For guardians and trustees appointed under chapter 736
161 or chapter 744:

162 a. Committing fraud in obtaining their appointments;

163 b. Abusing their powers; or

164 c. Wasting, embezzling, or intentionally mismanaging the
165 assets of the ward or beneficiary of the trust.

166 (d) Misappropriating, misusing, or transferring without
167 authorization money belonging to an elderly person or disabled
168 adult from an account in which the elderly person or disabled
169 adult placed the funds, owned the funds, and was the sole
170 contributor or payee of the funds before the misappropriation,
171 misuse, or unauthorized transfer. This paragraph only applies to
172 the following types of accounts:

173 1. Personal accounts;

174 2. Joint accounts created with the intent that only the

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175 elderly person or disabled adult enjoys all rights, interests,
176 and claims to moneys deposited into such account; or

177 3. Convenience accounts created in accordance with s.
178 655.80.

179 (e) Intentionally or negligently failing to effectively use
180 an elderly person's or disabled adult's income and assets for
181 the necessities required for that person's support and
182 maintenance, by a caregiver or a person who stands in a position
183 of trust and confidence with the elderly person or disabled
184 adult.

185 (2) Any inter vivos transfer of money or property valued in
186 excess of \$10,000 at the time of the transfer, whether in a
187 single transaction or multiple transactions, by a person age 65
188 or older to a nonrelative whom the transferor knew for fewer
189 than 2 years before the first transfer and for which the
190 transferor did not receive the reasonably equivalent financial
191 value in goods or services creates a permissive presumption that
192 the transfer was the result of exploitation.

193 (a) This subsection applies regardless of whether the
194 transfer or transfers are denoted by the parties as a gift or
195 loan, except that it does not apply to a valid loan evidenced in
196 writing that includes definite repayment dates. However, if
197 repayment of any such loan is in default, in whole or in part,
198 for more than 65 days, the presumption of this subsection
199 applies.

200 (b) This subsection does not apply to:

201 1. Persons who are in the business of making loans.

202 2. Bona fide charitable donations to nonprofit
203 organizations that qualify for tax exempt status under the

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204 Internal Revenue Code.

205 (c) In a criminal case to which this subsection applies, if
206 the trial is by jury, jurors shall be instructed that they may,
207 but are not required to, draw an inference of exploitation upon
208 proof beyond a reasonable doubt of the facts listed in this
209 subsection. The presumption of this subsection imposes no burden
210 of proof on the defendant.

211 (3)~~(2)~~(a) If the funds, assets, or property involved in the
212 exploitation of the elderly person or disabled adult is valued
213 at ~~\$100,000~~ \$50,000 or more, the offender commits a felony of
214 the first degree, punishable as provided in s. 775.082, s.
215 775.083, or s. 775.084.

216 (b) If the funds, assets, or property involved in the
217 exploitation of the elderly person or disabled adult is valued
218 at \$10,000 ~~\$20,000~~ or more, but less than \$50,000 ~~\$100,000~~, the
219 offender commits a felony of the second degree, punishable as
220 provided in s. 775.082, s. 775.083, or s. 775.084.

221 (c) If the funds, assets, or property involved in the
222 exploitation of an elderly person or disabled adult is valued at
223 less than \$10,000 ~~\$20,000~~, the offender commits a felony of the
224 third degree, punishable as provided in s. 775.082, s. 775.083,
225 or s. 775.084.

226 (4) If a person is charged with financial exploitation of
227 an elderly person or disabled adult that involves the taking of
228 or loss of property valued at more than \$5,000 and property
229 belonging to a victim is seized from the defendant pursuant to a
230 search warrant, the court shall hold an evidentiary hearing and
231 determine, by a preponderance of the evidence, whether the
232 defendant unlawfully obtained the victim's property. If the

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233 court finds that the property was unlawfully obtained, the court
 234 may order it returned to the victim for restitution purposes
 235 before trial on the charge. This determination is inadmissible
 236 in evidence at trial on the charge and does not give rise to any
 237 inference that the defendant has committed an offense under this
 238 section.

239 Section 5. Paragraph (a) of subsection (5) of section
 240 775.0844, Florida Statutes, is amended to read:

241 775.0844 White Collar Crime Victim Protection Act.—

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

244 (a) Victimizes 10 or more elderly persons, as defined in s.
 245 825.101~~(5)~~;

246
 247 and thereby obtains or attempts to obtain \$50,000 or more,
 248 commits a felony of the first degree, punishable as provided in
 249 s. 775.082, s. 775.083, or s. 775.084.

250 Section 6. Paragraphs (f), (g), and (h) of subsection (3)
 251 of section 921.0022, Florida Statutes, are amended to read:

252 921.0022 Criminal Punishment Code; offense severity ranking
 253 chart.—

254 (3) OFFENSE SEVERITY RANKING CHART

255 (f) LEVEL 6

256

Florida Statute	Felony Degree	Description
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257

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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258

499.0051 (3) 2nd Knowing forgery of pedigree papers.

259

499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

260

499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

261

775.0875 (1) 3rd Taking firearm from law enforcement officer.

262

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

263

784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

264

784.041 3rd Felony battery; domestic battery by strangulation.

265

784.048 (3) 3rd Aggravated stalking; credible threat.

266

784.048 (5) 3rd Aggravated stalking of person under 16.

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267

784.07(2)(c) 2nd Aggravated assault on law enforcement officer.

268

784.074(1)(b) 2nd Aggravated assault on sexually violent predators facility staff.

269

784.08(2)(b) 2nd Aggravated assault on a person 65 years of age or older.

270

784.081(2) 2nd Aggravated assault on specified official or employee.

271

784.082(2) 2nd Aggravated assault by detained person on visitor or other detainee.

272

784.083(2) 2nd Aggravated assault on code inspector.

273

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

274

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

275

790.161(2) 2nd Make, possess, or throw

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283	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
284	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
285	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
286	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
287	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
288	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
289	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

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817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
<u>825.103 (3) (c)</u> 825.103 (2) (e)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than <u>\$10,000</u> \$20,000 .
827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.

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836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
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

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bodily harm.

306

944.40 2nd Escapes.

307

944.46 3rd Harboring, concealing, aiding
escaped prisoners.

308

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

309

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

310

(g) LEVEL 7

311

312

Florida	Felony	Description
Statute	Degree	

313

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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314

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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315

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with
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wanton disregard for safety
 while fleeing or attempting to
 elude law enforcement officer
 who is in a patrol vehicle with
 siren and lights activated.

316

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

317

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

318

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

319

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

320

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

321

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

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322

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

323

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

324

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

325

461.012(1) 3rd Practicing podiatric medicine without a license.

326

462.17 3rd Practicing naturopathy without a license.

327

463.015(1) 3rd Practicing optometry without a license.

328

464.016(1) 3rd Practicing nursing without a license.

329

465.015(2) 3rd Practicing pharmacy without a license.

330

466.026(1) 3rd Practicing dentistry or dental hygiene without a license.

331

467.201 3rd Practicing midwifery without a

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license.

332

468.366

3rd

Delivering respiratory care services without a license.

333

483.828 (1)

3rd

Practicing as clinical laboratory personnel without a license.

334

483.901 (9)

3rd

Practicing medical physics without a license.

335

484.013 (1) (c)

3rd

Preparing or dispensing optical devices without a prescription.

336

484.053

3rd

Dispensing hearing aids without a license.

337

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.

338

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.

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339

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

340

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

341

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

342

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

343

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

344

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

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perpetrator of an attempted
felony.

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782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

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

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

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

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

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

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352	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
353	784.048 (7)	3rd	Aggravated stalking; violation of court order.
354	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
355	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
356	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
357	784.081 (1)	1st	Aggravated battery on specified official or employee.
358	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
359	784.083 (1)	1st	Aggravated battery on code inspector.
	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.

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787.06(3)(e) 1st Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

361

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

362

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

363

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

364

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

365

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

366

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax

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weapon of mass destruction
while committing or attempting
to commit a felony.

367

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

368

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.

369

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

370

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

371

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.

372

806.01(2) 2nd Maliciously damage structure by

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fire or explosive.

373

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

374

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

375

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

376

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

377

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.

378

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

379

812.014 (2) (b) 3. 2nd Property stolen, emergency

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medical equipment; 2nd degree grand theft.

380

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

381

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

382

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

383

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

384

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

385

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

386

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

387

817.234 (9) 2nd Organizing, planning, or participating in an intentional

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motor vehicle collision.

388

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

389

817.2341 1st Making false entries of
(2) (b) & (3) (b) 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.

390

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

391

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

392

825.103 (3) (b) 2nd Exploiting an elderly person or
~~825.103 (2) (b)~~ disabled adult and property is
valued at \$10,000 ~~\$20,000~~ or
more, but less than \$50,000
~~\$100,000~~.

393

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

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or disfigurement.

394

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

395

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

396

838.015 2nd Bribery.

397

838.016 2nd Unlawful compensation or reward for official behavior.

398

838.021 (3) (a) 2nd Unlawful harm to a public servant.

399

838.22 2nd Bid tampering.

400

843.0855 (2) 3rd Impersonation of a public officer or employee.

401

843.0855 (3) 3rd Unlawful simulation of legal process.

402

843.0855 (4) 3rd Intimidation of a public officer or employee.

403

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404 847.0135 (3) 3rd Solicitation of a child, via a
computer service, to commit an
unlawful sex act.

405 847.0135 (4) 2nd Traveling to meet a minor to
commit an unlawful sex act.

406 872.06 2nd Abuse of a dead human body.

407 874.05 (2) (b) 1st Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

408 874.10 1st,PBL Knowingly initiates, organizes,
plans, finances, directs,
manages, or supervises criminal
gang-related activity.

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

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community center.

409

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.

410

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).

411

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

412

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

413

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

414

893.135(1)(d)1. 1st Trafficking in phencyclidine,

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more than 28 grams, less than
200 grams.

415

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

416

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

417

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

418

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

419

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

420

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

421

893.1351(2) 2nd Possession of place for

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trafficking in or manufacturing
of controlled substance.

422

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

423

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

424

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

425

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

426

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

427

943.0435 (13) 3rd Failure to report or providing
false information about a

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sexual offender; harbor or
conceal a sexual offender.

428

943.0435(14)

3rd

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

429

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

430

944.607(10)(a)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

431

944.607(12)

3rd

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

432

944.607(13)

3rd

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

433

985.4815(10)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

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434

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

435

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

436

(h) LEVEL 8

437

438

Florida Statute	Felony Degree	Description
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439

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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440

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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441

327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
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442

499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
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443

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

444

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.

445

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.

446

655.50(10)(b)2. 2nd Failure to report financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000 by financial
institutions.

447

777.03(2)(a) 1st Accessory after the fact,
capital felony.

448

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,

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

449

782.051 (2) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony not
enumerated in s. 782.04 (3).

450

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

451

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

452

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

453

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

454

787.06 (3) (f) 1st Human trafficking using
coercion for commercial sexual
activity by the transfer or

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transport of any individual
from outside Florida to within
the state.

455

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

456

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

457

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

458

800.04 (4) 2nd Lewd or lascivious battery.

459

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

460

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

461

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

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462

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

463

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

464

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

465

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

466

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

467

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

468

817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

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469

817.535(5)(a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

470

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

471

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

472

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

473

825.103(3)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 ~~\$100,000~~ or more.
~~825.103(2)(a)~~

474

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

475

837.021(2) 2nd Making contradictory statements

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in official proceedings
relating to prosecution of a
capital felony.

476

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

477

860.16 1st Aircraft piracy.

478

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).

479

893.13(2)(b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

480

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

481

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

482

893.135 1st Trafficking in cocaine, more

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(1) (b) 1.b.

than 200 grams, less than 400 grams.

483

893.135

1st

Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

(1) (c) 1.b.

484

893.135

1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

(1) (d) 1.b.

485

893.135

1st

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

(1) (e) 1.b.

486

893.135

1st

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

(1) (f) 1.b.

487

893.135

1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

(1) (g) 1.b.

488

893.135

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

(1) (h) 1.b.

489

893.135

1st

Trafficking in 1,4-Butanediol,

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(1) (j) 1.b.

5 kilograms or more, less than
10 kilograms.

490

893.135

1st

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

(1) (k) 2.b.

491

893.1351 (3)

1st

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

492

895.03 (1)

1st

Use or invest proceeds derived
from pattern of racketeering
activity.

493

895.03 (2)

1st

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

494

895.03 (3)

1st

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

495

896.101 (5) (b)

2nd

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

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496

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.

497 Section 7. For the purpose of incorporating the amendment
498 made by this act to section 825.103, Florida Statutes, in a
499 reference thereto, subsection (1) of section 772.11, Florida
500 Statutes, is reenacted to read:

501 772.11 Civil remedy for theft or exploitation.—

502 (1) Any person who proves by clear and convincing evidence
503 that he or she has been injured in any fashion by reason of any
504 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of
505 action for threefold the actual damages sustained and, in any
506 such action, is entitled to minimum damages in the amount of
507 \$200, and reasonable attorney's fees and court costs in the
508 trial and appellate courts. Before filing an action for damages
509 under this section, the person claiming injury must make a
510 written demand for \$200 or the treble damage amount of the
511 person liable for damages under this section. If the person to
512 whom a written demand is made complies with such demand within
513 30 days after receipt of the demand, that person shall be given
514 a written release from further civil liability for the specific
515 act of theft or exploitation by the person making the written
516 demand. Any person who has a cause of action under this section
517 may recover the damages allowed under this section from the
518 parents or legal guardian of any unemancipated minor who lives

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519 with his or her parents or legal guardian and who is liable for
520 damages under this section. Punitive damages may not be awarded
521 under this section. The defendant is entitled to recover
522 reasonable attorney's fees and court costs in the trial and
523 appellate courts upon a finding that the claimant raised a claim
524 that was without substantial fact or legal support. In awarding
525 attorney's fees and costs under this section, the court may not
526 consider the ability of the opposing party to pay such fees and
527 costs. This section does not limit any right to recover
528 attorney's fees or costs provided under any other law.

529 Section 8. This act shall take effect October 1, 2014.