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# **Criminal Justice Subcommittee**

**Thursday, January 9, 2014**

**11:30 AM**

**404 HOB**

**Will Weatherford  
Speaker**

**Matt Gaetz  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

(AMENDED 1/3/2014 8:18:06AM)

Amended(1)

### Criminal Justice Subcommittee

**Start Date and Time:** Thursday, January 09, 2014 11:30 am  
**End Date and Time:** Thursday, January 09, 2014 02:00 pm  
**Location:** Sumner Hall (404 HOB)  
**Duration:** 2.50 hrs

**Consideration of the following bill(s):**

HB 53 Inmate Reentry by Stone, Baxley

Workshop on Sentencing Reform

**NOTICE FINALIZED on 01/03/2014 08:18 by Bowen.Erika**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 53 Inmate Reentry  
**SPONSOR(S):** Stone; Baxley and others  
**TIED BILLS:** IDEN./SIM. BILLS: CS/SB 274

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee		Jones LJJ	Cunningham <i>gk</i>
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

The Department of Corrections (DOC) reports that 87% of all inmates incarcerated in Florida will eventually be released from prison. In FY 2012-13, 33,173 inmates were released. Florida's most recent recidivism rates show that 27.6% of inmates released will return to prison within three years. Inmate reentry efforts are designed to reduce recidivism rates, which in turn will result in fewer new crime victims.

Many inmates leaving prison and returning to society do not have a state-issued identification card. Without an ID card, one has difficulty finding employment or housing and opening a bank account. This bill requires DOC, working in conjunction with the Department of Health (DOH) and Department of Highway Safety and Motor Vehicles (DHSMV), to assist Florida-born inmates in acquiring a birth certificate and a state ID card prior to release. To accomplish this, the bill waives the \$9 fee DOH charges for a copy of a Florida birth certificate and the \$25 fee DHSMV charges to issue a state ID card. For non-Florida born inmates, the bill directs DOC to assist inmates in completing the necessary forms or applications to obtain a social security card, driver license, or state identification card. The bill requires DOC to assist all inmates in applying for and obtaining a social security card.

Faith- and character-based institutions and programs have been effectively used in preparing inmates for their transition to society. The bill provides DOC with policy direction to expand its faith- and character-based institutions to serve both male and female inmates at their respective institutions. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith- and character-based institutions.

The Revenue Estimating Conference has not yet met to determine the impact to state revenues. However, in 2013, the Revenue Estimating Conference determined that HB 7121, which was similar to this bill, would have a negative fiscal impact on state revenues. This negative fiscal impact was due to the waiver of the fee for a state-issued ID and the waiver of the charge for a certified copy of a Florida birth certificate. See fiscal section.

The bill takes effect on July 1, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

The Department of Corrections (DOC) reports that 87% of all inmates incarcerated in Florida will eventually be released from prison.<sup>1</sup> In FY 2012-13, DOC released 33,137 inmates.<sup>2</sup> Florida's most recent recidivism rates show that 27.6% of inmates released will return to prison within three years.<sup>3</sup> Inmate reentry efforts are designed to reduce recidivism rates, which in turn mean fewer new crime victims and a lower cost to DOC. "A one percent reduction in recidivism equates to a cost avoidance of nearly \$19 million over five years."<sup>4</sup>

##### State-Issued ID Cards for Prisoners

The Real ID Act of 2005<sup>5</sup> (Act) took effect on May 11, 2008.<sup>6</sup> The Act is an extensive federal law that addresses a number of issues ranging from state-issued identification cards to asylum provisions. Title II of the Act creates national standards for issuing driver licenses and identification cards (state-issued ID), as well as detailed specifications for verifying the identity of those who apply for state-issued ID.<sup>7</sup> The federal Department of Homeland Security is vested with the authority to govern these requirements and determine which states are in compliance with the Act.<sup>8</sup>

In order for a state-issued ID to be compliant with the Act, applicants must present a number of identifying documents when applying.<sup>9</sup> Specifically, the applicant's documentation must include a photo identity document, or a non-photo identity document that includes the applicant's full name and date of birth, as well as independent documentation of the applicant's date of birth, social security number, and principal residence.<sup>10</sup> Once the Act is fully implemented on a national level, an individual must have a photo ID issued in compliance with the Act in order to prove identity for any federal purpose, including boarding airplanes and accessing federal buildings.<sup>11</sup>

According to the Florida Department of Highway Safety and Motor Vehicles (DHSMV), a U.S. citizen must provide one piece of primary identification, proof of the individual's social security number, and two documents proving residence in order to acquire a state-issued ID.<sup>12</sup> Primary identification can be an original U.S. birth certificate, valid U.S. Passport, consular report of birth abroad, certificate of naturalization, or other similar listed documents.<sup>13</sup> Proof of social security number can be satisfied with a U.S. social security card, tax forms, paycheck stubs, or other similar documents.<sup>14</sup> Proof of residence can

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<sup>1</sup> See, *Recidivism Reduction Strategic Plan*. Fiscal Year 2009-2014. Department of Corrections. <http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf> (last visited December 20, 2013).

<sup>2</sup> See, *Quick Facts About the Florida Department of Corrections*. Revised September 2013 <http://www.dc.state.fl.us/oth/Quickfacts.html> (last visited December 20, 2013).

<sup>3</sup> *Id.* These numbers are for inmates released in 2008.

<sup>4</sup> Press Release, Florida Department of Corrections (Feb. 4, 2013) <http://www.dc.state.fl.us/secretary/press/2013/02-04-Recidivism.html> (last visited December 20, 2013).

<sup>5</sup> Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005).

<sup>6</sup> 12 Mass. Prac. Series, Motor Vehicle Law and Practice, § 21:2 (4th ed.).

<sup>7</sup> Real ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005).

<sup>8</sup> 1 IMMIGRATION LAW SERVICE 2d § 1:88 (2013).

<sup>9</sup> § 202(c), 119 Stat. at 312-14.

<sup>10</sup> *Id.* at 312-13.

<sup>11</sup> 1 IMMIGRATION LAW SERVICE 2d § 1:88 (2013).

<sup>12</sup> *Florida Driver License Identification Requirements*, FLORIDA DEPARTMENT OF MOTOR VEHICLES, <http://www.dmvflorida.org/drivers-license-identification.shtml> (last visited December 20, 2013).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

include deeds, utility bills, a Certification of Address Form from a homeless shelter or halfway house, or other similar documents.<sup>15</sup> The DHSMV charges a \$25 fee for issuing or renewing a state-issued ID.<sup>16</sup>

Currently, a birth certificate is an essential part of acquiring state-issued ID for a Florida-born applicant.<sup>17</sup> A Floridian may request a copy of his or her birth certificate from the Department of Health (DOH) after paying a \$9 fee, providing valid photo identification, and submitting a written request.<sup>18</sup> Florida law also permits any Florida or Federal agency to acquire a copy of a birth certificate upon request and payment of the \$9 fee.<sup>19</sup> There is no statutory fee waiver for Florida prisoners applying for a copy of his or her Florida birth certificate.<sup>20</sup>

In December 2009, the Office of Program Policy Analysis & Government Accountability (OPPAGA) issued a report based on their study of DOC rehabilitation efforts.<sup>21</sup> The report identified the importance of an inmate acquiring an identification card upon release from prison. The report found:

Proper identification generally is required to find employment, obtain housing, or apply for public benefits that may be necessary to obtain medication or other treatment services that can help reduce inmates' risks of reoffending.<sup>22</sup>

Similarly, the lack of a state-issued ID makes it difficult to cash paychecks or open a bank account, and increases the likelihood of an inmate failing to successfully reenter society.

Over the last few years, DOC, partnering with DHSMV and DOH, worked to get inmates' identification cards prior to release using DHSMV's mobile units that travel to the prison facilities and issue ID cards to those inmates with the proper identification documents and upon payment of the \$25 fee. In 2011, DHSMV reports that in 2011 they conducted 17 prison visits and issued 642 ID cards; in 2012 those numbers were 13 visits and 458 cards. Through October 22, 2013, DMSHV held 49 events and issued 1,386 credentials, and expect to net over 500 more credentials before the end of the 2013.<sup>23</sup>

### **Effect of the Bill**

The bill amends s. 322.051(9), F.S., to provide statutory authorization for DHSMV to waive the fee charged for issuing or renewing a state identification card. This waiver is for Florida-born inmates.

The bill also amends s. 382.0255, F.S., to provide a similar waiver of the fee that DOH charges a person requesting a certified copy of a Florida birth certificate.

The bill amends s. 944.605, F.S., to direct DOC to work with DOH and DHSMV to provide every Florida-born inmate a certified copy of their birth certificate and a state-issued ID card upon release. DOC is required to provide DOH with a list of all Florida-born inmates, including a photo and various identifying information for each inmate. Inmates that do not cooperate with DOC in providing this information are subject to discipline.

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<sup>15</sup> *Id.*

<sup>16</sup> Section 322.21(1)(f), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Fla. Admin. Code Ann. R. 64V-1.0131.

<sup>19</sup> Section 382.025, F.S.

<sup>20</sup> A number of states have various fee waivers for vital records. See N.C. Gen. Stat. Ann. § 130A-93.1 (2013); Md. Code Ann., Health-Gen. § 4-217 (2013).

<sup>21</sup> See, OPPAGA, Report No. 09-44, *Department of Corrections Should Maximize Use of Best Practices in Inmate Rehabilitation Efforts*. <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=09-44> (last visited December 20, 2013).

<sup>22</sup> *Id.* at 5.

<sup>23</sup> The departments currently have 19 prison visits planned from October through December 2013. See, e-mail from DHSMV dated October 24, 2013 (on file with the Criminal Justice Subcommittee).

DOC is not required to provide a birth certificate or state-issued ID to inmates who:

- DOC determines have a valid driver license or state identification card;
- Have an active detainer, unless the department determines that cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be less than 12 months in duration;
- Are released due to an emergency release or a conditional medical release under s. 947.149, F.S.;
- Are not in the physical custody of the department at or within 180 days before release; and
- Are subject to sex offender residency restrictions, and who, upon release under such restrictions, do not have a qualifying address.

The bill directs DOC to assist all inmates in applying for and obtaining their social security cards. Additionally, DOC must assist all non-Florida born inmates in obtaining their social security card, driver license, or state ID card. The bill also requires DOC to provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the number of inmates released with or without identification cards, as the factors and difficulties involved in providing such identification cards, and recommendations to improve the process.

### **Background: Faith- and Character-Based Institutions**

The Legislature set forth policy direction for DOC in 1997 when it first addressed faith- and character-based (FCB) programming by enacting s. 944.803, F.S.<sup>24</sup> Over the years this section has been amended, most recently in 2011 when the Legislature directed DOC to focus its FCB programs more at full institutions rather than dormitories within institutions. The statute was also amended in 2011 to provide for peer-to-peer programming such as Alcoholic Anonymous within FCB institutions.<sup>25</sup>

DOC currently operates FCB programs at 16 institutions and houses 6,500 inmates, including 553 beds for females.

### **Effect of the Bill**

The bill amends s. 944.803, F.S., to give DOC policy direction to expand its FCB programs into both male and female institutions. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith- and character-based institutions.

### **B. SECTION DIRECTORY:**

Section 1. Amends s. 322.051, F.S., relating to identification cards.

Section 2. Amends s. 382.0255, F.S., relating to fees.

Section 3. Amends s. 944.605, F.S., relating to inmate release; notification.

Section 4. Amends s. 944.803, F.S., relating to faith- and character-based programs.

Section 5. Provides an effective date of July 1, 2014.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The Revenue Estimating Conference has not yet met to determine the impact to state revenues. However, in 2013, the Revenue Estimating Conference determined that HB 7121, which was similar to this bill, would have a negative fiscal impact on state revenues. This negative fiscal impact was

<sup>24</sup> See, s. 19, ch. 97-78, L.O.F.

<sup>25</sup> See, s. 1, ch. 2011-185, L.O.F.

due to the waiver of the fee for a state-issued ID and the waiver of the charge for a certified copy of a Florida birth certificate.

The Revenue Estimating Conference estimated that the fee waivers will result in a recurring loss of roughly \$0.4 million in revenue between DOH and DHSMV.<sup>26</sup> The conference used annual prison release data from the Criminal Justice Estimating Conference and DOC estimates of the number of inmates who would apply for a state identification card and a birth certificate.

2. Expenditures:

Anticipated increase in DOC, DOH and DHSMV's workload will be subsumed within existing agency resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

## II. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The implementation and administration of the reentry program may require DOC to promulgate rules. The bill provides DOC with adequate rulemaking authority to do so.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>26</sup> Revenue Estimating Conference, Revenue Impact Results, Waiver of HSMV ID Card Fees & DOH Birth Certificate Fees, April 4, 2013. <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2013/pdf/Impact0405.pdf> (last visited December 20, 2013).





27 | 414.0252(7) or to an inmate receiving a card issued pursuant to  
 28 | s. 944.605(7).

29 |       Section 2. Subsection (3) of section 382.0255, Florida  
 30 | Statutes, is amended to read:

31 |       382.0255 Fees.—

32 |       (3) Fees shall be established by rule. However, until  
 33 | rules are adopted, the fees assessed pursuant to this section  
 34 | shall be the minimum fees cited. The fees established by rule  
 35 | must be sufficient to meet the cost of providing the service.  
 36 | All fees shall be paid by the person requesting the record, are  
 37 | due and payable at the time services are requested, and are  
 38 | nonrefundable, except that, when a search is conducted and no  
 39 | vital record is found, any fees paid for additional certified  
 40 | copies shall be refunded. The department may waive all or part  
 41 | of the fees required under this section for any government  
 42 | entity. The department shall waive all fees required under this  
 43 | section for a certified copy of a birth certificate issued for  
 44 | purposes of an inmate acquiring a state identification card  
 45 | before release pursuant to s. 944.605(7).

46 |       Section 3. Subsection (7) is added to section 944.605,  
 47 | Florida Statutes, to read:

48 |       944.605 Inmate release; notification; identification  
 49 | card.—

50 |       (7)(a) The department, working in conjunction with the  
 51 | Department of Health and the Department of Highway Safety and  
 52 | Motor Vehicles, shall provide every Florida-born inmate with a

53 certified copy of their birth certificate and a state  
54 identification card before his or her release upon expiration of  
55 the inmate's sentence.

56 (b) Paragraph (a) does not apply to inmates who:

57 1. The department determines have a valid driver license  
58 or state identification card.

59 2. Have an active detainer, unless the department  
60 determines that cancellation of the detainer is likely or that  
61 the incarceration for which the detainer was issued will be less  
62 than 12 months in duration.

63 3. Are released due to an emergency release or a  
64 conditional medical release under s. 947.149.

65 4. Are not in the physical custody of the department at or  
66 within 180 days before release.

67 5. Are subject to sex offender residency restrictions, and  
68 who, upon release under such restrictions, do not have a  
69 qualifying address.

70 (c) The department shall assist each inmate in applying  
71 for and obtaining a social security card before release if the  
72 inmate needs a social security card.

73 (d) The department, for purposes of assisting the inmate  
74 in obtaining a birth certificate, shall submit to the Department  
75 of Health on all Florida-born inmates in its custody, the  
76 department's inmate photo or digitized photo, and as provided by  
77 the inmate his or her date of birth, full name at birth and any  
78 subsequent legal name changes, city or county of birth, mother's

79 full name including her maiden surname, and father's full name.  
 80 Failure of the inmate to cooperate with the department in  
 81 providing this information may subject the inmate to  
 82 disciplinary action.

83 (e) For inmates born outside of this state, the department  
 84 shall assist the inmate in completing the necessary forms or  
 85 applications to obtain a social security card, driver license,  
 86 or state identification card. The department shall also provide  
 87 the inmate with the location and address of the appropriate  
 88 licensing authority the inmate will need to obtain a valid  
 89 identification card in proximity to the inmate's release  
 90 address.

91 (f) The department shall, as part of its annual report,  
 92 provide a report that identifies the number of inmates released  
 93 with and without identification cards, identifies any  
 94 impediments in the implementation of this subsection, and  
 95 provides recommendations to improve obtaining release documents  
 96 and identification cards for all inmates.

97 Section 4. Subsections (2) and (6) of section 944.803,  
 98 Florida Statutes, are amended to read:

99 944.803 Faith- and character-based programs.-

100 (2) It is the intent of the Legislature that the  
 101 department expand the faith- and character-based initiative  
 102 through the use of faith- and character-based institutions. The  
 103 department is encouraged to phase out the faith-based and self  
 104 improvement dormitory programs and move toward the goal of only

105 | implementing faith- and character-based institutions. The  
106 | department is also encouraged to dedicate and maintain faith-  
107 | and character-based institutions that serve both male and female  
108 | inmates at their respective institutions.

109 |       (6) Within faith- and character-based institutions of the  
110 | state correctional system, peer-to-peer programming shall be  
111 | offered ~~allowed~~, such as Alcoholics Anonymous, literacy  
112 | instruction, and other activities, ~~when appropriate.~~

113 |       Section 5. This act shall take effect July 1, 2014.



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1 A bill to be entitled  
 2 An act relating to sentencing; providing an effective  
 3 date.

4  
 5 Be It Enacted by the Legislature of the State of Florida:

6  
 7 Section 1. Section 316.027, Florida Statutes, is amended  
 8 to read:

9 316.027 Crash involving death or personal injuries.—

10 (1) As used in this section, the term:

11 (a) "Serious bodily injury" means an injury to a person,  
 12 including the driver, which consists of a physical condition  
 13 that creates a substantial risk of death, serious personal  
 14 disfigurement, or protracted loss or impairment of the function  
 15 of a bodily member or organ.

16 (b) "Vulnerable road user" means:

17 1. A pedestrian, including a person actually engaged in  
 18 work upon a highway, or in work upon utility facilities along a  
 19 highway, or engaged in the provision of emergency services  
 20 within the right-of-way;

21 2. A person operating a bicycle, motorcycle, scooter, or  
 22 moped lawfully on the roadway;

23 3. A person riding an animal; or

24 4. A person lawfully operating on a public right-of-way,  
 25 crosswalk, or shoulder of the roadway:

26 a. A farm tractor or similar vehicle designed primarily

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27 for farm use;

28 b. A skateboard, roller skates, in-line skates;

29 c. A horse-drawn carriage;

30 d. An electric personal assistive mobility device; or

31 e. A wheelchair.

32 (2)(1)(a) The driver of a any vehicle involved in a crash  
 33 occurring on public or private property which ~~that~~ results in  
 34 injury to a of any person other than serious bodily injury shall  
 35 ~~must~~ immediately stop the vehicle at the scene of the crash, or  
 36 as close thereto as possible, and shall ~~must~~ remain at the scene  
 37 of the crash until he or she has fulfilled the requirements of  
 38 s. 316.062. A Any person who willfully violates this paragraph  
 39 commits a felony of the third degree, punishable as provided in  
 40 s. 775.082, s. 775.083, or s. 775.084.

41 (b) The driver of a vehicle involved in a crash occurring  
 42 on public or private property which results in serious bodily  
 43 injury to a person shall immediately stop the vehicle at the  
 44 scene of the crash, or as close thereto as possible, and shall  
 45 remain at the scene of the crash until he or she has fulfilled  
 46 the requirements of s. 316.062. A person who willfully violates  
 47 this paragraph commits a felony of the second degree, punishable  
 48 as provided in s. 775.082, s. 775.083, or s. 775.084.

49 (c)(b) The driver of a any vehicle involved in a crash  
 50 occurring on public or private property which ~~that~~ results in  
 51 the death of a any person shall ~~must~~ immediately stop the  
 52 vehicle at the scene of the crash, or as close thereto as



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YEAR

53 possible, and shall ~~must~~ remain at the scene of the crash until  
 54 he or she has fulfilled the requirements of s. 316.062. A person  
 55 who is arrested for a violation of this paragraph and who has  
 56 previously been convicted of a violation of this section, s.  
 57 316.061, s. 316.191, or s. 316.193, or a felony violation of s.  
 58 322.34, shall be held in custody until brought before the court  
 59 for admittance to bail in accordance with chapter 903. A ~~Any~~  
 60 person who willfully violates this paragraph commits a felony of  
 61 the first degree, punishable as provided in s. 775.082, s.  
 62 775.083, or s. 775.084. A ~~Any~~ person who willfully commits such  
 63 a violation while driving under the influence as set forth in s.  
 64 316.193(1) shall be sentenced to a mandatory minimum term of  
 65 imprisonment of 4 ~~2~~ years.

66 (d) ~~(e)~~ Notwithstanding s. 775.089(1)(a), if the driver of  
 67 a vehicle violates paragraph (a), or ~~or~~ paragraph (b), or paragraph  
 68 (c), the court shall order the driver to make restitution to the  
 69 victim for any damage or loss unless the court finds clear and  
 70 compelling reasons not to order the restitution. Restitution may  
 71 be monetary or nonmonetary restitution. The court shall make the  
 72 payment of restitution a condition of probation in accordance  
 73 with s. 948.03. An order requiring the defendant to make  
 74 restitution to a victim does not remove or diminish the  
 75 requirement that the court order payment to the Crimes  
 76 Compensation Trust Fund under chapter 960. Payment of an award  
 77 by the Crimes Compensation Trust Fund creates an order of  
 78 restitution to the Crimes Compensation Trust Fund unless

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79 specifically waived in accordance with s. 775.089(1)(b).

80 (e) A driver who violates paragraph (a), paragraph (b), or  
 81 paragraph (c) shall:

82 1. Have his or her driver license revoked for a minimum  
 83 period of at least 3 years as provided in s. 322.28(4);

84 2. Participate in a victim's impact panel session in a  
 85 judicial circuit if such panel exists; and

86 3. Participate in a driver education course relating to  
 87 the rights of vulnerable road users relative to vehicles on the  
 88 roadway.

89 (f) For purposes of sentencing under chapter 921 and  
 90 determining incentive gain-time eligibility under chapter 944,  
 91 an offense listed in this subsection is ranked one level above  
 92 the ranking specified in s. 921.0022 or s. 921.0023 for the  
 93 offense committed if the victim of the offense was a vulnerable  
 94 road user.

95 ~~(2) The department shall revoke the driver's license of~~  
 96 ~~the person so convicted.~~

97 (3) The stops shall ~~Every stop must~~ be made without  
 98 unnecessarily obstructing traffic ~~more than is necessary~~, and,  
 99 if a damaged vehicle is obstructing traffic, the driver of the  
 100 vehicle shall ~~must~~ make every reasonable effort to move the  
 101 vehicle or have it moved so as not to obstruct the regular flow  
 102 of traffic. A ~~Any~~ person who fails to comply with this  
 103 subsection shall be cited for a nonmoving violation, punishable  
 104 as provided in chapter 318.

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105           (4) In addition to any other civil, criminal, or  
 106 administrative penalty imposed, a person whose commission of a  
 107 noncriminal traffic infraction or a ~~any~~ violation of this  
 108 chapter or s. 1006.66 causes or results in the death of another  
 109 person may, ~~in addition to any other civil, criminal, or~~  
 110 ~~administrative penalty imposed,~~ be required by the court to  
 111 serve 120 community service hours in a trauma center or hospital  
 112 that regularly receives victims of vehicle accidents, under the  
 113 supervision of a registered nurse, an emergency room physician,  
 114 or an emergency medical technician pursuant to a voluntary  
 115 community service program operated by the trauma center or  
 116 hospital.

117           (5) This section does not apply to crashes occurring  
 118 during a motorsports event, as defined in s. 549.10(1), or at a  
 119 closed-course motorsport facility, as defined in s. 549.09(1).

120           Section 2. Paragraph (c) of subsection (3) of section  
 121 316.193, Florida Statutes, is amended to read:

122           316.193 Driving under the influence; penalties.—

123           (3) Any person:

124           (c) Who, by reason of such operation, causes or  
 125 contributes to causing:

126           1. Damage to the property or person of another commits a  
 127 misdemeanor of the first degree, punishable as provided in s.  
 128 775.082 or s. 775.083.

129           2. Serious bodily injury to another, as defined in s.  
 130 316.1933, commits a felony of the third degree, punishable as

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131 provided in s. 775.082, s. 775.083, or s. 775.084.

132 3. The death of any human being or unborn ~~quick~~ child  
133 commits DUI manslaughter, and commits:

134 a. A felony of the second degree, punishable as provided  
135 in s. 775.082, s. 775.083, or s. 775.084.

136 b. A felony of the first degree, punishable as provided in  
137 s. 775.082, s. 775.083, or s. 775.084, if:

138 (I) At the time of the crash, the person knew, or should  
139 have known, that the crash occurred; and

140 (II) The person failed to give information and render aid  
141 as required by s. 316.062.

142  
143 For purposes of this subsection, the definition of the term  
144 "unborn ~~quick~~ child" has the same meaning as provided in s.  
145 775.021(5) ~~shall be determined in accordance with the definition~~  
146 ~~of viable fetus as set forth in s. 782.071.~~ A person who is  
147 convicted of DUI manslaughter shall be sentenced to a mandatory  
148 minimum term of imprisonment of 4 years.

149 Section 3. Subsections (2) and (10) of section 316.2397,  
150 Florida Statutes, are amended to read:

151 316.2397 Certain lights prohibited; exceptions.—

152 (2) It is expressly prohibited for any vehicle or  
153 equipment, except a police vehicle ~~vehicles~~, to show or display  
154 blue lights. However, vehicles owned, operated, or leased by the  
155 Department of Corrections or any county correctional agency may  
156 show or display blue lights when responding to emergencies.

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YEAR

157           (10) Except for a violation of subsection (2), A violation  
 158 of this section is a noncriminal traffic infraction, punishable  
 159 as a nonmoving violation as provided in chapter 318. A person  
 160 who violates subsection (2) commits a misdemeanor of the first  
 161 degree, punishable as provided in s. 775.082 or s. 775.083.

162           Section 4. Subsection (4) of section 322.28, Florida  
 163 Statutes, is amended to read:

164           322.28 Period of suspension or revocation.—

165           (4) (a) Upon a conviction for a violation of s.  
 166 316.193(3)(c)2., involving serious bodily injury, a conviction  
 167 of manslaughter resulting from the operation of a motor vehicle,  
 168 or a conviction of vehicular homicide, the court shall revoke  
 169 the driver license of the person convicted for a minimum period  
 170 of 3 years. If a conviction under s. 316.193(3)(c)2., involving  
 171 serious bodily injury, is also a subsequent conviction as  
 172 described under paragraph (2)(a), the court shall revoke the  
 173 driver license or driving privilege of the person convicted for  
 174 the period applicable as provided in paragraph (2)(a) or  
 175 paragraph (2)(d).

176           (b) Upon a conviction for a violation of s. 316.027(2)(a),  
 177 s. 316.027(2)(b), or s. 316.027(2)(c) involving injury, serious  
 178 bodily injury, or death, the court shall revoke the driver  
 179 license of the person convicted for a minimum period of 3 years.

180           (c) ~~(b)~~ If the period of revocation was not specified by  
 181 the court at the time of imposing sentence or within 30 days  
 182 thereafter, the department shall revoke the driver license for

BILL

ORIGINAL

YEAR

183 the minimum period applicable under paragraph (a) or paragraph  
 184 (b) or, for a subsequent conviction, for the minimum period  
 185 applicable under paragraph (2)(a) or paragraph (2)(d).

186 Section 5. For the purpose of incorporating the amendment  
 187 made by this act to section 322.28, Florida Statutes, in a  
 188 reference thereto, Subsection (6) of section 322.34, Florida  
 189 Statutes, is reenacted and amended to read:

190 322.34 Driving while license suspended, revoked, canceled,  
 191 or disqualified.-

192 (6) Any person who operates a motor vehicle:

193 (a) Without having a driver's license as required under s.  
 194 322.03; or

195 (b) While his or her driver's license or driving privilege  
 196 is canceled, suspended, or revoked pursuant to s. 316.655, s.  
 197 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),

198  
 199 and who by careless or negligent operation of the motor vehicle  
 200 causes the death of or serious bodily injury to another human  
 201 being commits ~~is guilty of~~ a felony of the third degree,  
 202 punishable as provided in s. 775.082 or s. 775.083.

203 Section 6. Subsection (4) is added to section 384.23,  
 204 Florida Statutes, to read:

205 384.23 Definitions.-

206 (4) "Sexual intercourse" means oral, anal, or vaginal  
 207 penetration by, or union with, the sexual organ of another; the  
 208 anal or vaginal penetration of another by any other object; or

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ORIGINAL

YEAR

209 | the actual physical contact with a person's unclothed genitals,  
 210 | pubic area, or buttocks.

211 | Section 7. Paragraph (g) of subsection (2) of section  
 212 | 435.04, Florida Statutes, is amended to read:

213 | 435.04 Level 2 screening standards.—

214 | (2) The security background investigations under this  
 215 | section must ensure that no persons subject to the provisions of  
 216 | this section have been arrested for and are awaiting final  
 217 | disposition of, have been found guilty of, regardless of  
 218 | adjudication, or entered a plea of nolo contendere or guilty to,  
 219 | or have been adjudicated delinquent and the record has not been  
 220 | sealed or expunged for, any offense prohibited under any of the  
 221 | following provisions of state law or similar law of another  
 222 | jurisdiction:

223 | (g) Section 782.09, relating to killing of an unborn ~~quick~~  
 224 | child by injury to the mother.

225 | Section 8. Subsection (5) is added to section 775.021,  
 226 | Florida Statutes, to read:

227 | 775.021 Rules of construction.—

228 | (5) Whoever commits an act that violates a provision of  
 229 | this code or commits a criminal offense defined by another  
 230 | statute and thereby causes the death of, or bodily injury to, an  
 231 | unborn child commits a separate offense if the provision or  
 232 | statute does not otherwise specifically provide a separate  
 233 | offense for such death or injury to an unborn child.

234 | (a) Except as otherwise provided in this subsection, the

BILL

ORIGINAL

YEAR

235 punishment for a separate offense under this subsection is the  
 236 same as the punishment provided under this code or other statute  
 237 for that conduct had the injury or death occurred to the mother  
 238 of the unborn child.

239 (b) An offense under this subsection does not require  
 240 proof that the person engaging in the conduct:

241 1. Had knowledge or should have had knowledge that the  
 242 victim of the underlying offense was pregnant; or

243 2. Intended to cause the death of, or bodily injury to,  
 244 the unborn child.

245 (c) Notwithstanding any other provision of law, the death  
 246 penalty may not be imposed for an offense under this subsection.

247 (d) This subsection does not permit the prosecution:

248 1. Of any person for conduct relating to an abortion for  
 249 which the consent of the pregnant woman, or a person authorized  
 250 by law to act on her behalf, has been obtained or for which such  
 251 consent is implied by law;

252 2. Of a person for providing medical treatment of the  
 253 pregnant woman or her unborn child; or

254 3. Of a woman with respect to her unborn child.

255 (e) As used in this subsection, the term "unborn child"  
 256 means a member of the species homo sapiens, at any stage of  
 257 development, who is carried in the womb.

258 Section 9. Subsection (10) of section 775.082, Florida  
 259 Statutes, is amended to read:

260 775.082 Penalties; applicability of sentencing structures;



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ORIGINAL

YEAR

261 mandatory minimum sentences for certain reoffenders previously  
 262 released from prison.-

263 (10) (a) If a defendant is sentenced for an offense  
 264 committed on or after July 1, 2009, which is a third degree  
 265 felony but not a forcible felony as defined in s. 776.08, and  
 266 excluding any third degree felony violation under chapter 810,  
 267 and if the total sentence points pursuant to s. 921.0024 are 22  
 268 points or fewer, the court must sentence the offender to a  
 269 nonstate prison sanction. However, if the court makes written  
 270 findings that a nonstate prison sanction could present a danger  
 271 to the public, the court may sentence the offender to a state  
 272 correctional facility pursuant to this section.

273 (b) If a defendant is sentenced for an offense committed on  
 274 or after July 1, 2014, which is a third degree felony but not a  
 275 forcible felony as defined in s. 776.08, and excluding any third  
 276 degree felony violation under chapter 810, and if the total  
 277 sentence points pursuant to s. 921.0024 are 44 points or fewer,  
 278 the court must sentence the offender to a nonstate prison  
 279 sanction. However, if the court makes written findings that a  
 280 nonstate prison sanction could present a danger to the public,  
 281 the court may sentence the offender to a state correctional  
 282 facility pursuant to this section.

283 Section 10. Section 782.071, Florida Statutes, is amended  
 284 to read:

285 782.071 Vehicular homicide.-"Vehicular homicide" is the  
 286 killing of a human being, or the killing of an unborn child a

BILL

ORIGINAL

YEAR

287 ~~viable fetus~~ by any injury to the mother, caused by the  
 288 operation of a motor vehicle by another in a reckless manner  
 289 likely to cause the death of, or great bodily harm to, another.

290 (1) Vehicular homicide is:

291 (a) A felony of the second degree, punishable as provided  
 292 in s. 775.082, s. 775.083, or s. 775.084.

293 (b) A felony of the first degree, punishable as provided  
 294 in s. 775.082, s. 775.083, or s. 775.084, if:

295 1. At the time of the accident, the person knew, or should  
 296 have known, that the accident occurred; and

297 2. The person failed to give information and render aid as  
 298 required by s. 316.062.

299  
 300 This paragraph does not require that the person knew that the  
 301 accident resulted in injury or death.

302 (2) For purposes of this section, the term "unborn child"  
 303 has the same meaning as provided in s. 775.021(5) ~~a fetus is~~  
 304 ~~viable when it becomes capable of meaningful life outside the~~  
 305 ~~womb through standard medical measures.~~

306 (3) A right of action for civil damages shall exist under  
 307 s. 768.19, under all circumstances, for all deaths described in  
 308 this section.

309 (4) In addition to any other punishment, the court may  
 310 order the person to serve 120 community service hours in a  
 311 trauma center or hospital that regularly receives victims of  
 312 vehicle accidents, under the supervision of a registered nurse,

BILL

ORIGINAL

YEAR

313 an emergency room physician, or an emergency medical technician  
 314 pursuant to a voluntary community service program operated by  
 315 the trauma center or hospital.

316 Section 11. Section 782.09, Florida Statutes, is amended  
 317 to read:

318 782.09 Killing of unborn ~~quick~~ child by injury to mother.—

319 (1) The unlawful killing of an unborn ~~quick~~ child, by any  
 320 injury to the mother of such child which would be murder if it  
 321 resulted in the death of such mother, shall be deemed murder in  
 322 the same degree as that which would have been committed against  
 323 the mother. Any person, other than the mother, who unlawfully  
 324 kills an unborn ~~quick~~ child by any injury to the mother:

325 (a) Which would be murder in the first degree constituting  
 326 a capital felony if it resulted in the mother's death commits  
 327 murder in the first degree constituting a capital felony,  
 328 punishable as provided in s. 775.082.

329 (b) Which would be murder in the second degree if it  
 330 resulted in the mother's death commits murder in the second  
 331 degree, a felony of the first degree, punishable as provided in  
 332 s. 775.082, s. 775.083, or s. 775.084.

333 (c) Which would be murder in the third degree if it  
 334 resulted in the mother's death commits murder in the third  
 335 degree, a felony of the second degree, punishable as provided in  
 336 s. 775.082, s. 775.083, or s. 775.084.

337 (2) The unlawful killing of an unborn ~~quick~~ child by any  
 338 injury to the mother of such child which would be manslaughter

BILL

ORIGINAL

YEAR

339 if it resulted in the death of such mother shall be deemed  
 340 manslaughter. A person who unlawfully kills an unborn ~~quick~~  
 341 child by any injury to the mother which would be manslaughter if  
 342 it resulted in the mother's death commits manslaughter, a felony  
 343 of the second degree, punishable as provided in s. 775.082, s.  
 344 775.083, or s. 775.084.

345 (3) The death of the mother resulting from the same act or  
 346 criminal episode that caused the death of the unborn ~~quick~~ child  
 347 does not bar prosecution under this section.

348 (4) This section does not authorize the prosecution of any  
 349 person in connection with a termination of pregnancy pursuant to  
 350 chapter 390.

351 (5) For purposes of this section, the ~~definition of the~~  
 352 term "unborn ~~quick~~ child" has the same meaning as provided in s.  
 353 775.021(5) shall be determined in accordance with the definition  
 354 of viable fetus as set forth in s. 782.071.

355 Section 12. Section 798.01, Florida Statutes, is repealed.

356 Section 13. Section 798.02, Florida Statutes, is repealed.

357 Section 14. Subsection (2) of section 812.014, Florida  
 358 Statutes, is amended to read:

359 812.014 Theft.—

360 (2)(a)1. If the property stolen is valued at \$150,000  
 361 ~~\$100,000~~ or more or is a semitrailer that was deployed by a law  
 362 enforcement officer; or

363 2. If the property stolen is cargo valued at \$50,000 or  
 364 more that has entered the stream of interstate or intrastate

BILL

ORIGINAL

YEAR

365 commerce from the shipper's loading platform to the consignee's  
 366 receiving dock; or

367 3. If the offender commits any grand theft and:

368 a. In the course of committing the offense the offender  
 369 uses a motor vehicle as an instrumentality, other than merely as  
 370 a getaway vehicle, to assist in committing the offense and  
 371 thereby damages the real property of another; or

372 b. In the course of committing the offense the offender  
 373 causes damage to the real or personal property of another in  
 374 excess of \$2,000 ~~\$1,000~~,

375  
 376 the offender commits grand theft in the first degree, punishable  
 377 as a felony of the first degree, as provided in s. 775.082, s.  
 378 775.083, or s. 775.084.

379 (b)1. If the property stolen is valued at \$30,000 ~~\$20,000~~  
 380 or more, but less than \$150,000 ~~\$100,000~~;

381 2. The property stolen is cargo valued at less than  
 382 \$50,000 that has entered the stream of interstate or intrastate  
 383 commerce from the shipper's loading platform to the consignee's  
 384 receiving dock;

385 3. The property stolen is emergency medical equipment,  
 386 valued at \$600 ~~\$300~~ or more, that is taken from a facility  
 387 licensed under chapter 395 or from an aircraft or vehicle  
 388 permitted under chapter 401; or

389 4. The property stolen is law enforcement equipment,  
 390 valued at \$600 ~~\$300~~ or more, that is taken from an authorized

BILL

ORIGINAL

YEAR

391 emergency vehicle, as defined in s. 316.003,  
 392  
 393 the offender commits grand theft in the second degree,  
 394 punishable as a felony of the second degree, as provided in s.  
 395 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
 396 means mechanical or electronic apparatus used to provide  
 397 emergency services and care as defined in s. 395.002(9) or to  
 398 treat medical emergencies. Law enforcement equipment means any  
 399 property, device, or apparatus used by any law enforcement  
 400 officer as defined in s. 943.10 in the officer's official  
 401 business. However, if the property is stolen within a county  
 402 that is subject to a state of emergency declared by the Governor  
 403 under chapter 252, the theft is committed after the declaration  
 404 of emergency is made, and the perpetration of the theft is  
 405 facilitated by conditions arising from the emergency, the theft  
 406 is a felony of the first degree, punishable as provided in s.  
 407 775.082, s. 775.083, or s. 775.084. As used in this paragraph,  
 408 the term "conditions arising from the emergency" means civil  
 409 unrest, power outages, curfews, voluntary or mandatory  
 410 evacuations, or a reduction in the presence of or response time  
 411 for first responders or homeland security personnel. For  
 412 purposes of sentencing under chapter 921, a felony offense that  
 413 is reclassified under this paragraph is ranked one level above  
 414 the ranking under s. 921.0022 or s. 921.0023 of the offense  
 415 committed.

416 (c) It is grand theft of the third degree and a felony of

BILL

ORIGINAL

YEAR

417 the third degree, punishable as provided in s. 775.082, s.  
 418 775.083, or s. 775.084, if the property stolen is:  
 419 1. Valued at \$600 ~~\$300~~ or more, but less than \$7,500  
 420 ~~\$5,000~~.  
 421 2. Valued at \$7,500 ~~\$5,000~~ or more, but less than \$15,000  
 422 ~~\$10,000~~.  
 423 3. Valued at \$15,000 ~~\$10,000~~ or more, but less than  
 424 \$30,000 ~~\$20,000~~.  
 425 4. A will, codicil, or other testamentary instrument.  
 426 5. A firearm.  
 427 6. A motor vehicle, except as provided in paragraph (a).  
 428 7. Any commercially farmed animal, including any animal of  
 429 the equine, bovine, or swine class or other grazing animal; a  
 430 bee colony of a registered beekeeper; and aquaculture species  
 431 raised at a certified aquaculture facility. If the property  
 432 stolen is aquaculture species raised at a certified aquaculture  
 433 facility, then a \$15,000 ~~\$10,000~~ fine shall be imposed.  
 434 8. Any fire extinguisher.  
 435 9. Any amount of citrus fruit consisting of 2,000 or more  
 436 individual pieces of fruit.  
 437 10. Taken from a designated construction site identified  
 438 by the posting of a sign as provided for in s. 810.09(2)(d).  
 439 11. Any stop sign.  
 440 12. Anhydrous ammonia.  
 441 13. Any amount of a controlled substance as defined in s.  
 442 893.02. Notwithstanding any other law, separate judgments and

BILL

ORIGINAL

YEAR

443 sentences for theft of a controlled substance under this  
 444 subparagraph and for any applicable possession of controlled  
 445 substance offense under s. 893.13 or trafficking in controlled  
 446 substance offense under s. 893.135 may be imposed when all such  
 447 offenses involve the same amount or amounts of a controlled  
 448 substance.

449  
 450 However, if the property is stolen within a county that is  
 451 subject to a state of emergency declared by the Governor under  
 452 chapter 252, the property is stolen after the declaration of  
 453 emergency is made, and the perpetration of the theft is  
 454 facilitated by conditions arising from the emergency, the  
 455 offender commits a felony of the second degree, punishable as  
 456 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
 457 property is valued at \$7,500 ~~\$5,000~~ or more, but less than  
 458 \$15,000 ~~\$10,000~~, as provided under subparagraph 2., or if the  
 459 property is valued at \$15,000 ~~\$10,000~~ or more, but less than  
 460 \$30,000 ~~\$20,000~~, as provided under subparagraph 3. As used in  
 461 this paragraph, the term "conditions arising from the emergency"  
 462 means civil unrest, power outages, curfews, voluntary or  
 463 mandatory evacuations, or a reduction in the presence of or the  
 464 response time for first responders or homeland security  
 465 personnel. For purposes of sentencing under chapter 921, a  
 466 felony offense that is reclassified under this paragraph is  
 467 ranked one level above the ranking under s. 921.0022 or s.  
 468 921.0023 of the offense committed.

Sentencing #2

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ORIGINAL

YEAR

469 (d) It is grand theft of the third degree and a felony of  
 470 the third degree, punishable as provided in s. 775.082, s.  
 471 775.083, or s. 775.084, if the property stolen is valued at \$200  
 472 ~~\$100~~ or more, but less than \$600 ~~\$300~~, and is taken from a  
 473 dwelling as defined in s. 810.011(2) or from the unenclosed  
 474 curtilage of a dwelling pursuant to s. 810.09(1).

475 (e) Except as provided in paragraph (d), if the property  
 476 stolen is valued at \$200 ~~\$100~~ or more, but less than \$600 ~~\$300~~,  
 477 the offender commits petit theft of the first degree, punishable  
 478 as a misdemeanor of the first degree, as provided in s. 775.082  
 479 or s. 775.083.

480 Section 15. Subsections (2) and (8) of section 812.015,  
 481 Florida Statutes, are amended to read:

482 812.015 Retail and farm theft; transit fare evasion;  
 483 mandatory fine; alternative punishment; detention and arrest;  
 484 exemption from liability for false arrest; resisting arrest;  
 485 penalties.—

486 (2) Upon a second or subsequent conviction for petit theft  
 487 from a merchant, farmer, or transit agency, the offender shall  
 488 be punished as provided in s. 812.014(3), except that the court  
 489 shall impose a fine of not less than \$150 ~~\$50~~ or more than  
 490 \$3,000 ~~\$1,000~~. However, in lieu of such fine, the court may  
 491 require the offender to perform public services designated by  
 492 the court. In no event shall any such offender be required to  
 493 perform fewer than the number of hours of public service  
 494 necessary to satisfy the fine assessed by the court, as provided

BILL

ORIGINAL

YEAR

495 by this subsection, at the minimum wage prevailing in the state  
 496 at the time of sentencing.

497 (8) Except as provided in subsection (9), a person who  
 498 commits retail theft commits a felony of the third degree,  
 499 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 500 if the property stolen is valued at \$600 ~~\$300~~ or more, and the  
 501 person:

502 (a) Individually, or in concert with one or more other  
 503 persons, coordinates the activities of one or more individuals  
 504 in committing the offense, in which case the amount of each  
 505 individual theft is aggregated to determine the value of the  
 506 property stolen;

507 (b) Commits theft from more than one location within a 48-  
 508 hour period, in which case the amount of each individual theft  
 509 is aggregated to determine the value of the property stolen;

510 (c) Acts in concert with one or more other individuals  
 511 within one or more establishments to distract the merchant,  
 512 merchant's employee, or law enforcement officer in order to  
 513 carry out the offense, or acts in other ways to coordinate  
 514 efforts to carry out the offense; or

515 (d) Commits the offense through the purchase of  
 516 merchandise in a package or box that contains merchandise other  
 517 than, or in addition to, the merchandise purported to be  
 518 contained in the package or box.

519 Section 16. Subsections (6) and (7) of section 817.568,  
 520 Florida Statutes, are amended to read:

BILL

ORIGINAL

YEAR

521 817.568 Criminal use of personal identification  
522 information.-

523 (6) Any person who willfully and without authorization  
524 fraudulently uses personal identification information concerning  
525 an individual who is less than 18 years of age, or 60 years of  
526 age or older, without first obtaining the consent of that  
527 individual or of his or her legal guardian commits a felony of  
528 the second degree, punishable as provided in s. 775.082, s.  
529 775.083, or s. 775.084.

530 (7) Any person who is in the relationship of parent or  
531 legal guardian, or who otherwise exercises custodial authority  
532 over an individual who is less than 18 years of age, or 60 years  
533 of age or older, who willfully and fraudulently uses personal  
534 identification information of that individual commits a felony  
535 of the second degree, punishable as provided in s. 775.082, s.  
536 775.083, or s. 775.084.

537 Section 17. Subsections (2) and (3) and paragraph (a) of  
538 subsection (5) of section 828.073, Florida Statutes, are amended  
539 to read:

540 828.073 Animals found in distress; when agent may take  
541 charge; hearing; disposition; sale.-

542 (2) Any law enforcement officer or any agent of any county  
543 or of any society or association for the prevention of cruelty  
544 to animals appointed under the provisions of s. 828.03 may:

545 (a) Lawfully take custody of any animal found neglected or  
546 cruelly treated by removing the animal from its present

BILL

ORIGINAL

YEAR

547 location, or  
 548 (b) Order the owner of any animal found neglected or  
 549 cruelly treated to provide certain care to the animal at the  
 550 owner's expense without removal of the animal from its present  
 551 location,  
 552  
 553 and shall file a petition seeking relief under this section in  
 554 the county court of the county in which the animal is found  
 555 within 10 days after the animal is seized or an order to provide  
 556 care is issued. A state attorney may also file a petition  
 557 seeking relief under this section in the county court of the  
 558 county in which the animal is found within 10 days after the  
 559 animal is seized or an order to provide care is issued. The  
 560 court shall schedule and commence a hearing on the petition  
 561 within 30 days after the petition is filed to determine whether  
 562 the owner, if known, is able to provide adequately for the  
 563 animal and is fit to have custody of the animal. The hearing  
 564 shall be concluded and the court order entered thereon within 60  
 565 days after the date the hearing is commenced. The timeframes set  
 566 forth in this subsection are not jurisdictional. However, if a  
 567 failure to meet such timeframes is attributable to the officer,  
 568 state attorney, or agent, the owner is not required to pay the  
 569 officer or agent for care of the animal during any period of  
 570 delay caused by the officer or agent. A fee may not be charged  
 571 for filing the petition. This subsection does not require court  
 572 action for the taking into custody and making proper disposition

Sentencing #2

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ORIGINAL

YEAR

573 of stray or abandoned animals as lawfully performed by animal  
574 control agents.

575 (3) The officer, state attorney, or agent of any county or  
576 of any society or association for the prevention of cruelty to  
577 animals filing a petition ~~taking charge of any animal~~ pursuant  
578 to the provisions of this section shall have written notice  
579 served, at least 3 days before the hearing scheduled under  
580 subsection (2), upon the owner of the animal, if he or she is  
581 known and is residing in the county where the animal was taken,  
582 in conformance with the provisions of chapter 48 relating to  
583 service of process. The sheriff of the county shall not charge a  
584 fee for service of such notice.

585 (5) In determining the person's fitness to have custody of  
586 an animal under the provisions of this act, the court may  
587 consider, among other matters:

588 (a) Testimony from the agent or officer who seized the  
589 animal, a state attorney, and other witnesses as to the  
590 condition of the animal when seized and as to the conditions  
591 under which the animal was kept.

592 Section 18. Subsections (1) and (2) of section 828.12,  
593 Florida Statutes, is amended to read:

594 828.12 Cruelty to animals.—

595 (1) A person who unnecessarily overloads, overdrives,  
596 torments, deprives of necessary sustenance or shelter, or  
597 unnecessarily mutilates, or kills any animal, or causes the same  
598 to be done, or carries in or upon any vehicle, or otherwise, any

BILL

ORIGINAL

YEAR

599 animal in a cruel or inhumane manner, commits animal cruelty, a  
 600 felony of the third degree ~~misdemeanor of the first degree,~~  
 601 punishable as provided in s. 775.082 or by a fine of not more  
 602 than \$5,000, or both.

603 (2) A person who intentionally commits an act to any  
 604 animal, or a person who owns or has the custody or control of  
 605 any animal and fails to act, which results in the cruel death,  
 606 or excessive or repeated infliction of unnecessary pain or  
 607 suffering, or causes the same to be done, commits aggravated  
 608 animal cruelty, a felony of the third degree, and shall be  
 609 sentenced to a mandatory minimum term of imprisonment of 30  
 610 months and ordered to pay ~~punishable as provided in s. 775.082~~  
 611 ~~or by a fine of not more than \$10,000, or both.~~

612 (a) A person convicted of a violation of this subsection,  
 613 where the finder of fact determines that the violation includes  
 614 the knowing and intentional torture or torment of an animal that  
 615 injures, mutilates, or kills the animal, shall be ordered to pay  
 616 a minimum mandatory fine of \$2,500 ~~and undergo psychological~~  
 617 ~~counseling or complete an anger management treatment program.~~

618 (b) A person convicted of a second or subsequent violation  
 619 of this subsection shall be required to pay a minimum mandatory  
 620 fine of \$5,000 and serve a minimum mandatory period of  
 621 incarceration of 5 years ~~6 months~~. In addition, the person shall  
 622 be released only upon expiration of sentence, is not eligible  
 623 for parole, control release, or any form of early release, and  
 624 must serve 100 percent of the court-imposed sentence. Any plea

BILL

ORIGINAL

YEAR

625 of nolo contendere shall be considered a conviction for purposes  
626 of this subsection.

627 Section 19. Paragraph (b) of subsection (2) of section  
628 828.13, Florida Statutes, is amended to read, and subsection (4)  
629 of section 828.13, Florida Statutes, is created to read:

630 828.13 Confinement of animals without sufficient food,  
631 water, or exercise; abandonment of animals.-

632 (2) Whoever:

633 (b) Keeps any animals in any enclosure without wholesome  
634 exercise or ~~and~~ change of air, or

635  
636 is guilty of a misdemeanor of the first degree, punishable as  
637 provided in s. 775.082 or by a fine of not more than \$5,000, or  
638 by both imprisonment and a fine.

639 (4) Any society or association for the prevention of  
640 cruelty to animals may file a petition for injunctive relief  
641 against any person, organization, or corporation who is  
642 violating this section.

643 Section 20. Section 843.08, Florida Statutes, is amended  
644 to read:

645 843.08 Falsely personating officer, etc.-

646 (1) A person may not ~~who~~ falsely assume ~~assumes~~ or pretend  
647 ~~pretends~~ to be a sheriff, officer of the Florida Highway Patrol,  
648 officer of the Fish and Wildlife Conservation Commission,  
649 officer of the Department of Transportation, officer of the  
650 Department of Financial Services, officer of the Department of

BILL

ORIGINAL

YEAR

651 Corrections, correctional probation officer, deputy sheriff,  
 652 state attorney or assistant state attorney, statewide prosecutor  
 653 or assistant statewide prosecutor, state attorney investigator,  
 654 coroner, police officer, lottery special agent or lottery  
 655 investigator, beverage enforcement agent, or watchman, or any  
 656 member of the Parole Commission and any administrative aide or  
 657 supervisor employed by the commission, or any personnel or  
 658 representative of the Department of Law Enforcement, or a  
 659 federal law enforcement officer as defined in s. 901.1505, and  
 660 takes upon himself or herself to act as such, or to require any  
 661 other person to aid or assist him or her in a matter pertaining  
 662 to the duty of any such officer.7

663 (2) A person who violates subsection (1) commits a felony  
 664 of the third degree, punishable as provided in s. 775.082, s.  
 665 775.083, or s. 775.084. ~~However,~~

666 (3) a person who falsely personates any such officer in  
 667 violation of subsection (1) during the course of the commission  
 668 of a felony commits a felony of the second degree, punishable as  
 669 provided in s. 775.082, s. 775.083, or s. 775.084.

670 (4) A person who falsely personates any officer in  
 671 violation of subsection (1) during the course of the commission  
 672 of a felony, and ~~if~~ the commission of the felony results in the  
 673 death or personal injury of another human being, ~~the person~~  
 674 commits a felony of the first degree, punishable as provided in  
 675 s. 775.082, s. 775.083, or s. 775.084.

676 Section 21. Section 843.081, Florida Statutes, is amended



BILL

ORIGINAL

YEAR

677 to read:

678 843.081 Prohibited use of certain lights; penalty.-

679 (1) The Legislature finds and declares that Florida's  
 680 residents and visitors ~~citizens~~ are vulnerable to becoming the  
 681 victims of criminal acts through the illegal use of blue lights  
 682 by the criminal elements. It is the intent of the Legislature to  
 683 reduce this vulnerability to injury and loss of life and  
 684 property by prohibiting the use of certain blue lights by any  
 685 person other than an authorized law enforcement officer.

686 (2) It is unlawful for a person to use in or on any  
 687 nongovernmentally owned vehicle or vessel any flashing or  
 688 rotating blue light unless such person is a law enforcement  
 689 officer employed by a federal, state, county, or city law  
 690 enforcement agency or is a person appointed by the Governor  
 691 pursuant to chapter 354.

692 (3) The provisions of this section do ~~shall~~ not apply to  
 693 salespersons, service representatives, or other employees of  
 694 businesses licensed to sell or repair law enforcement equipment.

695 (4) For the purposes of this section, the term "flashing  
 696 or rotating blue light" includes all forms of lights which  
 697 display a blue light source or which were designed with the  
 698 intent of displaying a blue light source whether or not such  
 699 light is actually in use.

700 (5) Any person who violates any of the provisions of this  
 701 section commits a felony ~~misdemeanor~~ of the third ~~first~~ degree,  
 702 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.

BILL

ORIGINAL

YEAR

703 775.084.

704 Section 22. Section 843.085, Florida Statutes, is amended  
705 to read:

706 843.085 Unlawful use of police badges or other indicia of  
707 authority. ~~It is unlawful for any person:~~

708 (1) It is unlawful for any person, Unless appointed by the  
709 Governor pursuant to chapter 354, authorized by the appropriate  
710 agency, or displayed in a closed or mounted case as a collection  
711 or exhibit, to wear or display any authorized indicia of  
712 authority, including any badge, insignia, emblem, identification  
713 card, or uniform, or any colorable imitation thereof, of any  
714 federal, state, county, or municipal law enforcement agency, or  
715 other criminal justice agency as now or hereafter defined in s.  
716 943.045, with the intent to mislead or cause another person to  
717 believe that he or she is a member of that agency or is  
718 authorized to display or wear such item, or to wear or display  
719 any item that ~~which could deceive a reasonable person into~~  
720 ~~believing that such item is authorized by any of the agencies~~  
721 ~~described above for use by the person displaying or wearing it,~~  
722 ~~or which~~ displays in any manner or combination the word or words  
723 "police," "patrolman," "agent," "sheriff," "deputy," "trooper,"  
724 "highway patrol," "commission officer," "Wildlife Officer,"  
725 "Marine Patrol Officer," "state attorney," "public defender,"  
726 "marshal," "constable," or "bailiff," with the intent to mislead  
727 or cause another person to believe that he or she is a member of  
728 that agency or is authorized to wear or display such item ~~which~~

BILL

ORIGINAL

YEAR

729 ~~could deceive a reasonable person into believing that such item~~  
 730 ~~is authorized by any of the agencies described above for use by~~  
 731 ~~the person displaying or wearing it.~~ It is insufficient to prove  
 732 criminal intent under this subsection that a person wore or  
 733 displayed such item without authorization from the agency  
 734 displayed on such item. To evidence this intent, there must be  
 735 an additional affirmative act by the person which indicates this  
 736 intent, such as the person misrepresenting that he or she is  
 737 employed by the agency displayed on such item or misrepresenting  
 738 that he or she is authorized by that agency to wear or display  
 739 such item. A person who violates this subsection commits a  
 740 felony of the third degree, punishable as provided in s.  
 741 775.082, s. 775.083, or s. 775.084.

742 (2) It is unlawful for a person To own or operate a motor  
 743 vehicle marked or identified in any manner or combination by the  
 744 word or words "police," "patrolman," "sheriff," "deputy,"  
 745 "trooper," "highway patrol," "commission officer," "Wildlife  
 746 Officer," "Marine Patrol Officer," "marshal," "constable," or  
 747 "bailiff," or by any lettering, marking, or insignia, or  
 748 colorable imitation thereof, including, but not limited to,  
 749 stars, badges, or shields, officially used to identify the  
 750 vehicle as a federal, state, county, or municipal law  
 751 enforcement vehicle or a vehicle used by a criminal justice  
 752 agency as now or hereafter defined in s. 943.045, with the  
 753 intent to mislead or cause another person to believe that such  
 754 vehicle is an official vehicle of that agency and is authorized

BILL

ORIGINAL

YEAR

755 to be used by that agency ~~which could deceive a reasonable~~  
 756 ~~person into believing that such vehicle is authorized by any of~~  
 757 ~~the agencies described above for use by the person operating the~~  
 758 ~~motor vehicle,~~ unless such vehicle is owned or operated by the  
 759 appropriate agency and its use is authorized by such agency, or  
 760 the local law enforcement agency authorizes the use of such  
 761 vehicle or unless the person is appointed by the Governor  
 762 pursuant to chapter 354. A person who violates this subsection  
 763 commits a felony of the third degree, punishable as provided in  
 764 s. 775.082, s. 775.083, or s. 775.084.

765 (3) (a) It is unlawful for a person To sell, transfer, or  
 766 give away the authorized badge, or colorable imitation thereof,  
 767 including miniatures, of any criminal justice agency as now or  
 768 hereafter defined in s. 943.045, or bearing in any manner or  
 769 combination the word or words "police," "patrolman," "sheriff,"  
 770 "deputy," "trooper," "highway patrol," "commission officer,"  
 771 "Wildlife Officer," "Marine Patrol Officer," "marshal,"  
 772 "constable," "agent," "state attorney," "public defender," or  
 773 "bailiff," which could deceive a reasonable person into  
 774 believing that such item is authorized by any of the agencies  
 775 described above, except for agency purchases or upon the  
 776 presentation and recordation of both a driver's license and  
 777 other identification showing any transferee to actually be a  
 778 member of such criminal justice agency or unless the person is  
 779 appointed by the Governor pursuant to chapter 354. A person who  
 780 violates this paragraph commits a felony of the third degree,

BILL

ORIGINAL

YEAR

781 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

782 (b) A transferor of an item covered by this subsection is  
 783 required to maintain for 2 years a written record of such  
 784 transaction, including records showing compliance with this  
 785 subsection, and if such transferor is a business, it shall make  
 786 such records available during normal business hours for  
 787 inspection by any law enforcement agency having jurisdiction in  
 788 the area where the business is located. A person who violates  
 789 this paragraph commits a misdemeanor of the first degree,  
 790 punishable as provided in s. 775.082 or s. 775.083.

791 ~~(4) Nothing in this section does not shall~~ prohibit a  
 792 fraternal, benevolent, or labor organization or association, or  
 793 their chapters or subsidiaries, from using the following words,  
 794 in any manner or in any combination, if those words appear in  
 795 the official name of the organization or association: "police,"  
 796 "patrolman," "sheriff," "deputy," "trooper," "highway patrol,"  
 797 "commission officer," "Wildlife Officer," "Marine Patrol  
 798 Officer," "marshal," "constable," or "bailiff."

799 ~~(5) Violation of any provision of this section is a~~  
 800 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 801 ~~775.082 or s. 775.083.~~ This section is cumulative to any law now  
 802 in force in the state.

803 Section 23. Subsection (3) of section 893.02, Florida  
 804 Statutes, is amended to read:

805 893.02 Definitions.—The following words and phrases as  
 806 used in this chapter shall have the following meanings, unless

BILL

ORIGINAL

YEAR

807 the context otherwise requires:

808 (3) "Cannabis" means all parts of any plant of the genus  
 809 Cannabis, whether growing or not; the seeds thereof; the resin  
 810 extracted from any part of the plant; and every compound,  
 811 manufacture, salt, derivative, mixture, or preparation of the  
 812 plant or its seeds or resin. The term does not include any plant  
 813 of the genus Cannabis that contains .5 percent or less of  
 814 tetrahydrocannabinol and more than 15 percent of cannabidiol;  
 815 the seeds thereof; the resin extracted from any part of such  
 816 plant; or any compound, manufacture, salt, derivative, mixture,  
 817 or preparation of such plant or its seeds or resin.

818 Section 24. Paragraph (b) of subsection (6) of section  
 819 893.13, Florida Statutes, is amended to read:

820 893.13 Prohibited acts; penalties.-

821 (6)

822 (b) Except as provided in s. 893.135(1)(a), If the offense  
 823 is the possession of ~~not more than 20 grams of~~ cannabis, as  
 824 defined in this chapter, or 3 grams or less of a controlled  
 825 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-  
 826 159., or 166.-169., the person commits a misdemeanor of the  
 827 first degree, punishable as provided in s. 775.082 or s.  
 828 775.083. For the purposes of this subsection, "cannabis" does  
 829 not include the resin extracted from the plants of the genus  
 830 Cannabis, or any compound manufacture, salt, derivative,  
 831 mixture, or preparation of such resin, and a controlled  
 832 substance described in s. 893.03(1)(c)46.-50., 114.-142., 151.-

BILL

ORIGINAL

YEAR

833 159., or 166.-169., does not include the substance in a powdered  
834 form.

835 Section 25. Paragraph (c) of subsection (1) of section  
836 893.135, Florida Statutes, is amended to read:

837 893.135 Trafficking; mandatory sentences; suspension or  
838 reduction of sentences; conspiracy to engage in trafficking.—

839 (1) Except as authorized in this chapter or in chapter 499  
840 and notwithstanding the provisions of s. 893.13:

841 (c)1. Any person who knowingly sells, purchases,  
842 manufactures, delivers, or brings into this state, or who is  
843 knowingly in actual or constructive possession of, 4 grams or  
844 more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
845 hydromorphone, or any salt, derivative, isomer, or salt of an  
846 isomer thereof, including heroin, as described in s.  
847 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
848 of any mixture containing any such substance, but less than 30  
849 kilograms of such substance or mixture, commits a felony of the  
850 first degree, which felony shall be known as "trafficking in  
851 illegal drugs," punishable as provided in s. 775.082, s.  
852 775.083, or s. 775.084. If the quantity involved:

853 a. Is 4 grams or more, but less than 14 grams, such person  
854 shall be sentenced to a mandatory minimum term of imprisonment  
855 of 3 years, and ~~the defendant~~ shall be ordered to pay a fine of  
856 \$50,000.

857 b. Is 14 grams or more, but less than 28 grams, such  
858 person shall be sentenced to a mandatory minimum term of

BILL

ORIGINAL

YEAR

859 imprisonment of 15 years, and ~~the defendant~~ shall be ordered to  
 860 pay a fine of \$100,000.

861 c. Is 28 grams or more, but less than 30 kilograms, such  
 862 person shall be sentenced to a mandatory minimum term of  
 863 imprisonment of 25 ~~calendar~~ years and pay a fine of \$500,000.

864 2. Any person who knowingly sells, purchases,  
 865 manufactures, delivers, or brings into this state, or who is  
 866 knowingly in actual or constructive possession of, 30 kilograms  
 867 or more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
 868 hydromorphone, or any salt, derivative, isomer, or salt of an  
 869 isomer thereof, including heroin, as described in s.  
 870 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 871 more of any mixture containing any such substance, commits the  
 872 first degree felony of trafficking in illegal drugs. A person  
 873 who has been convicted of the first degree felony of trafficking  
 874 in illegal drugs under this subparagraph shall be punished by  
 875 life imprisonment and is ineligible for any form of  
 876 discretionary early release except pardon or executive clemency  
 877 or conditional medical release under s. 947.149. However, if the  
 878 court determines that, in addition to committing any act  
 879 specified in this paragraph:

880 a. The person intentionally killed an individual or  
 881 counseled, commanded, induced, procured, or caused the  
 882 intentional killing of an individual and such killing was the  
 883 result; or

884 b. The person's conduct in committing that act led to a



BILL

ORIGINAL

YEAR

885 natural, though not inevitable, lethal result,  
 886  
 887 such person commits the capital felony of trafficking in illegal  
 888 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
 889 person sentenced for a capital felony under this paragraph shall  
 890 also be sentenced to pay the maximum fine provided under  
 891 subparagraph 1.

892 3. Any person who knowingly sells, purchases,  
 893 manufactures, delivers, or brings into this state, or who is  
 894 knowingly in actual or constructive possession of, 14 grams or  
 895 more of any oxycodone or hydrocodone, or 14 grams or more of any  
 896 mixture containing any such substance, commits a felony of the  
 897 first degree, which felony shall be known as "trafficking in  
 898 illegal prescription drugs," punishable as provided in s.  
 899 775.082, s. 775.083, or s. 775.084. If the quantity involved:

900 a. Is 14 grams or more, but less than 28 grams, such  
 901 person shall be sentenced to a mandatory minimum term of  
 902 imprisonment of 3 years and shall be ordered to pay a fine of  
 903 \$50,000.

904 b. Is 28 grams or more, but less than 50 grams, such  
 905 person shall be sentenced to a mandatory minimum term of  
 906 imprisonment of 7 years and shall be ordered to pay a fine of  
 907 \$100,000.

908 c. Is 50 grams or more, but less than 200 grams, such  
 909 person shall be sentenced to a mandatory minimum term of  
 910 imprisonment of 15 years and shall be ordered to pay a fine of

BILL

ORIGINAL

YEAR

911 \$500,000.

912 d. Is 200 grams or more, such person shall be sentenced to  
 913 a mandatory minimum term of imprisonment of 25 years and shall  
 914 be ordered to pay a fine of \$750,000.

915 ~~4.3.~~ Any person who knowingly brings into this state 60  
 916 kilograms or more of any morphine, opium, oxycodone,  
 917 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
 918 salt of an isomer thereof, including heroin, as described in s.  
 919 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
 920 more of any mixture containing any such substance, and who knows  
 921 that the probable result of such importation would be the death  
 922 of any person, commits capital importation of illegal drugs, a  
 923 capital felony punishable as provided in ss. 775.082 and  
 924 921.142. Any person sentenced for a capital felony under this  
 925 paragraph shall also be sentenced to pay the maximum fine  
 926 provided under subparagraph 1.

927 Section 26. Paragraphs (b), (c), (f), (g), (h), and (i) of  
 928 subsection (3) of section 921.0022, Florida Statutes, are  
 929 amended to read:

930 921.0022 Criminal Punishment Code; offense severity  
 931 ranking chart.—

932 (3) OFFENSE SEVERITY RANKING CHART

933 (b) LEVEL 2

934

Florida	Felony	Description
---------	--------	-------------

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
	Statute	Degree		
935	379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.	
936	379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.	
937	403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.	
938	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.	
939	590.28(1)	3rd	Intentional burning of lands.	
940	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor	

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
941	787.04(1)	3rd	who uses it to inflict injury or death. In violation of court order, take, entice, etc., minor beyond state limits.
942	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
943	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
944	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
945	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
946	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
947	or more but less than \$300, taken from unenclosed curtilage of dwelling.	
812.015(7)	3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.	
948	False statement in support of insurance claim.	
817.234(1)(a)2.	3rd	
949	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.	
817.481(3)(a)	3rd	
950	Failure to redeliver hired vehicle.	
817.52(3)	3rd	
951	With intent to defraud, obtain mortgage note, etc., by false representation.	
817.54	3rd	
952	Dealing in credit cards of	
817.60(5)	3rd	

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
953	another.	
817.60 (6) (a)	3rd Forgery; purchase goods, services with false card.	
954		
817.61	3rd Fraudulent use of credit cards over \$100 or more within 6 months.	
955		
826.04	3rd Knowingly marries or has sexual intercourse with person to whom related.	
956		
831.01	3rd Forgery.	
957		
831.02	3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.	
958		
831.07	3rd Forging bank bills, checks, drafts, or promissory notes.	
959		
831.08	3rd Possessing 10 or more forged notes, bills, checks, or drafts.	
960		

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
831.09	3rd Uttering forged notes, bills, checks, drafts, or promissory notes.	
961		
831.11	3rd Bringing into the state forged bank bills, checks, drafts, or notes.	
962		
832.05(3)(a)	3rd Cashing or depositing item with intent to defraud.	
963		
<del>843.08</del>	<del>3rd Falsely impersonating an officer.</del>	
964		
893.13(2)(a)2.	3rd Purchase of any 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 other than cannabis.	
965		
893.147(2)	3rd Manufacture or delivery of drug paraphernalia.	
966		
967	(c) LEVEL 3	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
	Florida Statute	Felony Degree	Description	
968	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.	
969	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.	
970	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	
971	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	
972	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	
973	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	
974				



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
975	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	
976	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	
977	327.35(2)(b)	3rd	Felony BUI.	
978	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	
979	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	
980	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be	

BILL	ORIGINAL	YEAR	
981	379.2431 (1)(e)6.	3rd	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.  Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
982	400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
983	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
984	501.001(2)(b)	2nd	Tampers with a consumer product or the container using

Sentencing #2  
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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
	materially false/misleading information.	
985 624.401(4)(a)	3rd Transacting insurance without a certificate of authority.	
986 624.401(4)(b)1.	3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.	
987 626.902(1)(a) & (b)	3rd Representing an unauthorized insurer.	
988 697.08	3rd Equity skimming.	
989 790.15(3)	3rd Person directs another to discharge firearm from a vehicle.	
990 796.05(1)	3rd Live on earnings of a prostitute.	
991 806.10(1)	3rd Maliciously injure, destroy, or interfere with vehicles or	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
992	equipment used in firefighting.	
806.10 (2)	3rd Interferes with or assaults firefighter in performance of duty.	
993		
810.09 (2) (c)	3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.	
994		
812.014 (2) (c) 2.	3rd Grand theft; \$5,000 or more but less than \$10,000.	
995		
812.0145 (2) (c)	3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.	
996		
815.04 (4) (b)	2nd Computer offense devised to defraud or obtain property.	
997		
817.034 (4) (a) 3.	3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.	
998		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
999	817.233	3rd	Burning to defraud insurer.	
	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.	
1000				
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.	
1001				
	817.236	3rd	Filing a false motor vehicle insurance application.	
1002				
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.	
1003				
	817.413 (2)	3rd	Sale of used goods as new.	
1004				
	817.505 (4)	3rd	Patient brokering.	
1005				
	828.12 <u>(1)</u> <del>(2)</del>	3rd	<u>Animal cruelty.</u> <del>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</del>	
1006				

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

1007

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

1008

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

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

843.08 (2) 3rd False personation of an officer.

843.081 3rd Prohibited use of certain lights.

843.085 (1) 3rd Wearing or displaying indicia of authority of a law enforcement agency.

843.085 (2) 3rd Owning or operating a motor vehicle that has certain markings or identification.

843.085 (3) (a) 3rd Selling, transferring, or giving away

BILL ORIGINAL YEAR

			<u>certain badges.</u>
1009	<u>843.0855(2)</u>	<u>3rd</u>	<u>Impersonating a public officer or other specified person in connection with or relating to legal process.</u>
	<u>843.0855(3)</u>	<u>3rd</u>	<u>Simulating legal process.</u>
	<u>843.0855(4)</u>	<u>3rd</u>	<u>Influencing, intimidating, or hindering a public officer or law enforcement officer.</u>
1010	843.19	3rd	Injure, disable, or kill police dog or horse.
1011	860.15(3)	3rd	Overcharging for repairs and parts.
1012	870.01(2)	3rd	Riot; inciting or encouraging.
	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.,

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
1013	893.13(1)(d)2.	2nd	(2)(c)9., (3), or (4) drugs). 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.
1014	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.
1015	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1016	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1017	a controlled substance.	
893.13(7)(a)9.	3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	
1018	Affix false or forged label to package of controlled substance.	
893.13(7)(a)10.	3rd	
1019	Furnish false or fraudulent material information on any document or record required by chapter 893.	
893.13(7)(a)11.	3rd	
1020	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.	
893.13(8)(a)1.	3rd	
1021		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
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.	1022
893.13(8)(a)3.	3rd Knowingly write a prescription for a controlled substance for a fictitious person.	1023
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.	1024
918.13(1)(a)	3rd Alter, destroy, or conceal investigation evidence.	1025
944.47 (1)(a)1.-2.	3rd Introduce contraband to correctional facility.	1026

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	
(e) LEVEL 5			
Florida Statute	Felony Degree	Description	
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.	
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.	
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1035	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	
1036	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	
1037	379.3671 (2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.	
1038	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	
1039	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.	
1040	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.	
	440.381(2)	2nd	Submission of false, misleading, or incomplete	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
	information with the purpose of avoiding or reducing workers' compensation premiums.	
1041	624.401(4)(b)2. 2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1042	626.902(1)(c) 2nd	Representing an unauthorized insurer; repeat offender.
1043	790.01(2) 3rd	Carrying a concealed firearm.
1044	790.162 2nd	Threat to throw or discharge destructive device.
1045	790.163(1) 2nd	False report of deadly explosive or weapon of mass destruction.
1046	790.221(1) 2nd	Possession of short-barreled shotgun or machine gun.
1047	790.23 2nd	Felons in possession of

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1048	firearms, ammunition, or electronic weapons or devices.	
800.04 (6) (c)	3rd Lewd or lascivious conduct; offender less than 18 years.	
1049		
800.04 (7) (b)	2nd Lewd or lascivious exhibition; offender 18 years or older.	
1050		
806.111 (1)	3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	
1051		
812.0145 (2) (b)	2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.	
1052		
812.015 (8)	3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.	
1053		
812.019 (1)	2nd Stolen property; dealing in or trafficking in.	
1054		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1055	812.131(2)(b)	3rd	Robbery by sudden snatching.	
1056	812.16(2)	3rd	Owning, operating, or conducting a chop shop.	
1057	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	
1058	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.	
1059	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.	
	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	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1060	817.625(2)(b) 2nd	personal identification information of 10 or more individuals. Second or subsequent fraudulent use of scanning device or reencoder.
1061	825.1025(4) 3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1062	827.071(4) 2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
1063	827.071(5) 3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
1064	839.13(2)(b) 2nd	Falsifying records of an



BILL	ORIGINAL	YEAR
1065	individual in the care and custody of a state agency involving great bodily harm or death.	
843.01	3rd Resist officer with violence to person; resist arrest with violence.	
<u>843.08(3)</u>	<u>2nd False personation of an officer during the course of the commission of a felony.</u>	
1066	847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.	
1067	847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.	
1068	847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.	
1069	874.05(1)(b) 2nd Encouraging or recruiting	

BILL

ORIGINAL

YEAR

1070	874.05(2)(a)	2nd	another to join a criminal gang; second or subsequent offense.
1071	893.13(1)(a)1.	2nd	Encouraging or recruiting person under 13 to join a criminal gang.  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).
1072	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

BILL

ORIGINAL

YEAR

1073

893.13(1)(d)1.

1st

community center.

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.

1074

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.

1075

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

BILL

ORIGINAL

YEAR

1076			public housing facility.
	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).
1077			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
1078			
1079	(f) LEVEL 6		
1080			
	Florida Statute	Felony Degree	Description
1081	<u>316.027(2)(b)</u>	<u>2nd</u>	<u>Leaving the scene of a crash involving serious bodily injury.</u>
1082			
1083			
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
1084			
	499.0051(3)	2nd	Knowing forgery of pedigree papers.
1085			

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1086	499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.	
1087	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.	
1088	775.0875(1)	3rd	Taking firearm from law enforcement officer.	
1089	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	
1090	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	
1091	784.041	3rd	Felony battery; domestic battery by strangulation.	
1092	784.048(3)	3rd	Aggravated stalking; credible threat.	
1093	784.048(5)	3rd	Aggravated stalking of person under 16.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1094	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	
1095	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	
1096	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	
1097	784.081(2)	2nd	Aggravated assault on specified official or employee.	
1098	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
1099	784.083(2)	2nd	Aggravated assault on code inspector.	
1100	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	
	790.115(2)(d)	2nd	Discharging firearm or weapon	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1101	790.161(2) 2nd	on school property.
1102	790.164(1) 2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
1103	790.19 2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
1104	794.011(8)(a) 3rd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
1105	794.05(1) 2nd	Solicitation of minor to participate in sexual activity by custodial adult.
1106	800.04(5)(d) 3rd	Unlawful sexual activity with specified minor.
		Lewd or lascivious molestation; victim 12 years of age or older

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1107	800.04 (6) (b) 2nd	but less than 16 years; offender less than 18 years.
1108	806.031 (2) 2nd	Lewd or lascivious conduct; offender 18 years of age or older.
1109	810.02 (3) (c) 2nd	Arson resulting in great bodily harm to firefighter or any other person.
1110	810.145 (8) (b) 2nd	Burglary of occupied structure; unarmed; no assault or battery.
1111	812.014 (2) (b) 1. 2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
1112	812.014 (6) 2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
1113		Theft; property stolen \$3,000 or more; coordination of others.



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1114	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.	
1115	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.	
1116	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).	
1117	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.	
1118	825.102(1)	3rd	Abuse of an elderly person or disabled adult.	
1119	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.	
1120	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
825.103(2)(c)	3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.	
1121		
827.03(2)(c)	3rd Abuse of a child.	
1122		
827.03(2)(d)	3rd Neglect of a child.	
1123		
827.071(2) & (3)	2nd Use or induce a child in a sexual performance, or promote or direct such performance.	
1124		
836.05	2nd Threats; extortion.	
1125		
836.10	2nd Written threats to kill or do bodily injury.	
1126		
843.12	3rd Aids or assists person to escape.	
1127		
847.011	3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.	
1128		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1129	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.	
1130	<u>893.135(1)(c)3.a.</u>	<u>1st</u>	<u>Trafficking in illegal prescription drugs, 14 grams or more, less than 28 grams.</u>	
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	
1131	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.	
1132	944.40	2nd	Escapes.	
1133				

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

1134	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
1135	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
1136	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
1137	(g) LEVEL 7		
1138	Florida Statute	Felony Degree	Description
1139	316.027(2)(c) <del>(1)(b)</del>	1st	Accident involving death, failure to stop; leaving scene.
1140	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
1141	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person;

Sentencing #2

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BILL	ORIGINAL	YEAR	
1142	327.35(3)(c)2.	3rd	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.
1143	402.319(2)	2nd	Vessel BUI resulting in serious bodily injury.
1144	409.920 (2)(b)1.a.	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
1145	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; \$10,000 or less.
1146	456.065(2)	3rd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
1147			Practicing a health care profession without a license.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1148	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	
1149	458.327(1)	3rd	Practicing medicine without a license.	
1150	459.013(1)	3rd	Practicing osteopathic medicine without a license.	
1151	460.411(1)	3rd	Practicing chiropractic medicine without a license.	
1152	461.012(1)	3rd	Practicing podiatric medicine without a license.	
1153	462.17	3rd	Practicing naturopathy without a license.	
1154	463.015(1)	3rd	Practicing optometry without a license.	
1155	464.016(1)	3rd	Practicing nursing without a license.	

Sentencing #2

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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1156	465.015(2)	3rd	Practicing pharmacy without a license.	
1157	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	
1158	467.201	3rd	Practicing midwifery without a license.	
1159	468.366	3rd	Delivering respiratory care services without a license.	
1160	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	
1161	483.901(9)	3rd	Practicing medical physics without a license.	
1162	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	
1163	484.053	3rd	Dispensing hearing aids without a license.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
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.	
1164		
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.	
1165		
560.125(5)(a)	3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	
1166		
655.50(10)(b)1.	3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	
1167		
775.21(10)(a)	3rd Sexual predator; failure to register; failure to renew	



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1168	<u>driver</u> <del>driver's</del> license or identification card; other registration violations.	
775.21(10)(b)	3rd Sexual predator working where children regularly congregate.	
1169	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	
775.21(10)(g)	3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.	
1170	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	
782.051(3)	2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	
1171	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	
782.07(1)	2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	
1172	Killing of a human being or <u>unborn child</u> <del>viable fetus</del> by	
782.071	2nd Killing of a human being or <u>unborn child</u> <del>viable fetus</del> by	

BILL	ORIGINAL	YEAR
1173	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).	
1174	Aggravated battery; intentionally causing great bodily harm or disfigurement.	
784.045 (1) (a) 1.	2nd	
1175	Aggravated battery; using deadly weapon.	
784.045 (1) (a) 2.	2nd	
1176	Aggravated battery; perpetrator aware victim pregnant.	
784.045 (1) (b)	2nd	
1177	Aggravated stalking; violation of injunction or court order.	
784.048 (4)	3rd	
1178	Aggravated stalking; violation of court order.	
784.048 (7)	3rd	
1179		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1180	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	
1181	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	
1182	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	
1183	784.081(1)	1st	Aggravated battery on specified official or employee.	
1184	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
1185	784.083(1)	1st	Aggravated battery on code inspector.	
1186	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.	
	787.06(3)(e)	1st	Human trafficking using	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1187	coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.	
790.07(4)	1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
1188	Discharge of a machine gun under specified circumstances.	
790.16(1)	1st Discharge of a machine gun under specified circumstances.	
1189	Manufacture, sell, possess, or deliver hoax bomb.	
790.165(2)	2nd Manufacture, sell, possess, or deliver hoax bomb.	
1190	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
790.165(3)	2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
1191	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
790.166(3)	2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
1192		

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
790.166(4)	2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	1193
790.23	1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.	1194
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.	1195
796.03	2nd Procuring any person under 16 years for prostitution.	1196
800.04(5)(c)1.	2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	1197

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1198	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.	
1199	806.01(2)	2nd	Maliciously damage structure by fire or explosive.	
1200	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	
1201	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	
1202	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	
1203	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.	
	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1204	enforcement officer; property stolen while causing other property damage; 1st degree grand theft.	
812.014 (2) (b) 2.	2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
1205	Property stolen, emergency medical equipment; 2nd degree grand theft.	
812.014 (2) (b) 3.	2nd Property stolen, emergency medical equipment; 2nd degree grand theft.	
1206	Property stolen, law enforcement equipment from authorized emergency vehicle.	
812.014 (2) (b) 4.	2nd Property stolen, law enforcement equipment from authorized emergency vehicle.	
1207	Theft from person 65 years of age or older; \$50,000 or more.	
812.0145 (2) (a)	1st Theft from person 65 years of age or older; \$50,000 or more.	
1208	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
812.019 (2)	1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
1209		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL	ORIGINAL	YEAR
1210	812.131 (2) (a)	2nd Robbery by sudden snatching.	
1211	812.133 (2) (b)	1st Carjacking; no firearm, deadly weapon, or other weapon.	
1212	817.034 (4) (a) 1.	1st Communications fraud, value greater than \$50,000.	
1213	817.234 (8) (a)	2nd Solicitation of motor vehicle accident victims with intent to defraud.	
1214	817.234 (9)	2nd Organizing, planning, or participating in an intentional motor vehicle collision.	
1215	817.234 (11) (c)	1st Insurance fraud; property value \$100,000 or more.	
	817.2341 (2) (b) & (3) (b)	1st Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the	



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1216	insolvency of that entity.	
817.535(2)(a)	3rd Filing false lien or other unauthorized document.	
1217	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	
825.102(3)(b)	2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	
1218	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	
825.103(2)(b)	2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	
1219	Neglect of a child causing great bodily harm, disability, or disfigurement.	
827.03(2)(b)	2nd Neglect of a child causing great bodily harm, disability, or disfigurement.	
1220	Impregnation of a child under 16 years of age by person 21 years of age or older.	
827.04(3)	3rd Impregnation of a child under 16 years of age by person 21 years of age or older.	
1221	<u>Aggravated animal cruelty.</u>	
<u>828.12(2)</u>	3rd <u>Aggravated animal cruelty.</u>	

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1222	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	
1223	838.015	2nd	Bribery.	
1224	838.016	2nd	Unlawful compensation or reward for official behavior.	
1225	838.021 (3) (a)	2nd	Unlawful harm to a public servant.	
	838.22	2nd	Bid tampering.	
1226	<u>843.08 (4)</u>	<u>1st</u>	<u>False personation of an officer during the course of the commission of a felony; death or personal injury.</u>	
1227	843.0855 (2)	3rd	Impersonation of a public officer or employee.	
1228	843.0855 (3)	3rd	Unlawful simulation of legal process.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1229	843.0855 (4) 3rd	Intimidation of a public officer or employee.
1230	847.0135 (3) 3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
1231	847.0135 (4) 2nd	Traveling to meet a minor to commit an unlawful sex act.
1232	872.06 2nd	Abuse of a dead human body.
1233	874.05 (2) (b) 1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
1234	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.

BILL

ORIGINAL

YEAR

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.

1235

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.

1236

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).

1237

893.135(1)(a)1.

1st

Trafficking in cannabis, more  
 than 25 lbs., less than 2,000

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1238	lbs.	
893.135 (1) (b) 1.a.	1st Trafficking in cocaine, more than 28 grams, less than 200 grams.	
1239		
893.135 (1) (c) 1.a.	1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.	
	<u>893.135 (1) (c) 3.b.</u> 1st <u>Trafficking in illegal prescription drugs, 28 grams or more, less than 50 grams.</u>	
1240		
893.135 (1) (d) 1.	1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.	
1241		
893.135 (1) (e) 1.	1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.	
1242		
893.135 (1) (f) 1.	1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.	
1243		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1244	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	
1245	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	
1246	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	
1247	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	
1248	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.	
1249	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	

BILL	ORIGINAL	YEAR
896.104 (4) (a) 1.	3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
1250	943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.	
1251	943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.	
1252	943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.	
1253	943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
1254		

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1255	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
1256	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.	
1257	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.	
1258	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
1259	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a	



BILL	ORIGINAL	YEAR	
1260	digitized photograph.		
985.4815(12)	3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.		
1261			
985.4815(13)	3rd Sexual offender; failure to report and reregister; failure to respond to address verification.		
1262			
1263	(h) LEVEL 8		
1264			
	Florida Statute	Felony Degree	
		Description	
1265	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
1266	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1267	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
1268			

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
1269	499.0051(7)	1st Knowing trafficking in contraband prescription drugs.	
1270	499.0051(8)	1st Knowing forgery of prescription labels or prescription drug labels.	
1271	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.	
1272	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.	
1273	655.50(10)(b)2.	2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1274	777.03(2)(a)	1st	Accessory after the fact, capital felony.	
	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.	
1275	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	
1276	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	
1277	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	
1278				

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1279	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.	
1280	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.	
1281	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.	
1282	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.	
1283	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	
	794.08 (3)	2nd	Female genital mutilation,	

BILL	ORIGINAL	YEAR
1284	removal of a victim younger than 18 years of age from this state.	
800.04 (4)	2nd Lewd or lascivious battery.	
1285	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	
806.01 (1)	1st	
1286	Burglary with assault or battery.	
810.02 (2) (a)	1st, PBL	
1287	Burglary; armed with explosives or dangerous weapon.	
810.02 (2) (b)	1st, PBL	
1288	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	
810.02 (2) (c)	1st	
1289	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.	
812.014 (2) (a) 2.	1st	
1290		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1291	812.13 (2) (b)	1st	Robbery with a weapon.	
1292	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.	
1293	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.	
1294	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.	
1295	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.	
1296	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.	

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1297	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.	
1298	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.	
1299	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	
1300	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	
1301	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	
1302	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1303	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	
1304	860.16	1st	Aircraft piracy.	
1305	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).	
1306	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
1307	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	
1308	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	
	893.135	1st	Trafficking in cocaine, more	

Sentencing #2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1309	(1) (b) 1.b. than 200 grams, less than 400 grams.	
	893.135 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams. (1) (c) 1.b.	
	<u>893.135 (1) (c) 3.c.</u> 1st <u>Trafficking in illegal prescription drugs, 50 grams or more, less than 200 grams.</u>	
1310	893.135 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams. (1) (d) 1.b.	
1311	893.135 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. (1) (e) 1.b.	
1312	893.135 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams. (1) (f) 1.b.	
1313	893.135 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 (1) (g) 1.b.	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1314	grams.	
893.135 (1) (h) 1.b.	1st Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.	
1315	1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.	
893.135 (1) (j) 1.b.		
1316	1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.	
893.135 (1) (k) 2.b.		
1317	1st Possession of a place used to manufacture controlled substance when minor is present or resides there.	
893.1351(3)		
1318	1st Use or invest proceeds derived from pattern of racketeering activity.	
895.03(1)		
1319	1st Acquire or maintain through	
895.03(2)		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR	
1320	895.03 (3)	1st	racketeering activity any interest in or control of any enterprise or real property. Conduct or participate in any enterprise through pattern of racketeering activity.
1321	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1322	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.
1323	(i) LEVEL 9		
1324			
1325	Florida Statute	Felony Degree	Description
1326			

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

BILL		ORIGINAL	YEAR
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.	1327
327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.	1328
409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.	1329
499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.	1330
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	1331
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	1332
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1333	exceeding \$100,000 by financial institution.	
775.0844	1st Aggravated white collar crime.	
1334		
782.04(1)	1st Attempt, conspire, or solicit to commit premeditated murder.	
1335		
782.04(3)	1st, PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.	
1336		
782.051(1)	1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	
1337		
782.07(2)	1st Aggravated manslaughter of an elderly person or disabled adult.	
1338		

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL ORIGINAL YEAR

1339 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

1340 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

1341 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.

1342 787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

1343 787.06(3)(d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized alien.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

	BILL		ORIGINAL	YEAR
1344	787.06(3)(g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.	
1345	787.06(4)	1st	Selling or buying of minors into human trafficking.	
1346	790.161	1st	Attempted capital destructive device offense.	
1347	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.	
1348	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.	
1349	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.	
	794.011(4)	1st	Sexual battery; victim 12 years or older, certain	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1350	794.011(8) (b) 1st	circumstances.
1351	794.08(2) 1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1352	796.035 1st	Female genital mutilation; victim younger than 18 years of age.
1353	800.04(5) (b) Life	Selling or buying of minors into prostitution.
1354	812.13(2) (a) 1st, PBL	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1355	812.133(2) (a) 1st, PBL	Robbery with firearm or other deadly weapon.
1356	812.135(2) (b) 1st	Carjacking; firearm or other deadly weapon.
	812.135(2) (b) 1st	Home-invasion robbery with



F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL

ORIGINAL

YEAR

weapon.

1357

817.535(3)(b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

1358

817.535(4)(a)2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

1359

817.535(5)(b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

1360

817.568(7)

2nd,  
PBL

Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

BILL	ORIGINAL	YEAR
1361	custodial authority.	
827.03(2)(a)	1st Aggravated child abuse.	
1362	Selling, or otherwise transferring custody or control, of a minor.	
847.0145(1)	1st	
1363	Purchasing, or otherwise obtaining custody or control, of a minor.	
847.0145(2)	1st	
1364	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.	
859.01	1st	
1365	Attempted capital trafficking offense.	
893.135	1st	
1366	Trafficking in cannabis, more than 10,000 lbs.	
893.135(1)(a)3.	1st	
1367		

	BILL		ORIGINAL	YEAR
1368	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.	
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.	
1369	<u>893.135 (1) (c) 3.d.</u>	<u>1st</u>	<u>Trafficking in illegal prescription drugs, 200 grams or more.</u>	
	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.	
1370	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.	
1371	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.	
1372	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.	
1373				

BILL ORIGINAL YEAR

1374 893.135 1st Trafficking in 1,4-Butanediol,  
(1) (j) 1.c. 10 kilograms or more.

1375 893.135 1st Trafficking in Phenethylamines,  
(1) (k) 2.c. 400 grams or more.

1376 896.101(5) (c) 1st Money laundering, financial  
instruments totaling or  
exceeding \$100,000.

1377 896.104(4) (a) 3. 1st Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions totaling or  
exceeding \$100,000.

1378 Section 27. Paragraph (a) of subsection (2) of section  
1379 943.0585, Florida Statutes, is amended to read, and paragraph  
1380 (d) is added to subsection (4) of section 943.0585, Florida  
1381 Statutes, to read:

1382 943.0585 Court-ordered expunction of criminal history  
1383 records.—The courts of this state have jurisdiction over their  
1384 own procedures, including the maintenance, expunction, and  
1385 correction of judicial records containing criminal history  
1386 information to the extent such procedures are not inconsistent  
1387 with the conditions, responsibilities, and duties established by

BILL

ORIGINAL

YEAR

1388 this section. Any court of competent jurisdiction may order a  
 1389 criminal justice agency to expunge the criminal history record  
 1390 of a minor or an adult who complies with the requirements of  
 1391 this section. The court shall not order a criminal justice  
 1392 agency to expunge a criminal history record until the person  
 1393 seeking to expunge a criminal history record has applied for and  
 1394 received a certificate of eligibility for expunction pursuant to  
 1395 subsection (2). A criminal history record that relates to a  
 1396 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 1397 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
 1398 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
 1399 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
 1400 any violation specified as a predicate offense for registration  
 1401 as a sexual predator pursuant to s. 775.21, without regard to  
 1402 whether that offense alone is sufficient to require such  
 1403 registration, or for registration as a sexual offender pursuant  
 1404 to s. 943.0435, may not be expunged, without regard to whether  
 1405 adjudication was withheld, if the defendant was found guilty of  
 1406 or pled guilty or nolo contendere to the offense, or if the  
 1407 defendant, as a minor, was found to have committed, or pled  
 1408 guilty or nolo contendere to committing, the offense as a  
 1409 delinquent act. The court may only order expunction of a  
 1410 criminal history record pertaining to one arrest or one incident  
 1411 of alleged criminal activity, except as provided in this  
 1412 section. The court may, at its sole discretion, order the  
 1413 expunction of a criminal history record pertaining to more than

BILL

ORIGINAL

YEAR

1414 one arrest if the additional arrests directly relate to the  
 1415 original arrest. If the court intends to order the expunction of  
 1416 records pertaining to such additional arrests, such intent must  
 1417 be specified in the order. A criminal justice agency may not  
 1418 expunge any record pertaining to such additional arrests if the  
 1419 order to expunge does not articulate the intention of the court  
 1420 to expunge a record pertaining to more than one arrest. This  
 1421 section does not prevent the court from ordering the expunction  
 1422 of only a portion of a criminal history record pertaining to one  
 1423 arrest or one incident of alleged criminal activity.

1424 Notwithstanding any law to the contrary, a criminal justice  
 1425 agency may comply with laws, court orders, and official requests  
 1426 of other jurisdictions relating to expunction, correction, or  
 1427 confidential handling of criminal history records or information  
 1428 derived therefrom. This section does not confer any right to the  
 1429 expunction of any criminal history record, and any request for  
 1430 expunction of a criminal history record may be denied at the  
 1431 sole discretion of the court.

1432 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
 1433 petitioning the court to expunge a criminal history record, a  
 1434 person seeking to expunge a criminal history record shall apply  
 1435 to the department for a certificate of eligibility for  
 1436 expunction. The department shall, by rule adopted pursuant to  
 1437 chapter 120, establish procedures pertaining to the application  
 1438 for and issuance of certificates of eligibility for expunction.  
 1439 A certificate of eligibility for expunction is valid for 12

BILL

ORIGINAL

YEAR

1440 months after the date stamped on the certificate when issued by  
 1441 the department. After that time, the petitioner must reapply to  
 1442 the department for a new certificate of eligibility. Eligibility  
 1443 for a renewed certification of eligibility must be based on the  
 1444 status of the applicant and the law in effect at the time of the  
 1445 renewal application. The department shall issue a certificate of  
 1446 eligibility for expunction to a person who is the subject of a  
 1447 criminal history record if that person:

1448 (a) Has obtained, and submitted to the department, a  
 1449 written, certified statement from the appropriate state attorney  
 1450 or statewide prosecutor which indicates:

1451 1. That an indictment, information, or other charging  
 1452 document was not filed or issued in the case.

1453 2. That an indictment, information, or other charging  
 1454 document, if filed or issued in the case, was dismissed or nolle  
 1455 prosequi by the state attorney or statewide prosecutor, or was  
 1456 dismissed by a court of competent jurisdiction, or a verdict of  
 1457 not guilty was rendered by a judge or jury, or the judge  
 1458 adjudged the defendant to be not guilty. Not Guilty by reason  
 1459 of insanity shall disqualify a petition to expunge from being  
 1460 considered under this section. and that none of the charges  
 1461 related to the arrest or alleged criminal activity to which the  
 1462 petition to expunge pertains resulted in a trial, without regard  
 1463 to whether the outcome of the trial was other than an  
 1464 adjudication of guilt.

1465 3. That the criminal history record does not relate to a

BILL

ORIGINAL

YEAR

1466 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 1467 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
 1468 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
 1469 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
 1470 any violation specified as a predicate offense for registration  
 1471 as a sexual predator pursuant to s. 775.21, without regard to  
 1472 whether that offense alone is sufficient to require such  
 1473 registration, or for registration as a sexual offender pursuant  
 1474 to s. 943.0435, where the defendant was found guilty of, or pled  
 1475 guilty or nolo contendere to any such offense, or that the  
 1476 defendant, as a minor, was found to have committed, or pled  
 1477 guilty or nolo contendere to committing, such an offense as a  
 1478 delinquent act, without regard to whether adjudication was  
 1479 withheld.

1480 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
 1481 criminal history record of a minor or an adult which is ordered  
 1482 expunged by a court of competent jurisdiction pursuant to this  
 1483 section must be physically destroyed or obliterated by any  
 1484 criminal justice agency having custody of such record; except  
 1485 that any criminal history record in the custody of the  
 1486 department must be retained in all cases. A criminal history  
 1487 record ordered expunged that is retained by the department is  
 1488 confidential and exempt from the provisions of s. 119.07(1) and  
 1489 s. 24(a), Art. I of the State Constitution and not available to  
 1490 any person or entity except upon order of a court of competent  
 1491 jurisdiction. A criminal justice agency may retain a notation



BILL

ORIGINAL

YEAR

1492 | indicating compliance with an order to expunge.

1493 |       (d) Any person, company, or corporation who publishes,  
 1494 | displays, or in any way disseminates information relating to an  
 1495 | arrest which has been expunged, upon receipt of a certified copy  
 1496 | of an order granting a petition to expunge, shall remove such  
 1497 | information from any publication or internet posting without  
 1498 | cost to the person whose information was expunged.

1499 |       Section 28. Subsection (5) of section 985.437, Florida  
 1500 | Statutes, is renumbered as subsection (6), subsections (1), (2),  
 1501 | and (4) are amended, and a new subsection (5) is added to that  
 1502 | section, to read:

1503 |       985.437 Restitution.—

1504 |       (1) The court that has jurisdiction over an adjudicated  
 1505 | delinquent child may, by an order stating the facts upon which a  
 1506 | determination of a sanction and rehabilitative program was made  
 1507 | at the disposition hearing, order the child and the child's  
 1508 | parent or guardian to make restitution in the manner provided in  
 1509 | this section. This order shall be part of the probation program  
 1510 | to be implemented by the department or, in the case of a  
 1511 | committed child, as part of the community-based sanctions  
 1512 | ordered by the court at the disposition hearing or before the  
 1513 | child's release from commitment.

1514 |       (2) If the court orders restitution, the court shall ~~may~~  
 1515 | order the child and the child's parent or guardian to make  
 1516 | restitution in money, through a promissory note cosigned by the  
 1517 | child's parent or guardian, or in kind for any damage or loss

BILL

ORIGINAL

YEAR

1518 caused by the child's offense in a reasonable amount or manner  
 1519 to be determined by the court. When restitution is ordered by  
 1520 the court, the amount of restitution may not exceed an amount  
 1521 the child and the parent or guardian could reasonably be  
 1522 expected to pay or make. If the child and the child's parent or  
 1523 guardian are unable to pay the restitution in one lump-sum  
 1524 payment, the court may set up a payment plan that reflects their  
 1525 ability to pay the restitution amount.

1526 (4) The parent or guardian may be absolved of liability  
 1527 for restitution under this section, if:

1528 (a) After a hearing, the court finds that it is the  
 1529 child's first referral to the delinquency system and A finding  
 1530 by the court, after a hearing, that the parent or guardian has  
 1531 made diligent and good faith efforts to prevent the child from  
 1532 engaging in delinquent acts; or

1533 (b) The victim entitled to restitution as a result of  
 1534 damage or loss caused by the child's offense is that child's  
 1535 parent or guardian absolves the parent or guardian of liability  
 1536 for restitution under this section.

1537 (5) For purposes of this section, the Department of  
 1538 Children and Families is not considered a guardian responsible  
 1539 for restitution for the delinquent acts of a child who is found  
 1540 to be dependent as defined in s. 39.01(15).

1541 Section 29. Subsection (1) of section 985.513, Florida  
 1542 Statutes, is amended to read:

1543 985.513 Powers of the court over parent or guardian at

BILL

ORIGINAL

YEAR

1544 disposition.—

1545 (1) The court that has jurisdiction over an adjudicated  
 1546 delinquent child may, by an order stating the facts upon which a  
 1547 determination of a sanction and rehabilitative program was made  
 1548 at the disposition hearing, +

1549 (a) Order the child's parent or guardian, together with  
 1550 the child, to render community service in a public service  
 1551 program or to participate in a community work project. In  
 1552 addition to the sanctions imposed on the child, the court may  
 1553 order the child's parent or guardian to perform community  
 1554 service if the court finds that the parent or guardian did not  
 1555 make a diligent and good faith effort to prevent the child from  
 1556 engaging in delinquent acts.

1557 ~~(b) Order the parent or guardian to make restitution in~~  
 1558 ~~money or in kind for any damage or loss caused by the child's~~  
 1559 ~~offense. The court may also require the child's parent or legal~~  
 1560 ~~guardian to be responsible for any restitution ordered against~~  
 1561 ~~the child, as provided under s. 985.437. The court shall~~  
 1562 ~~determine a reasonable amount or manner of restitution, and~~  
 1563 ~~payment shall be made to the clerk of the circuit court as~~  
 1564 ~~provided in s. 985.437. The court may retain jurisdiction, as~~  
 1565 provided under s. 985.0301, over the child and the child's  
 1566 parent or legal guardian whom the court has ordered to pay  
 1567 restitution until the restitution order is satisfied or the  
 1568 court orders otherwise.

1569 Section 30. For the purpose of incorporating the amendment

BILL

ORIGINAL

YEAR

1570 made by this act to section 893.135, Florida Statutes, in a  
 1571 reference thereto, paragraph (a) of subsection (2) and paragraph  
 1572 (a) of subsection (3) of section 775.087, Florida Statutes, is  
 1573 reenacted to read:

1574 775.087 Possession or use of weapon; aggravated battery;  
 1575 felony reclassification; minimum sentence.—

1576 (2)(a)1. Any person who is convicted of a felony or an  
 1577 attempt to commit a felony, regardless of whether the use of a  
 1578 weapon is an element of the felony, and the conviction was for:

- 1579 a. Murder;
- 1580 b. Sexual battery;
- 1581 c. Robbery;
- 1582 d. Burglary;
- 1583 e. Arson;
- 1584 f. Aggravated assault;
- 1585 g. Aggravated battery;
- 1586 h. Kidnapping;
- 1587 i. Escape;
- 1588 j. Aircraft piracy;
- 1589 k. Aggravated child abuse;
- 1590 l. Aggravated abuse of an elderly person or disabled  
 1591 adult;
- 1592 m. Unlawful throwing, placing, or discharging of a  
 1593 destructive device or bomb;
- 1594 n. Carjacking;
- 1595 o. Home-invasion robbery;

BILL

ORIGINAL

YEAR

1596 p. Aggravated stalking;

1597 q. Trafficking in cannabis, trafficking in cocaine,

1598 capital importation of cocaine, trafficking in illegal drugs,

1599 capital importation of illegal drugs, trafficking in

1600 phencyclidine, capital importation of phencyclidine, trafficking

1601 in methaqualone, capital importation of methaqualone,

1602 trafficking in amphetamine, capital importation of amphetamine,

1603 trafficking in flunitrazepam, trafficking in gamma-

1604 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,

1605 trafficking in Phenethylamines, or other violation of s.

1606 893.135(1); or

1607 r. Possession of a firearm by a felon

1608

1609 and during the commission of the offense, such person actually

1610 possessed a "firearm" or "destructive device" as those terms are

1611 defined in s. 790.001, shall be sentenced to a minimum term of

1612 imprisonment of 10 years, except that a person who is convicted

1613 for aggravated assault, possession of a firearm by a felon, or

1614 burglary of a conveyance shall be sentenced to a minimum term of

1615 imprisonment of 3 years if such person possessed a "firearm" or

1616 "destructive device" during the commission of the offense.

1617 However, if an offender who is convicted of the offense of

1618 possession of a firearm by a felon has a previous conviction of

1619 committing or attempting to commit a felony listed in s.

1620 775.084(1)(b)1. and actually possessed a firearm or destructive

1621 device during the commission of the prior felony, the offender

BILL

ORIGINAL

YEAR

1622 shall be sentenced to a minimum term of imprisonment of 10  
 1623 years.

1624         2. Any person who is convicted of a felony or an attempt  
 1625 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
 1626 regardless of whether the use of a weapon is an element of the  
 1627 felony, and during the course of the commission of the felony  
 1628 such person discharged a "firearm" or "destructive device" as  
 1629 defined in s. 790.001 shall be sentenced to a minimum term of  
 1630 imprisonment of 20 years.

1631         3. Any person who is convicted of a felony or an attempt  
 1632 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
 1633 regardless of whether the use of a weapon is an element of the  
 1634 felony, and during the course of the commission of the felony  
 1635 such person discharged a "firearm" or "destructive device" as  
 1636 defined in s. 790.001 and, as the result of the discharge, death  
 1637 or great bodily harm was inflicted upon any person, the  
 1638 convicted person shall be sentenced to a minimum term of  
 1639 imprisonment of not less than 25 years and not more than a term  
 1640 of imprisonment of life in prison.

1641         (3)(a)1. Any person who is convicted of a felony or an  
 1642 attempt to commit a felony, regardless of whether the use of a  
 1643 firearm is an element of the felony, and the conviction was for:

- 1644             a. Murder;
- 1645             b. Sexual battery;
- 1646             c. Robbery;
- 1647             d. Burglary;

BILL	ORIGINAL	YEAR
1648	e. Arson;	
1649	f. Aggravated assault;	
1650	g. Aggravated battery;	
1651	h. Kidnapping;	
1652	i. Escape;	
1653	j. Sale, manufacture, delivery, or intent to sell,	
1654	manufacture, or deliver any controlled substance;	
1655	k. Aircraft piracy;	
1656	l. Aggravated child abuse;	
1657	m. Aggravated abuse of an elderly person or disabled	
1658	adult;	
1659	n. Unlawful throwing, placing, or discharging of a	
1660	destructive device or bomb;	
1661	o. Carjacking;	
1662	p. Home-invasion robbery;	
1663	q. Aggravated stalking; or	
1664	r. Trafficking in cannabis, trafficking in cocaine,	
1665	capital importation of cocaine, trafficking in illegal drugs,	
1666	capital importation of illegal drugs, trafficking in	
1667	phencyclidine, capital importation of phencyclidine, trafficking	
1668	in methaqualone, capital importation of methaqualone,	
1669	trafficking in amphetamine, capital importation of amphetamine,	
1670	trafficking in flunitrazepam, trafficking in gamma-	
1671	hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,	
1672	trafficking in Phenethylamines, or other violation of s.	
1673	893.135(1);	

BILL

ORIGINAL

YEAR

1674

1675 and during the commission of the offense, such person possessed  
 1676 a semiautomatic firearm and its high-capacity detachable box  
 1677 magazine or a machine gun as defined in s. 790.001, shall be  
 1678 sentenced to a minimum term of imprisonment of 15 years.

1679         2. Any person who is convicted of a felony or an attempt  
 1680 to commit a felony listed in subparagraph (a)1., regardless of  
 1681 whether the use of a weapon is an element of the felony, and  
 1682 during the course of the commission of the felony such person  
 1683 discharged a semiautomatic firearm and its high-capacity box  
 1684 magazine or a "machine gun" as defined in s. 790.001 shall be  
 1685 sentenced to a minimum term of imprisonment of 20 years.

1686         3. Any person who is convicted of a felony or an attempt  
 1687 to commit a felony listed in subparagraph (a)1., regardless of  
 1688 whether the use of a weapon is an element of the felony, and  
 1689 during the course of the commission of the felony such person  
 1690 discharged a semiautomatic firearm and its high-capacity box  
 1691 magazine or a "machine gun" as defined in s. 790.001 and, as the  
 1692 result of the discharge, death or great bodily harm was  
 1693 inflicted upon any person, the convicted person shall be  
 1694 sentenced to a minimum term of imprisonment of not less than 25  
 1695 years and not more than a term of imprisonment of life in  
 1696 prison.

1697         Section 31. For the purpose of incorporating the amendment  
 1698 made by this act to section 893.135, Florida Statutes, in a  
 1699 reference thereto, paragraph (a) of subsection (1) and



BILL

ORIGINAL

YEAR

1700 subsections (3) and (4) of section 782.04, Florida Statutes, are  
 1701 reenacted to read:  
 1702 782.04 Murder.—  
 1703 (1)(a) The unlawful killing of a human being:  
 1704 1. When perpetrated from a premeditated design to effect  
 1705 the death of the person killed or any human being;  
 1706 2. When committed by a person engaged in the perpetration  
 1707 of, or in the attempt to perpetrate, any:  
 1708 a. Trafficking offense prohibited by s. 893.135(1),  
 1709 b. Arson,  
 1710 c. Sexual battery,  
 1711 d. Robbery,  
 1712 e. Burglary,  
 1713 f. Kidnapping,  
 1714 g. Escape,  
 1715 h. Aggravated child abuse,  
 1716 i. Aggravated abuse of an elderly person or disabled  
 1717 adult,  
 1718 j. Aircraft piracy,  
 1719 k. Unlawful throwing, placing, or discharging of a  
 1720 destructive device or bomb,  
 1721 l. Carjacking,  
 1722 m. Home-invasion robbery,  
 1723 n. Aggravated stalking,  
 1724 o. Murder of another human being,  
 1725 p. Resisting an officer with violence to his or her

BILL ORIGINAL YEAR

1726 person,  
 1727 q. Aggravated fleeing or eluding with serious bodily  
 1728 injury or death,  
 1729 r. Felony that is an act of terrorism or is in furtherance  
 1730 of an act of terrorism; or  
 1731 3. Which resulted from the unlawful distribution of any  
 1732 substance controlled under s. 893.03(1), cocaine as described in  
 1733 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
 1734 compound, derivative, or preparation of opium, or methadone by a  
 1735 person 18 years of age or older, when such drug is proven to be  
 1736 the proximate cause of the death of the user,  
 1737  
 1738 is murder in the first degree and constitutes a capital felony,  
 1739 punishable as provided in s. 775.082.  
 1740 (3) When a human being is killed during the perpetration  
 1741 of, or during the attempt to perpetrate, any:  
 1742 (a) Trafficking offense prohibited by s. 893.135(1),  
 1743 (b) Arson,  
 1744 (c) Sexual battery,  
 1745 (d) Robbery,  
 1746 (e) Burglary,  
 1747 (f) Kidnapping,  
 1748 (g) Escape,  
 1749 (h) Aggravated child abuse,  
 1750 (i) Aggravated abuse of an elderly person or disabled  
 1751 adult,

BILL ORIGINAL YEAR

1752 (j) Aircraft piracy,  
 1753 (k) Unlawful throwing, placing, or discharging of a  
 1754 destructive device or bomb,  
 1755 (l) Carjacking,  
 1756 (m) Home-invasion robbery,  
 1757 (n) Aggravated stalking,  
 1758 (o) Murder of another human being,  
 1759 (p) Aggravated fleeing or eluding with serious bodily  
 1760 injury or death,  
 1761 (q) Resisting an officer with violence to his or her  
 1762 person, or  
 1763 (r) Felony that is an act of terrorism or is in  
 1764 furtherance of an act of terrorism,  
 1765  
 1766 by a person other than the person engaged in the perpetration of  
 1767 or in the attempt to perpetrate such felony, the person  
 1768 perpetrating or attempting to perpetrate such felony commits  
 1769 murder in the second degree, which constitutes a felony of the  
 1770 first degree, punishable by imprisonment for a term of years not  
 1771 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
 1772 775.084.  
 1773 (4) The unlawful killing of a human being, when  
 1774 perpetrated without any design to effect death, by a person  
 1775 engaged in the perpetration of, or in the attempt to perpetrate,  
 1776 any felony other than any:  
 1777 (a) Trafficking offense prohibited by s. 893.135(1),

BILL	ORIGINAL	YEAR
1778	(b) Arson,	
1779	(c) Sexual battery,	
1780	(d) Robbery,	
1781	(e) Burglary,	
1782	(f) Kidnapping,	
1783	(g) Escape,	
1784	(h) Aggravated child abuse,	
1785	(i) Aggravated abuse of an elderly person or disabled	
1786	adult,	
1787	(j) Aircraft piracy,	
1788	(k) Unlawful throwing, placing, or discharging of a	
1789	destructive device or bomb,	
1790	(l) Unlawful distribution of any substance controlled	
1791	under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,	
1792	or opium or any synthetic or natural salt, compound, derivative,	
1793	or preparation of opium by a person 18 years of age or older,	
1794	when such drug is proven to be the proximate cause of the death	
1795	of the user,	
1796	(m) Carjacking,	
1797	(n) Home-invasion robbery,	
1798	(o) Aggravated stalking,	
1799	(p) Murder of another human being,	
1800	(q) Aggravated fleeing or eluding with serious bodily	
1801	injury or death,	
1802	(r) Resisting an officer with violence to his or her	
1803	person, or	

BILL

ORIGINAL

YEAR

1804           (s) Felony that is an act of terrorism or is in  
 1805 furtherance of an act of terrorism,  
 1806  
 1807 is murder in the third degree and constitutes a felony of the  
 1808 second degree, punishable as provided in s. 775.082, s. 775.083,  
 1809 or s. 775.084.  
 1810           Section 32. This act shall take effect October 1, 2014.

