

1 A bill to be entitled

2 An act relating to offenses against vulnerable
3 persons; amending s. 90.803, F.S.; revising when an
4 out of court statement by an elderly person or
5 disabled adult is admissible in certain proceedings;
6 amending s. 825.101, F.S.; revising and deleting
7 definitions; amending s. 825.103, F.S.; deleting a
8 requirement that property of an elderly person or
9 disabled adult be obtained by deception or
10 intimidation in order to constitute exploitation of
11 such a person; specifying additional circumstances
12 that constitute a breach of a fiduciary duty and
13 specifying when an unlawful appropriation occurs;
14 creating a presumption that certain inter vivos
15 transfers are a result of exploitation; providing
16 exceptions; providing for jury instructions concerning
17 the presumption; revising the valuation of funds,
18 assets, or property involved for various degrees of
19 offenses of exploitation of an elderly person or
20 disabled adult; providing for return of property
21 seized from a defendant to the victim before trial in
22 certain circumstances; amending ss. 775.0844 and
23 921.0022, F.S.; conforming provisions to changes made
24 by the act; reenacting s. 772.11(1), F.S., relating to
25 a civil remedy for theft or exploitation, to
26 incorporate the amendments made by the act to s.

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27 825.103, F.S., in a reference thereto; providing an
28 effective date.

29

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

31

32 Section 1. Paragraph (a) of subsection (24) of section
33 90.803, Florida Statutes, is amended to read:

34 90.803 Hearsay exceptions; availability of declarant
35 immaterial.—The provision of s. 90.802 to the contrary
36 notwithstanding, the following are not inadmissible as evidence,
37 even though the declarant is available as a witness:

38 (24) HEARSAY EXCEPTION; STATEMENT OF ELDERLY PERSON OR
39 DISABLED ADULT.—

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

50 1. The court finds in a hearing conducted outside the
51 presence of the jury that the time, content, and circumstances
52 of the statement provide sufficient safeguards of reliability.

53 In making its determination, the court may consider the mental
 54 and physical age and maturity of the elderly person or disabled
 55 adult, the nature and duration of the abuse or offense, the
 56 relationship of the victim to the offender, the reliability of
 57 the assertion, the reliability of the elderly person or disabled
 58 adult, and any other factor deemed appropriate; and

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

60 ~~a. Testifies; or~~

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

68 Section 2. Subsections (2), (3), and (8) of section
 69 825.101, Florida Statutes, are amended to read:

70 825.101 Definitions.—As used in this chapter:

71 (2) "Caregiver" means a person who has been entrusted with
 72 or has assumed responsibility for the care or the property of an
 73 elderly person or disabled adult. "Caregiver" includes, but is
 74 not limited to, relatives, court-appointed or voluntary
 75 guardians, adult household members, neighbors, health care
 76 providers, and employees and volunteers of facilities as defined
 77 in subsection (6) ~~(7)~~.

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

79 ~~(a) Misrepresenting or concealing a material fact relating~~
 80 ~~to:~~

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

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

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

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

92 ~~(8) "Intimidation" means the communication by word or act~~
 93 ~~to an elderly person or disabled adult that the elderly person~~
 94 ~~or disabled adult will be deprived of food, nutrition, clothing,~~
 95 ~~shelter, supervision, medicine, medical services, money, or~~
 96 ~~financial support or will suffer physical violence.~~

97 Section 3. Section 825.103, Florida Statutes, is amended
 98 to read:

99 825.103 Exploitation of an elderly person or disabled
 100 adult; penalties.-

101 (1) "Exploitation of an elderly person or disabled adult"
 102 means:

103 (a) ~~Knowingly, by deception or intimidation,~~ obtaining or
 104 using, or endeavoring to obtain or use, an elderly person's or

105 disabled adult's funds, assets, or property with the intent to
 106 temporarily or permanently deprive the elderly person or
 107 disabled adult of the use, benefit, or possession of the funds,
 108 assets, or property, or to benefit someone other than the
 109 elderly person or disabled adult, by a person who:

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

112 2. Has a business relationship with the elderly person or
 113 disabled adult;

114 (b) Obtaining or using, endeavoring to obtain or use, or
 115 conspiring with another to obtain or use an elderly person's or
 116 disabled adult's funds, assets, or property with the intent to
 117 temporarily or permanently deprive the elderly person or
 118 disabled adult of the use, benefit, or possession of the funds,
 119 assets, or property, or to benefit someone other than the
 120 elderly person or disabled adult, by a person who knows or
 121 reasonably should know that the elderly person or disabled adult
 122 lacks the capacity to consent; or

123 (c) Breach of a fiduciary duty to an elderly person or
 124 disabled adult by the person's guardian or agent under a power
 125 of attorney which results in an unauthorized appropriation,
 126 sale, or transfer of property. An unlawful appropriation under
 127 this paragraph occurs when the elderly person or disabled adult
 128 does not receive reciprocal financial value in goods or
 129 services, or violates any of these duties:

130 1. For agents appointed under chapter 709:

- 131 a. Committing fraud in obtaining their appointments;
- 132 b. Abusing their powers;
- 133 c. Wasting, embezzling, or intentionally mismanaging the
- 134 assets of the ward or beneficiary of the trust; or
- 135 d. Acting contrary to the principal's sole benefit or best
- 136 interest.

137 2. For guardians and trustees appointed under chapter 736
 138 or chapter 744:

- 139 a. Committing fraud in obtaining their appointments;
- 140 b. Abusing their powers; or
- 141 c. Wasting, embezzling, or intentionally mismanaging the
- 142 assets of the ward or beneficiary of the trust.

143 (d) Misappropriating, misusing, or unauthorized
 144 transferring of moneys belonging to an elderly person or
 145 disabled adult from a personal or joint account in which the
 146 elderly person or disabled adult placed the funds, owned the
 147 funds, and was the sole contributor or payee of the funds before
 148 the misappropriation, misuse, or unauthorized transfer.

149 (e) Intentionally or negligently failing to effectively
 150 use an elderly person's or disabled adult's income and assets
 151 for the necessities required for that person's support and
 152 maintenance, by a caregiver or a person who stands in a position
 153 of trust and confidence with the elderly person or disabled
 154 adult.

155 (2) Any inter vivos transfer of money or property valued
 156 in excess of \$10,000 at the time of the transfer, whether in a

157 single transaction or multiple transactions, by a person age 65
158 or older to a nonrelative whom the transferor knew for fewer
159 than 2 years before the first transfer and for which the
160 transferor did not receive reciprocal value in goods or services
161 creates a permissive presumption that the transfer was the
162 result of exploitation.

163 (a) This subsection applies regardless of whether the
164 transfer or transfers are denoted by the parties as a gift or
165 loan, except that it does not apply to a valid loan evidenced in
166 writing that includes definite repayment dates. However, if
167 repayment of any such loan is in default, in whole or in part,
168 for more than 65 days, the presumption of this subsection
169 applies.

170 (b) This subsection does not apply to:

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

172 2. Bona fide charitable donations to nonprofit
173 organizations that qualify for tax exempt status under the
174 Internal Revenue Code.

175 (c) In a criminal case to which this subsection applies,
176 if the trial is by jury, jurors shall be instructed that they
177 may, but are not required to, draw an inference of exploitation
178 upon proof beyond a reasonable doubt of the facts listed in this
179 subsection. They shall also be told that in no event may they
180 find a defendant guilty unless persuaded that each element of
181 the offense has been proved beyond a reasonable doubt. The
182 presumption of this subsection imposes no burden of proof on the

183 defendant.

184 ~~(3)~~(2)(a) If the funds, assets, or property involved in
185 the exploitation of the elderly person or disabled adult is
186 valued at \$50,000 ~~\$100,000~~ or more, the offender commits a
187 felony of the first degree, punishable as provided in s.
188 775.082, s. 775.083, or s. 775.084.

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

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

199 (4) If a person is charged with financial exploitation of
200 an elderly person or disabled adult that involves the taking of
201 or loss of property valued at more than \$5,000 and property
202 belonging to a victim is seized from the defendant pursuant to a
203 search warrant, the court shall hold an evidentiary hearing and
204 determine, by a preponderance of the evidence, whether the
205 defendant unlawfully obtained the victim's property. If the
206 court finds that the property was unlawfully obtained, the court
207 may order it returned to the victim for restitution purposes
208 before trial on the charge. This determination is inadmissible

209 in evidence at trial on the charge and does not give rise to any
 210 inference that the defendant has committed an offense under this
 211 section.

212 Section 4. Paragraph (a) of subsection (5) of section
 213 775.0844, Florida Statutes, is amended to read:

214 775.0844 White Collar Crime Victim Protection Act.—

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

217 (a) Victimized 10 or more elderly persons, as defined in
 218 s. 825.101~~(5)~~;

219
 220 and thereby obtains or attempts to obtain \$50,000 or more,
 221 commits a felony of the first degree, punishable as provided in
 222 s. 775.082, s. 775.083, or s. 775.084.

223 Section 5. Paragraphs (f), (g), and (h) of subsection (3)
 224 of section 921.0022, Florida Statutes, are amended to read:

225 921.0022 Criminal Punishment Code; offense severity
 226 ranking chart.—

227 (3) OFFENSE SEVERITY RANKING CHART

228 (f) LEVEL 6

229

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent

230

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conviction.

231

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

232

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

233

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

234

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

235

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

236

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

237

784.041 3rd Felony battery; domestic battery by strangulation.

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239	784.048 (3)	3rd	Aggravated stalking; credible threat.
240	784.048 (5)	3rd	Aggravated stalking of person under 16.
241	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
242	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
243	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
244	784.081 (2)	2nd	Aggravated assault on specified official or employee.
245	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
246	784.083 (2)	2nd	Aggravated assault on code inspector.

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247	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
248	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
249	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
250	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
251	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
252	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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253	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
254	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
255	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
256	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
257	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
258	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

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grand theft in 2nd degree.

259

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

260

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

261

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

262

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

263

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

264

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

265

825.102 (3) (c) 3rd Neglect of an elderly person or

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disabled adult.

266

825.1025(3) 3rd Lewd or lascivious molestation
of an elderly person or
disabled adult.

267

825.103(3)(c) 3rd Exploiting an elderly person or
~~825.103(2)(e)~~ disabled adult and property is
valued at less than \$10,000
~~\$20,000~~.

268

827.03(2)(c) 3rd Abuse of a child.

269

827.03(2)(d) 3rd Neglect of a child.

270

827.071(2) & (3) 2nd Use or induce a child in a
sexual performance, or promote
or direct such performance.

271

836.05 2nd Threats; extortion.

272

836.10 2nd Written threats to kill or do
bodily injury.

273

843.12 3rd Aids or assists person to

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escape.

274

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

275

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

276

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

277

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

278

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.

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280	944.40	2nd	Escapes.
281	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
282	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
283	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
284	(g) LEVEL 7		
285	Florida	Felony	
286	Statute	Degree	Description
287	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
288	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
	316.1935(3)(b)	1st	Causing serious bodily injury

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or death to another person;
 driving at high speed or with
 wanton disregard for safety
 while fleeing or attempting to
 elude law enforcement officer
 who is in a patrol vehicle with
 siren and lights activated.

289

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

290

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

291

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

292

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

293

456.065 (2) 3rd Practicing a health care

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profession without a license.

294

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

295

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

296

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

297

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

298

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

299

462.17 3rd Practicing naturopathy without a license.

300

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

301

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302	464.016(1)	3rd	Practicing nursing without a license.
303	465.015(2)	3rd	Practicing pharmacy without a license.
304	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
305	467.201	3rd	Practicing midwifery without a license.
306	468.366	3rd	Delivering respiratory care services without a license.
307	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
308	483.901(9)	3rd	Practicing medical physics without a license.
309	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.

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310	484.053	3rd	Dispensing hearing aids without a license.
311	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.
312	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.
313	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
314	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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315	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
316	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
317	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
318	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
319	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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320	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
321	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
322	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
323	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
324	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
325	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
	784.048 (7)	3rd	Aggravated stalking; violation

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of court order.

326

784.07(2)(d) 1st Aggravated battery on law enforcement officer.

327

784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

328

784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

329

784.081(1) 1st Aggravated battery on specified official or employee.

330

784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.

331

784.083(1) 1st Aggravated battery on code inspector.

332

787.06(3)(a) 1st Human trafficking using coercion for labor and services.

333

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334	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
335	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
336	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
337	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
338	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
339	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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340	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
341	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
342	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.
343	796.03	2nd	Procuring any person under 16 years for prostitution.
344	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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345	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.
346	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
347	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
348	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
349	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
350	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

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enforcement officer; property
 stolen while causing other
 property damage; 1st degree
 grand theft.

351

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

352

812.014(2)(b)3. 2nd Property stolen, emergency
 medical equipment; 2nd degree
 grand theft.

353

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

354

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

355

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

356

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357	812.131 (2) (a)	2nd	Robbery by sudden snatching.
358	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
359	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
360	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
361	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
362	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

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insolvency of that entity.

363

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

364

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

365

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

~~825.103 (2) (b)~~

366

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

367

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

368

837.05 (2) 3rd Giving false information about

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alleged capital felony to a law enforcement officer.

369

838.015 2nd Bribery.

370

838.016 2nd Unlawful compensation or reward for official behavior.

371

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

372

838.22 2nd Bid tampering.

373

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

374

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

375

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

376

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

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378	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
379	872.06	2nd	Abuse of a dead human body.
380	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
381	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

community center.

382

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.

383

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).

384

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

385

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

386

893.135 1st Trafficking in illegal drugs,

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387	(1) (c) 1.a.		more than 4 grams, less than 14 grams.
388	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
389	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
390	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
391	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
392	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,

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393	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
394	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
395	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
396	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
397	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
398	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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399	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
400	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
401	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
402	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
403	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a

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digitized photograph.

404

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

405

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

406

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

407

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

408

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

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410	(h) LEVEL 8		
411	Florida	Felony	
412	Statute	Degree	Description
412	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
413	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
414	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
415	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
416	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
417	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

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transmitter.

418

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.

419

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

420

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

421

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

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unlawfully discharging bomb.

422

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

423

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

424

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

425

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

426

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

427

787.06 (3) (f) 1st Human trafficking using
coercion for commercial sexual

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activity by the transfer or transport of any individual from outside Florida to within the state.

428

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

429

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

430

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

431

800.04(4) 2nd Lewd or lascivious battery.

432

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

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434	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
435	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
436	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
437	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
438	812.13 (2) (b)	1st	Robbery with a weapon.
439	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
440	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.

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441	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
442	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
443	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.
444	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
445	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
	825.1025 (2)	2nd	Lewd or lascivious battery upon

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an elderly person or disabled adult.

446

825.103(3)(a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 ~~\$100,000~~ or more.

~~825.103(2)(a)~~

447

837.02(2)

2nd

Perjury in official proceedings relating to prosecution of a capital felony.

448

837.021(2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

449

860.121(2)(c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

450

860.16

1st

Aircraft piracy.

451

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).

452

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

453

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

454

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

455

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

456

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

457

893.135 1st Trafficking in phencyclidine,

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458	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
459	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
460	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
461	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
462	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
463	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
463	893.135	1st	Trafficking in Phenethylamines,

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464	(1) (k) 2.b.		200 grams or more, less than 400 grams.
465	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
466	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
467	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
468	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
469	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

490 demand. Any person who has a cause of action under this section
491 may recover the damages allowed under this section from the
492 parents or legal guardian of any unemancipated minor who lives
493 with his or her parents or legal guardian and who is liable for
494 damages under this section. Punitive damages may not be awarded
495 under this section. The defendant is entitled to recover
496 reasonable attorney's fees and court costs in the trial and
497 appellate courts upon a finding that the claimant raised a claim
498 that was without substantial fact or legal support. In awarding
499 attorney's fees and costs under this section, the court may not
500 consider the ability of the opposing party to pay such fees and
501 costs. This section does not limit any right to recover
502 attorney's fees or costs provided under any other law.

503 Section 7. This act shall take effect October 1, 2014.