

Amendment No. 1

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 WITHDRAWN _____ (Y/N)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: Criminal Justice
 2 Subcommittee
 3 Representative Rouson offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 790.15, Florida Statutes, is amended to
 8 read:

9 790.15 Discharging firearm in public or on residential
 10 property.—

11 (1) Except as provided in subsection (2), ~~or~~ subsection
 12 (3), or subsection (4), a ~~any~~ person who knowingly discharges a
 13 firearm in any public place or on the right-of-way of any paved
 14 public road, highway, or street, who knowingly discharges any
 15 firearm over the right-of-way of any paved public road, highway,
 16 or street or over any occupied premises, or who recklessly or
 17 negligently discharges a firearm outdoors on any property used

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18 primarily as the site of a dwelling as defined in s. 776.013 or
19 zoned exclusively for residential use commits a misdemeanor of
20 the first degree, punishable as provided in s. 775.082 or s.
21 775.083. For purposes of this subsection, the discharge of a
22 firearm is presumed to be reckless or negligent if, as a result
23 of the discharge, the projectile crosses the real property of
24 another, regardless of whether the projectile harms a person or
25 property. This section does not apply to a person lawfully
26 defending life or property or performing official duties
27 requiring the discharge of a firearm or to a person discharging
28 a firearm on public roads or properties expressly approved for
29 hunting by the Fish and Wildlife Conservation Commission or
30 Florida Forest Service.

31 (2) A person who discharges a firearm for target practice
32 or recreational purposes within 1,000 feet of a person or
33 developed real property, other than at an authorized sport
34 shooting range that meets the standards of the National Rifle
35 Association for gun safety and shooting ranges as provided in
36 the 2012 edition of the NRA Range Source Book or on a property
37 expressly approved for hunting by the Fish and Wildlife
38 Conservation Commission, commits a misdemeanor of the first
39 degree, punishable as provided in s. 775.082 or s. 775.083.

40 (3)-(2) An ~~Any~~ occupant of any vehicle who knowingly and
41 willfully discharges any firearm from the vehicle within 1,000
42 feet of any person commits a felony of the second degree,
43 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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44 (4)~~(3)~~ Any driver or owner of any vehicle, whether or not
 45 the owner of the vehicle is occupying the vehicle, who knowingly
 46 directs any other person to discharge any firearm from the
 47 vehicle commits a felony of the third degree, punishable as
 48 provided in s. 775.082, s. 775.083, or s. 775.084.

49 (5) This section does not apply to a person:

50 (a) Lawfully defending life or property;

51 (b) Performing official duties requiring the discharge of
 52 a firearm; or

53 (c) Discharging a firearm on public roads or properties
 54 expressly approved for hunting by the Fish and Wildlife
 55 Conservation Commission or Florida Forest Service.

56 Section 2. Paragraph (c) of subsection (3) of section
 57 921.0022, Florida Statutes, is amended to read:

58 921.0022 Criminal Punishment Code; offense severity
 59 ranking chart.—

60 (3) OFFENSE SEVERITY RANKING CHART

61 (c) LEVEL 3

62

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

64

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 623 (2015)

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| | | | |
|----|--------------------------|-----|--|
| 65 | 316.066 (3) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 66 | 316.193(2) (b) | 3rd | Felony DUI, 3rd conviction. |
| 67 | 316.1935(2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 68 | 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 69 | 319.33(1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 70 | 319.33(1) (c) | 3rd | Procure or pass title on stolen vehicle. |
| 71 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |

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|----|----------------------|-----|--|
| 72 | 327.35(2)(b) | 3rd | Felony BUI. |
| 73 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 74 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 75 | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 76 | 379.2431 (1)(e)5. | 3rd | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act. |
| | 379.2431 | 3rd | Soliciting to commit or |

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| | (1) (e) 6. | | conspiring to commit a violation of the Marine Turtle Protection Act. |
| 77 | 400.9935 (4) | 3rd | Operating a clinic without a license or filing false license application or other required information. |
| 78 | 440.1051 (3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 79 | 501.001 (2) (b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 80 | 624.401 (4) (a) | 3rd | Transacting insurance without a certificate of authority. |
| 81 | 624.401 (4) (b) 1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |

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|----|--|-----|---|
| 82 | 626.902 (1) (a) & (b) | 3rd | Representing an unauthorized insurer. |
| 83 | 697.08 | 3rd | Equity skimming. |
| 84 | <u>790.15 (4)</u> 790.15 (3) | 3rd | Person directs another to discharge firearm from a vehicle. |
| 85 | 806.10 (1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 86 | 806.10 (2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 87 | 810.09 (2) (c) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 88 | 812.014 (2) (c) 2. | 3rd | Grand theft; \$5,000 or more but less than \$10,000. |
| 89 | | | |

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| 90 | 812.0145(2)(c) | 3rd | Theft from person 65 years of age or older; \$300 or more but less than \$10,000. |
| 91 | 815.04(5)(b) | 2nd | Computer offense devised to defraud or obtain property. |
| 92 | 817.034(4)(a)3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 93 | 817.233 | 3rd | Burning to defraud insurer. |
| 94 | 817.234 (8)(b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 95 | 817.234(11)(a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 96 | 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| | 817.2361 | 3rd | Creating, marketing, or presenting a false or |

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fraudulent motor vehicle
insurance card.

97

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

98

817.505(4) 3rd Patient brokering.

99

828.12(2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

100

831.28(2)(a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

101

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

102

838.021(3)(b) 3rd Threatens unlawful harm to
public servant.

103

843.19 3rd Injure, disable, or kill police
dog or horse.

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860.15(3) 3rd Overcharging for repairs and parts.

105

870.01(2) 3rd Riot; inciting or encouraging.

106

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

107

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.

108

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

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within 1,000 feet of public
housing facility.

109

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

110

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

111

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

112

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

113

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

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115 893.13(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.

116 893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

117 893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

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

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132 a result of the discharge, the projectile crosses the
133 real property of another, regardless of whether the
134 projectile harms a person or property; prohibiting the
135 discharge of a firearm for target practice or
136 recreational purposes within a specified distance of
137 persons or developed property; providing criminal
138 penalties; providing exceptions; amending s. 921.0022,
139 F.S.; correcting a cross-reference; providing an
140 effective date.