

HB 7049

2012

1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 16.56, F.S.; adding violations of ch. 787, F.S., to
4 the jurisdiction of the Office of Statewide
5 Prosecution; creating s. 480.0535, F.S.; requiring an
6 employee of a massage establishment and any person
7 performing massage therein to present, upon request of
8 an investigator, valid government identification while
9 in the establishment; providing documentation
10 requirements for the operator of a massage
11 establishment; providing criminal penalties; amending
12 s. 775.21, F.S.; adding additional offenses to the
13 list of sexual predator qualifying offenses; repealing
14 s. 787.05, F.S., relating to unlawfully obtaining
15 labor or services; amending s. 787.06, F.S.; revising
16 legislative findings relating to human trafficking;
17 revising definitions; creating additional offenses
18 relating to human trafficking; providing criminal
19 penalties; increasing criminal penalties for certain
20 offenses; providing for forfeiture of property used,
21 attempted to be used, or intended to be used in
22 violation of specified human trafficking provisions;
23 amending s. 787.07, F.S.; increasing criminal penalty
24 for human smuggling; amending s. 796.035, F.S.;
25 revising provisions relating to selling or buying of
26 minors into sex trafficking or prostitution; repealing
27 s. 796.045, F.S., relating to sex trafficking;
28 amending s. 905.34, F.S.; adding violations of ch.

29 | 787, F.S., to the jurisdiction of a statewide grand
 30 | jury; amending s. 934.07, F.S.; providing additional
 31 | authorization for the interception of wire, oral, or
 32 | electronic communications; amending ss. 943.0435,
 33 | 944.606, and 944.607, F.S.; adding additional offenses
 34 | to the list of sexual offender qualifying offenses;
 35 | amending ss. 90.404, 772.102, 794.056, 895.02, and
 36 | 938.085, F.S.; conforming cross-references; amending
 37 | s. 921.0022, F.S.; ranking offenses on the sentencing
 38 | guidelines chart of the Criminal Punishment Code;
 39 | providing an effective date.

40 |
 41 | Be It Enacted by the Legislature of the State of Florida:

42 |
 43 | Section 1. Paragraph (a) of subsection (1) of section
 44 | 16.56, Florida Statutes, is amended to read:

45 | 16.56 Office of Statewide Prosecution.—

46 | (1) There is created in the Department of Legal Affairs an
 47 | Office of Statewide Prosecution. The office shall be a separate
 48 | "budget entity" as that term is defined in chapter 216. The
 49 | office may:

50 | (a) Investigate and prosecute the offenses of:

51 | 1. Bribery, burglary, criminal usury, extortion, gambling,
 52 | kidnapping, larceny, murder, prostitution, perjury, robbery,
 53 | carjacking, and home-invasion robbery;

54 | 2. Any crime involving narcotic or other dangerous drugs;

55 | 3. Any violation of the provisions of the Florida RICO
 56 | (Racketeer Influenced and Corrupt Organization) Act, including

HB 7049

2012

57 | any offense listed in the definition of racketeering activity in
 58 | s. 895.02(1)(a), providing such listed offense is investigated
 59 | in connection with a violation of s. 895.03 and is charged in a
 60 | separate count of an information or indictment containing a
 61 | count charging a violation of s. 895.03, the prosecution of
 62 | which listed offense may continue independently if the
 63 | prosecution of the violation of s. 895.03 is terminated for any
 64 | reason;

65 | 4. Any violation of the provisions of the Florida Anti-
 66 | Fencing Act;

67 | 5. Any violation of the provisions of the Florida
 68 | Antitrust Act of 1980, as amended;

69 | 6. Any crime involving, or resulting in, fraud or deceit
 70 | upon any person;

71 | 7. Any violation of s. 847.0135, relating to computer
 72 | pornography and child exploitation prevention, or any offense
 73 | related to a violation of s. 847.0135 or any violation of
 74 | chapter 827 where the crime is facilitated by or connected to
 75 | the use of the Internet or any device capable of electronic data
 76 | storage or transmission;

77 | 8. Any violation of the provisions of chapter 815;

78 | 9. Any criminal violation of part I of chapter 499;

79 | 10. Any violation of the provisions of the Florida Motor
 80 | Fuel Tax Relief Act of 2004;

81 | 11. Any criminal violation of s. 409.920 or s. 409.9201;

82 | 12. Any crime involving voter registration, voting, or
 83 | candidate or issue petition activities;

84 | 13. Any criminal violation of the Florida Money Laundering

85 Act; ~~or~~

86 14. Any criminal violation of the Florida Securities and
87 Investor Protection Act; or

88 15. Any violation of the provisions of chapter 787, as
89 well as any and all offenses related to a violation of the
90 provisions of chapter 787;

91
92 or any attempt, solicitation, or conspiracy to commit any of the
93 crimes specifically enumerated above. The office shall have such
94 power only when any such offense is occurring, or has occurred,
95 in two or more judicial circuits as part of a related
96 transaction, or when any such offense is connected with an
97 organized criminal conspiracy affecting two or more judicial
98 circuits. Informations or indictments charging such offenses
99 shall contain general allegations stating the judicial circuits
100 and counties in which crimes are alleged to have occurred or the
101 judicial circuits and counties in which crimes affecting such
102 circuits or counties are alleged to have been connected with an
103 organized criminal conspiracy.

104 Section 2. Section 480.0535, Florida Statutes, is created
105 to read:

106 480.0535 Documents required while working in a massage
107 establishment.—

108 (1) In order to provide the department and law enforcement
109 agencies the means to more effectively identify, investigate,
110 and arrest persons engaging in human trafficking, a person
111 employed by a massage establishment and any person performing
112 massage therein must immediately present, upon the request of an

113 investigator of the department or a law enforcement officer,
 114 valid government identification while in the establishment. A
 115 valid government identification for the purposes of this section
 116 is:

117 (a) A valid, unexpired driver license issued by any state,
 118 territory, or district of the United States;

119 (b) A valid, unexpired identification card issued by any
 120 state, territory, or district of the United States;

121 (c) A valid, unexpired United States passport;

122 (d) A naturalization certificate issued by the United
 123 States Department of Homeland Security;

124 (e) A valid, unexpired alien registration receipt card
 125 (green card); or

126 (f) A valid, unexpired employment authorization card
 127 issued by the United States Department of Homeland Security.

128 (2) A person operating a massage establishment must:

129 (a) Immediately present, upon the request of an
 130 investigator of the department or a law enforcement officer:

131 1. Valid government identification while in the
 132 establishment.

133 2. A copy of the documentation specified in paragraph
 134 (1)(a) for each employee and any person performing massage in
 135 the establishment.

136 (b) Ensure that each employee and any person performing
 137 massage in the massage establishment is able to immediately
 138 present, upon the request of an investigator of the department
 139 or a law enforcement officer, valid government identification
 140 while in the establishment.

HB 7049

2012

141 (3) A person who violates any provision of this section
 142 commits:

143 (a) For a first violation, a misdemeanor of the second
 144 degree, punishable as provided in s. 775.082 or s. 775.083.

145 (b) For a second violation, a misdemeanor of the first
 146 degree, punishable as provided in s. 775.082 or s. 775.083.

147 (c) For a third or subsequent violation, a felony of the
 148 third degree, punishable as provided in s. 775.082, s. 775.083,
 149 or s. 775.084.

150 Section 3. Paragraph (a) of subsection (4) of section
 151 775.21, Florida Statutes, is amended to read:

152 775.21 The Florida Sexual Predators Act.—

153 (4) SEXUAL PREDATOR CRITERIA.—

154 (a) For a current offense committed on or after October 1,
 155 1993, upon conviction, an offender shall be designated as a
 156 "sexual predator" under subsection (5), and subject to
 157 registration under subsection (6) and community and public
 158 notification under subsection (7) if:

159 1. The felony is:

160 a. A capital, life, or first-degree felony violation, or
 161 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 162 is a minor and the defendant is not the victim's parent or
 163 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 164 violation of a similar law of another jurisdiction; or

165 b. Any felony violation, or any attempt thereof, of s.
 166 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 167 minor and the defendant is not the victim's parent or guardian;
 168 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.

HB 7049

2012

169 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 170 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s.
 171 985.701(1); or a violation of a similar law of another
 172 jurisdiction, and the offender has previously been convicted of
 173 or found to have committed, or has pled nolo contendere or
 174 guilty to, regardless of adjudication, any violation of s.
 175 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
 176 minor and the defendant is not the victim's parent or guardian;
 177 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 178 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 179 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 180 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a
 181 similar law of another jurisdiction;

182 2. The offender has not received a pardon for any felony
 183 or similar law of another jurisdiction that is necessary for the
 184 operation of this paragraph; and

185 3. A conviction of a felony or similar law of another
 186 jurisdiction necessary to the operation of this paragraph has
 187 not been set aside in any postconviction proceeding.

188 Section 4. Section 787.05, Florida Statutes, is repealed.

189 Section 5. Section 787.06, Florida Statutes, is amended to
 190 read:

191 787.06 Human trafficking.—

192 (1)(a) The Legislature finds that human trafficking is a
 193 form of modern-day slavery. Victims of human trafficking are
 194 young children, teenagers, and adults. Thousands of victims are
 195 trafficked annually across international borders worldwide. Many
 196 of these victims are trafficked into this state. Victims of

HB 7049

2012

197 human trafficking also include citizens of the United States and
198 those persons trafficked domestically within the borders of the
199 United States. The Legislature finds that victims of human
200 trafficking are subjected to force, fraud, or coercion for the
201 purpose of sexual exploitation or forced labor.

202 (b) The Legislature finds that while many victims of human
203 trafficking are forced to work in prostitution or the sexual
204 entertainment industry, trafficking also occurs in forms of
205 labor exploitation, such as domestic servitude, restaurant work,
206 janitorial work, sweatshop factory work, and migrant
207 agricultural work.

208 (c) The Legislature finds that traffickers use various
209 techniques to instill fear in victims and to keep them enslaved.
210 Some traffickers keep their victims under lock and key. However,
211 the most frequently used practices are less obvious techniques
212 that include isolating victims from the public and family
213 members; confiscating passports, visas, or other identification
214 documents; using or threatening to use violence toward victims
215 or their families; telling victims that they will be imprisoned
216 or deported for immigration violations if they contact
217 authorities; and controlling the victims' funds by holding the
218 money ostensibly for safekeeping.

219 (d) It is the intent of the Legislature that the
220 perpetrators of human trafficking be penalized for their illegal
221 conduct and that the victims of trafficking be protected and
222 assisted by this state and its agencies. In furtherance of this
223 policy, it is the intent of the Legislature that the state
224 Supreme Court, The Florida Bar, and relevant state agencies

225 | prepare and implement training programs in order that judges,
 226 | attorneys, law enforcement personnel, investigators, and others
 227 | are able to identify traffickers and victims of human
 228 | trafficking and direct victims to appropriate agencies for
 229 | assistance. It is the intent of the Legislature that the
 230 | Department of Children and Family Services and other state
 231 | agencies cooperate with other state and federal agencies to
 232 | ensure that victims of human trafficking can access social
 233 | services and benefits to alleviate their plight.

234 | (2) As used in this section, the term:

235 | ~~(a) "Financial harm" includes extortionate extension of~~
 236 | ~~credit, loan sharking as defined in s. 687.071, or employment~~
 237 | ~~contracts that violate the statute of frauds as provided in s.~~
 238 | ~~725.01.~~

239 | ~~(a)(b) "Coercion" "Forced labor or services" means labor~~
 240 | ~~or services obtained from a person by:~~

241 | 1. Using or threatening to use physical force against any
 242 | ~~that person or another person;~~

243 | 2. Restraining, isolating, or confining or threatening to
 244 | restrain, isolate, or confine any ~~that~~ person ~~or another person~~
 245 | without lawful authority and against her or his will;

246 | 3. Using lending or other credit methods to establish a
 247 | debt by any ~~that~~ person ~~or another person~~ when labor or services
 248 | are pledged as a security for the debt, if the value of the
 249 | labor or services as reasonably assessed is not applied toward
 250 | the liquidation of the debt, the length and nature of the labor
 251 | or services are not respectively limited and defined;

252 | 4. Destroying, concealing, removing, confiscating,

253 withholding, or possessing any actual or purported passport,
 254 visa, or other immigration document, or any other actual or
 255 purported government identification document, of any ~~that~~ person
 256 ~~or another person;~~

257 5. Causing or threatening to cause financial harm to any
 258 person; ~~or~~

259 6. Enticing or luring any person by fraud or deceit
 260 ~~coercion; or~~

261 7. Providing a controlled substance as outlined in
 262 Schedule I or Schedule II of s. 893.03 to any person for the
 263 purpose of exploitation of that person.

264 (b) "Commercial sexual activity" means any violation of
 265 chapter 796 or an attempt to commit any such offense, and
 266 includes sexually explicit performances and the production of
 267 pornography.

268 (c) "Financial harm" includes extortionate extension of
 269 credit, loan sharking as defined in s. 687.071, or employment
 270 contracts that violate the statute of frauds as provided in s.
 271 725.01.

272 (d)~~(e)~~ "Human trafficking" means transporting, soliciting,
 273 recruiting, harboring, providing, enticing, maintaining, or
 274 obtaining another person for the purpose of exploitation of that
 275 person for transport.

276 (e) "Labor" means work of economic or financial value.

277 (f)~~(d)~~ "Maintain~~7~~" means, when used in relation to labor
 278 or services, means to secure or make possible continued
 279 performance thereof, regardless of any initial agreement on the
 280 part of the victim to perform such type service.

281 (g) "Obtain" means, in relation to labor or services, to
 282 secure performance thereof.

283 (h) "Services" means any act committed at the behest of,
 284 under the supervision of, or for the benefit of another. The
 285 term includes, but is not limited to, forced marriage,
 286 servitude, or the removal of organs.

287 (i) "Sexually explicit performance" means an act or show,
 288 whether public or private, that is live, photographed, recorded,
 289 or videotaped and intended to arouse or satisfy the sexual
 290 desires or appeal to the prurient interest.

291 (j) "Unauthorized alien" means an alien who is not
 292 authorized under federal law to be employed in the United
 293 States, as provided in 8 U.S.C. s. 1324a(h) (3). The term shall
 294 be interpreted consistently with that section and any applicable
 295 federal rules or regulations.

296 (k) "Venture" means any group of two or more individuals
 297 associated in fact, whether or not a legal entity.

298 (3) Any person who knowingly, or in reckless disregard of
 299 the facts, engages in, or attempts to engage in, or benefits
 300 financially by receiving anything of value from participation in
 301 a venture that has subjected a person to human trafficking:

302 (a) Using coercion for labor or services ~~Engages, or~~
 303 ~~attempts to engage, in human trafficking with the intent or~~
 304 ~~knowledge that the trafficked person will be subjected to forced~~
 305 ~~labor or services; or~~

306 ~~(b) Benefits financially by receiving anything of value~~
 307 ~~from participation in a venture that has subjected a person to~~
 308 ~~forced labor or services; commits a felony of the first second~~

HB 7049

2012

309 degree, punishable as provided in s. 775.082, s. 775.083, or s.
310 775.084.

311 (b) Using coercion for commercial sexual activity commits
312 a felony of the first degree, punishable as provided in s.
313 775.082, s. 775.083, or s. 775.084.

314 (c) Using coercion for labor or services of any individual
315 who is an unauthorized alien commits a felony of the first
316 degree, punishable as provided in s. 775.082, s. 775.083, or s.
317 775.084.

318 (d) Using coercion for commercial sexual activity of any
319 individual who is an unauthorized alien commits a felony of the
320 first degree, punishable as provided in s. 775.082, s. 775.083,
321 or s. 775.084.

322 (e) Using coercion for labor or services who does so by
323 the transfer or transport of any individual from outside this
324 state to within the state commits a felony of the first degree,
325 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

326 (f) Using coercion for commercial sexual activity who does
327 so by the transfer or transport of any individual from outside
328 this state to within the state commits a felony of the first
329 degree, punishable as provided in s. 775.082, s. 775.083, or s.
330 775.084.

331 (g) For commercial sexual activity in which any child
332 under the age of 18 is involved commits a felony of the first
333 degree, punishable by imprisonment for a term of years not
334 exceeding life, or as provided in s. 775.082, s. 775.083, or s.
335 775.084. In a prosecution under this paragraph in which the
336 defendant had a reasonable opportunity to observe the person who

337 was subject to human trafficking, the state need not prove that
 338 the defendant knew that the person had not attained the age of
 339 18 years.

340 (h) For commercial sexual activity in which any child
 341 under the age of 15 is involved commits a life felony,
 342 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 343 In a prosecution under this paragraph in which the defendant had
 344 a reasonable opportunity to observe the person who was subject
 345 to human trafficking, the state need not prove that the
 346 defendant knew that the person had not attained the age of 15
 347 years.

348
 349 For each instance of human trafficking of any individual under
 350 this subsection, a separate crime is committed and a separate
 351 punishment is authorized.

352 (4) Any parent, legal guardian, or other person having
 353 custody or control of a minor who sells or otherwise transfers
 354 custody or control of such minor, or offers to sell or otherwise
 355 transfer custody of such minor, with knowledge or in reckless
 356 disregard of the fact that, as a consequence of the sale or
 357 transfer, the minor will be subject to human trafficking commits
 358 a first degree felony, punishable as provided in s. 775.082, s.
 359 775.083, or s. 775.084.

360 (5)~~(4)~~ The Criminal Justice Standards and Training
 361 Commission shall establish standards for basic and advanced
 362 training programs for law enforcement officers in the subjects
 363 of investigating and preventing human trafficking crimes. ~~After~~
 364 January 1, 2007, Every basic skills course required for law

HB 7049

2012

365 enforcement officers to obtain initial certification must
 366 include training on human trafficking crime prevention and
 367 investigation.

368 (6)~~(5)~~ Each state attorney shall develop standards of
 369 instruction for prosecutors to receive training on the
 370 investigation and prosecution of human trafficking crimes and
 371 shall provide for periodic and timely instruction.

372 (7) Any real property or personal property that was used,
 373 attempted to be used, or intended to be used in violation of any
 374 provision of this section may be seized and shall be forfeited
 375 subject to the provisions of the Florida Contraband Forfeiture
 376 Act.

377 Section 6. Section 787.07, Florida Statutes, is amended to
 378 read:

379 787.07 Human smuggling.—

380 (1) A person who transports into this state an individual
 381 who the person knows, or should know, is illegally entering the
 382 United States from another country commits a felony ~~misdemeanor~~
 383 of the third ~~first~~ degree, punishable as provided in s. 775.082,
 384 ~~or~~ s. 775.083, or s. 775.084.

385 (2) A person commits a separate offense for each
 386 individual he or she transports into this state in violation of
 387 this section.

388 Section 7. Section 796.035, Florida Statutes, is amended
 389 to read:

390 796.035 Selling or buying of minors into ~~sex trafficking~~
 391 ~~or~~ prostitution; penalties.—Any parent, legal guardian, or other
 392 person having custody or control of a minor who sells or

HB 7049

2012

393 otherwise transfers custody or control of such minor, or offers
 394 to sell or otherwise transfer custody of such minor, with
 395 knowledge or in reckless disregard of the fact that, as a
 396 consequence of the sale or transfer, the minor will engage in
 397 prostitution, ~~perform naked for compensation, or otherwise~~
 398 ~~participate in the trade of sex trafficking,~~ commits a felony of
 399 the first degree, punishable as provided in s. 775.082, s.
 400 775.083, or s. 775.084.

401 Section 8. Section 796.045, Florida Statutes, is repealed.

402 Section 9. Subsections (11) and (12) of section 905.34,
 403 Florida Statutes, are amended, and subsection (13) is added to
 404 that section, to read:

405 905.34 Powers and duties; law applicable.—The jurisdiction
 406 of a statewide grand jury impaneled under this chapter shall
 407 extend throughout the state. The subject matter jurisdiction of
 408 the statewide grand jury shall be limited to the offenses of:

409 (11) Any criminal violation of the Florida Money
 410 Laundering Act; ~~or~~

411 (12) Any criminal violation of the Florida Securities and
 412 Investor Protection Act; or

413 (13) Any violation of chapter 787, as well as any and all
 414 offenses related to a violation of chapter 787;

415
 416 or any attempt, solicitation, or conspiracy to commit any
 417 violation of the crimes specifically enumerated above, when any
 418 such offense is occurring, or has occurred, in two or more
 419 judicial circuits as part of a related transaction or when any
 420 such offense is connected with an organized criminal conspiracy

HB 7049

2012

421 affecting two or more judicial circuits. The statewide grand
 422 jury may return indictments and presentments irrespective of the
 423 county or judicial circuit where the offense is committed or
 424 triable. If an indictment is returned, it shall be certified and
 425 transferred for trial to the county where the offense was
 426 committed. The powers and duties of, and law applicable to,
 427 county grand juries shall apply to a statewide grand jury except
 428 when such powers, duties, and law are inconsistent with the
 429 provisions of ss. 905.31-905.40.

430 Section 10. Paragraph (a) of subsection (1) of section
 431 934.07, Florida Statutes, is amended to read:

432 934.07 Authorization for interception of wire, oral, or
 433 electronic communications.—

434 (1) The Governor, the Attorney General, the statewide
 435 prosecutor, or any state attorney may authorize an application
 436 to a judge of competent jurisdiction for, and such judge may
 437 grant in conformity with ss. 934.03-934.09 an order authorizing
 438 or approving the interception of, wire, oral, or electronic
 439 communications by:

440 (a) The Department of Law Enforcement or any law
 441 enforcement agency as defined in s. 934.02 having responsibility
 442 for the investigation of the offense as to which the application
 443 is made when such interception may provide or has provided
 444 evidence of the commission of the offense of murder, kidnapping,
 445 aircraft piracy, arson, gambling, robbery, burglary, theft,
 446 dealing in stolen property, criminal usury, bribery, or
 447 extortion; any felony violation of ss. 790.161-790.166,
 448 inclusive; any violation of s. 787.06; any violation of chapter

HB 7049

2012

449 893; any violation of the provisions of the Florida Anti-Fencing
 450 Act; any violation of chapter 895; any violation of chapter 896;
 451 any violation of chapter 815; any violation of chapter 847; any
 452 violation of s. 827.071; any violation of s. 944.40; or any
 453 conspiracy or solicitation to commit any violation of the laws
 454 of this state relating to the crimes specifically enumerated in
 455 this paragraph.

456 Section 11. Paragraph (a) of subsection (1) of section
 457 943.0435, Florida Statutes, is amended to read:

458 943.0435 Sexual offenders required to register with the
 459 department; penalty.—

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

461 (a)1. "Sexual offender" means a person who meets the
 462 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 463 subparagraph c., or sub-subparagraph d., as follows:

464 a.(I) Has been convicted of committing, or attempting,
 465 soliciting, or conspiring to commit, any of the criminal
 466 offenses proscribed in the following statutes in this state or
 467 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 468 or s. 787.025(2)(c), where the victim is a minor and the
 469 defendant is not the victim's parent or guardian; s.
 470 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 471 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 472 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 473 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 474 985.701(1); or any similar offense committed in this state which
 475 has been redesignated from a former statute number to one of
 476 those listed in this sub-sub-subparagraph; and

HB 7049

2012

477 (II) Has been released on or after October 1, 1997, from
478 the sanction imposed for any conviction of an offense described
479 in sub-sub-subparagraph (I). For purposes of sub-sub-
480 subparagraph (I), a sanction imposed in this state or in any
481 other jurisdiction includes, but is not limited to, a fine,
482 probation, community control, parole, conditional release,
483 control release, or incarceration in a state prison, federal
484 prison, private correctional facility, or local detention
485 facility;

486 b. Establishes or maintains a residence in this state and
487 who has not been designated as a sexual predator by a court of
488 this state but who has been designated as a sexual predator, as
489 a sexually violent predator, or by another sexual offender
490 designation in another state or jurisdiction and was, as a
491 result of such designation, subjected to registration or
492 community or public notification, or both, or would be if the
493 person were a resident of that state or jurisdiction, without
494 regard to whether the person otherwise meets the criteria for
495 registration as a sexual offender;

496 c. Establishes or maintains a residence in this state who
497 is in the custody or control of, or under the supervision of,
498 any other state or jurisdiction as a result of a conviction for
499 committing, or attempting, soliciting, or conspiring to commit,
500 any of the criminal offenses proscribed in the following
501 statutes or similar offense in another jurisdiction: s. 787.01,
502 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
503 the defendant is not the victim's parent or guardian; s.
504 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.

HB 7049

2012

505 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 506 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 507 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 508 985.701(1); or any similar offense committed in this state which
 509 has been redesignated from a former statute number to one of
 510 those listed in this sub-subparagraph; or

511 d. On or after July 1, 2007, has been adjudicated
 512 delinquent for committing, or attempting, soliciting, or
 513 conspiring to commit, any of the criminal offenses proscribed in
 514 the following statutes in this state or similar offenses in
 515 another jurisdiction when the juvenile was 14 years of age or
 516 older at the time of the offense:

517 (I) Section 794.011, excluding s. 794.011(10);

518 (II) Section 800.04(4)(b) where the victim is under 12
 519 years of age or where the court finds sexual activity by the use
 520 of force or coercion;

521 (III) Section 800.04(5)(c)1. where the court finds
 522 molestation involving unclothed genitals; or

523 (IV) Section 800.04(5)(d) where the court finds the use of
 524 force or coercion and unclothed genitals.

525 2. For all qualifying offenses listed in sub-subparagraph
 526 (1)(a)1.d., the court shall make a written finding of the age of
 527 the offender at the time of the offense.

528
 529 For each violation of a qualifying offense listed in this
 530 subsection, the court shall make a written finding of the age of
 531 the victim at the time of the offense. For a violation of s.
 532 800.04(4), the court shall additionally make a written finding

HB 7049

2012

533 indicating that the offense did or did not involve sexual
 534 activity and indicating that the offense did or did not involve
 535 force or coercion. For a violation of s. 800.04(5), the court
 536 shall additionally make a written finding that the offense did
 537 or did not involve unclothed genitals or genital area and that
 538 the offense did or did not involve the use of force or coercion.

539 Section 12. Paragraph (b) of subsection (1) of section
 540 944.606, Florida Statutes, is amended to read:

541 944.606 Sexual offenders; notification upon release.—

542 (1) As used in this section:

543 (b) "Sexual offender" means a person who has been
 544 convicted of committing, or attempting, soliciting, or
 545 conspiring to commit, any of the criminal offenses proscribed in
 546 the following statutes in this state or similar offenses in
 547 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 548 where the victim is a minor and the defendant is not the
 549 victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or
 550 (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;
 551 s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 552 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 553 847.0145; or s. 985.701(1); or any similar offense committed in
 554 this state which has been redesignated from a former statute
 555 number to one of those listed in this subsection, when the
 556 department has received verified information regarding such
 557 conviction; an offender's computerized criminal history record
 558 is not, in and of itself, verified information.

559 Section 13. Paragraph (a) of subsection (1) of section
 560 944.607, Florida Statutes, is amended to read:

561 944.607 Notification to Department of Law Enforcement of
 562 information on sexual offenders.—

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

564 (a) "Sexual offender" means a person who is in the custody
 565 or control of, or under the supervision of, the department or is
 566 in the custody of a private correctional facility:

567 1. On or after October 1, 1997, as a result of a
 568 conviction for committing, or attempting, soliciting, or
 569 conspiring to commit, any of the criminal offenses proscribed in
 570 the following statutes in this state or similar offenses in
 571 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
 572 where the victim is a minor and the defendant is not the
 573 victim's parent or guardian; s. 787.06(3)(b), (d), (f), (g), or
 574 (h); s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;
 575 s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
 576 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 577 847.0145; or s. 985.701(1); or any similar offense committed in
 578 this state which has been redesignated from a former statute
 579 number to one of those listed in this paragraph; or

580 2. Who establishes or maintains a residence in this state
 581 and who has not been designated as a sexual predator by a court
 582 of this state but who has been designated as a sexual predator,
 583 as a sexually violent predator, or by another sexual offender
 584 designation in another state or jurisdiction and was, as a
 585 result of such designation, subjected to registration or
 586 community or public notification, or both, or would be if the
 587 person were a resident of that state or jurisdiction, without
 588 regard as to whether the person otherwise meets the criteria for

589 registration as a sexual offender.

590 Section 14. Paragraphs (b) and (c) of subsection (2) of
591 section 90.404, Florida Statutes, are amended to read:

592 90.404 Character evidence; when admissible.—

593 (2) OTHER CRIMES, WRONGS, OR ACTS.—

594 (b)1. In a criminal case in which the defendant is charged
595 with a crime involving child molestation, evidence of the
596 defendant's commission of other crimes, wrongs, or acts of child
597 molestation is admissible and may be considered for its bearing
598 on any matter to which it is relevant.

599 2. For the purposes of this paragraph, the term "child
600 molestation" means conduct proscribed by s. 787.025(2)(c), s.
601 787.06(3)(g) and (h), s. 794.011, excluding s. 794.011(10), s.
602 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s. 800.04, s.
603 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when
604 committed against a person 16 years of age or younger.

605 (c)1. In a criminal case in which the defendant is charged
606 with a sexual offense, evidence of the defendant's commission of
607 other crimes, wrongs, or acts involving a sexual offense is
608 admissible and may be considered for its bearing on any matter
609 to which it is relevant.

610 2. For the purposes of this paragraph, the term "sexual
611 offense" means conduct proscribed by s. 787.025(2)(c), s.
612 787.06(3)(b), (d), (f), (g), or (h), s. 794.011, excluding s.
613 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s.
614 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
615 985.701(1).

616 Section 15. Paragraph (a) of subsection (1) of section

HB 7049

2012

617 772.102, Florida Statutes, is amended to read:
 618 772.102 Definitions.—As used in this chapter, the term:
 619 (1) "Criminal activity" means to commit, to attempt to
 620 commit, to conspire to commit, or to solicit, coerce, or
 621 intimidate another person to commit:
 622 (a) Any crime that is chargeable by indictment or
 623 information under the following provisions:
 624 1. Section 210.18, relating to evasion of payment of
 625 cigarette taxes.
 626 2. Section 414.39, relating to public assistance fraud.
 627 3. Section 440.105 or s. 440.106, relating to workers'
 628 compensation.
 629 4. Part IV of chapter 501, relating to telemarketing.
 630 5. Chapter 517, relating to securities transactions.
 631 6. Section 550.235 or s. 550.3551, relating to dogracing
 632 and horseracing.
 633 7. Chapter 550, relating to jai alai frontons.
 634 8. Chapter 552, relating to the manufacture, distribution,
 635 and use of explosives.
 636 9. Chapter 562, relating to beverage law enforcement.
 637 10. Section 624.401, relating to transacting insurance
 638 without a certificate of authority, s. 624.437(4)(c)1., relating
 639 to operating an unauthorized multiple-employer welfare
 640 arrangement, or s. 626.902(1)(b), relating to representing or
 641 aiding an unauthorized insurer.
 642 11. Chapter 687, relating to interest and usurious
 643 practices.
 644 12. Section 721.08, s. 721.09, or s. 721.13, relating to

- 645 real estate timeshare plans.
- 646 13. Chapter 782, relating to homicide.
- 647 14. Chapter 784, relating to assault and battery.
- 648 15. Chapter 787, relating to kidnapping or human
- 649 trafficking.
- 650 16. Chapter 790, relating to weapons and firearms.
- 651 17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or
- 652 s. 796.07, relating to prostitution.
- 653 18. Chapter 806, relating to arson.
- 654 19. Section 810.02(2)(c), relating to specified burglary
- 655 of a dwelling or structure.
- 656 20. Chapter 812, relating to theft, robbery, and related
- 657 crimes.
- 658 21. Chapter 815, relating to computer-related crimes.
- 659 22. Chapter 817, relating to fraudulent practices, false
- 660 pretenses, fraud generally, and credit card crimes.
- 661 23. Section 827.071, relating to commercial sexual
- 662 exploitation of children.
- 663 24. Chapter 831, relating to forgery and counterfeiting.
- 664 25. Chapter 832, relating to issuance of worthless checks
- 665 and drafts.
- 666 26. Section 836.05, relating to extortion.
- 667 27. Chapter 837, relating to perjury.
- 668 28. Chapter 838, relating to bribery and misuse of public
- 669 office.
- 670 29. Chapter 843, relating to obstruction of justice.
- 671 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 672 s. 847.07, relating to obscene literature and profanity.

HB 7049

2012

673 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
674 849.25, relating to gambling.

675 32. Chapter 893, relating to drug abuse prevention and
676 control.

677 33. Section 914.22 or s. 914.23, relating to witnesses,
678 victims, or informants.

679 34. Section 918.12 or s. 918.13, relating to tampering
680 with jurors and evidence.

681 Section 16. Subsection (1) of section 794.056, Florida
682 Statutes, is amended to read:

683 794.056 Rape Crisis Program Trust Fund.—

684 (1) The Rape Crisis Program Trust Fund is created within
685 the Department of Health for the purpose of providing funds for
686 rape crisis centers in this state. Trust fund moneys shall be
687 used exclusively for the purpose of providing services for
688 victims of sexual assault. Funds credited to the trust fund
689 consist of those funds collected as an additional court
690 assessment in each case in which a defendant pleads guilty or
691 nolo contendere to, or is found guilty of, regardless of
692 adjudication, an offense provided in s. 775.21(6) and (10)(a),
693 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
694 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
695 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
696 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
697 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.
698 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
699 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
700 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.

HB 7049

2012

701 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 702 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 703 fund also shall include revenues provided by law, moneys
 704 appropriated by the Legislature, and grants from public or
 705 private entities.

706 Section 17. Paragraph (a) of subsection (1) of section
 707 895.02, Florida Statutes, is amended to read:

708 895.02 Definitions.—As used in ss. 895.01-895.08, the
 709 term:

710 (1) "Racketeering activity" means to commit, to attempt to
 711 commit, to conspire to commit, or to solicit, coerce, or
 712 intimidate another person to commit:

713 (a) Any crime that is chargeable by petition, indictment,
 714 or information under the following provisions of the Florida
 715 Statutes:

716 1. Section 210.18, relating to evasion of payment of
 717 cigarette taxes.

718 2. Section 316.1935, relating to fleeing or attempting to
 719 elude a law enforcement officer and aggravated fleeing or
 720 eluding.

721 3. Section 403.727(3)(b), relating to environmental
 722 control.

723 4. Section 409.920 or s. 409.9201, relating to Medicaid
 724 fraud.

725 5. Section 414.39, relating to public assistance fraud.

726 6. Section 440.105 or s. 440.106, relating to workers'
 727 compensation.

728 7. Section 443.071(4), relating to creation of a

729 fictitious employer scheme to commit unemployment compensation
 730 fraud.

731 8. Section 465.0161, relating to distribution of medicinal
 732 drugs without a permit as an Internet pharmacy.

733 9. Section 499.0051, relating to crimes involving
 734 contraband and adulterated drugs.

735 10. Part IV of chapter 501, relating to telemarketing.

736 11. Chapter 517, relating to sale of securities and
 737 investor protection.

738 12. Section 550.235 or s. 550.3551, relating to dogracing
 739 and horseracing.

740 13. Chapter 550, relating to jai alai frontons.

741 14. Section 551.109, relating to slot machine gaming.

742 15. Chapter 552, relating to the manufacture,
 743 distribution, and use of explosives.

744 16. Chapter 560, relating to money transmitters, if the
 745 violation is punishable as a felony.

746 17. Chapter 562, relating to beverage law enforcement.

747 18. Section 624.401, relating to transacting insurance
 748 without a certificate of authority, s. 624.437(4)(c)1., relating
 749 to operating an unauthorized multiple-employer welfare
 750 arrangement, or s. 626.902(1)(b), relating to representing or
 751 aiding an unauthorized insurer.

752 19. Section 655.50, relating to reports of currency
 753 transactions, when such violation is punishable as a felony.

754 20. Chapter 687, relating to interest and usurious
 755 practices.

756 21. Section 721.08, s. 721.09, or s. 721.13, relating to

HB 7049

2012

757 real estate timeshare plans.

758 22. Section 775.13(5)(b), relating to registration of
 759 persons found to have committed any offense for the purpose of
 760 benefiting, promoting, or furthering the interests of a criminal
 761 gang.

762 23. Section 777.03, relating to commission of crimes by
 763 accessories after the fact.

764 24. Chapter 782, relating to homicide.

765 25. Chapter 784, relating to assault and battery.

766 26. Chapter 787, relating to kidnapping or human
 767 trafficking.

768 27. Chapter 790, relating to weapons and firearms.

769 28. Chapter 794, relating to sexual battery, but only if
 770 such crime was committed with the intent to benefit, promote, or
 771 further the interests of a criminal gang, or for the purpose of
 772 increasing a criminal gang member's own standing or position
 773 within a criminal gang.

774 29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.
 775 796.05, or s. 796.07, relating to prostitution and sex
 776 trafficking.

777 30. Chapter 806, relating to arson and criminal mischief.

778 31. Chapter 810, relating to burglary and trespass.

779 32. Chapter 812, relating to theft, robbery, and related
 780 crimes.

781 33. Chapter 815, relating to computer-related crimes.

782 34. Chapter 817, relating to fraudulent practices, false
 783 pretenses, fraud generally, and credit card crimes.

784 35. Chapter 825, relating to abuse, neglect, or

785 exploitation of an elderly person or disabled adult.
 786 36. Section 827.071, relating to commercial sexual
 787 exploitation of children.
 788 37. Chapter 831, relating to forgery and counterfeiting.
 789 38. Chapter 832, relating to issuance of worthless checks
 790 and drafts.
 791 39. Section 836.05, relating to extortion.
 792 40. Chapter 837, relating to perjury.
 793 41. Chapter 838, relating to bribery and misuse of public
 794 office.
 795 42. Chapter 843, relating to obstruction of justice.
 796 43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
 797 s. 847.07, relating to obscene literature and profanity.
 798 44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
 799 849.25, relating to gambling.
 800 45. Chapter 874, relating to criminal gangs.
 801 46. Chapter 893, relating to drug abuse prevention and
 802 control.
 803 47. Chapter 896, relating to offenses related to financial
 804 transactions.
 805 48. Sections 914.22 and 914.23, relating to tampering with
 806 or harassing a witness, victim, or informant, and retaliation
 807 against a witness, victim, or informant.
 808 49. Sections 918.12 and 918.13, relating to tampering with
 809 jurors and evidence.
 810 Section 18. Section 938.085, Florida Statutes, is amended
 811 to read:
 812 938.085 Additional cost to fund rape crisis centers.—In

HB 7049

2012

813 addition to any sanction imposed when a person pleads guilty or
 814 nolo contendere to, or is found guilty of, regardless of
 815 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 816 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 817 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 818 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 819 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;
 820 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.
 821 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 822 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 823 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 824 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and
 825 (14) (c); or s. 985.701(1), the court shall impose a surcharge of
 826 \$151. Payment of the surcharge shall be a condition of
 827 probation, community control, or any other court-ordered
 828 supervision. The sum of \$150 of the surcharge shall be deposited
 829 into the Rape Crisis Program Trust Fund established within the
 830 Department of Health by chapter 2003-140, Laws of Florida. The
 831 clerk of the court shall retain \$1 of each surcharge that the
 832 clerk of the court collects as a service charge of the clerk's
 833 office.

834 Section 19. Paragraphs (d), (g), (h), (i), and (j) of
 835 subsection (3) of section 921.0022, Florida Statutes, are
 836 amended to read:

837 921.0022 Criminal Punishment Code; offense severity
 838 ranking chart.—

- 839 (3) OFFENSE SEVERITY RANKING CHART
- 840 (d) LEVEL 4

HB 7049

2012

841	Florida	Felony	Description
842	Statute	Degree	Description
842	316.1935(3)(a)	2nd	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.
843	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
844	499.0051(2)	3rd	Failure to authenticate pedigree papers.
845	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
846	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
847	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
848			

HB 7049

2012

849	784.075	3rd	Battery on detention or commitment facility staff.
850	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
851	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
852	784.081 (3)	3rd	Battery on specified official or employee.
853	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
854	784.083 (3)	3rd	Battery on code inspector.
855	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
856	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.

HB 7049

2012

857	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
858	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
859	<u>787.07</u>	<u>3rd</u>	<u>Human smuggling.</u>
860	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
861	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
862	790.115 (2) (c)	3rd	Possessing firearm on school property.
863	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
864			

HB 7049

2012

865	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
866	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
867	810.06	3rd	Burglary; possession of tools.
868	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
869	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
870	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
871	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.

HB 7049

2012

872	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
873	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
874	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
875	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
876	837.02 (1)	3rd	Perjury in official proceedings.
877	837.021 (1)	3rd	Make contradictory statements in official proceedings.
878	838.022	3rd	Official misconduct.
879	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.

HB 7049

2012

880	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
881	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
882	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
883	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
884	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
885	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d),

HB 7049

2012

(2) (a), (2) (b), or (2) (c) 4.
drugs).

886

914.14 (2) 3rd Witnesses accepting bribes.

887

914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

888

914.23 (2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

889

918.12 3rd Tampering with jurors.

890

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

891

(g) LEVEL 7

892

Florida	Felony	
Statute	Degree	Description

893

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

894

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

895

HB 7049

2012

896	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
897	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
898	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
899	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
900	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
901	456.065 (2)	3rd	Practicing a health care profession without a license.

HB 7049

2012

902	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
903	458.327 (1)	3rd	Practicing medicine without a license.
904	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
905	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
906	461.012 (1)	3rd	Practicing podiatric medicine without a license.
907	462.17	3rd	Practicing naturopathy without a license.
908	463.015 (1)	3rd	Practicing optometry without a license.
909	464.016 (1)	3rd	Practicing nursing without a license.
	465.015 (2)	3rd	Practicing pharmacy without a

HB 7049

2012

			license.
910	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
911	467.201	3rd	Practicing midwifery without a license.
912	468.366	3rd	Delivering respiratory care services without a license.
913	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
914	483.901 (9)	3rd	Practicing medical physics without a license.
915	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
916	484.053	3rd	Dispensing hearing aids without a license.
917	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property

HB 7049

2012

unlawfully obtained exceeded
\$50,000 and there were five or
more victims.

918

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.

919

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

920

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

921

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

922

775.21 (10) (b) 3rd Sexual predator working where

HB 7049

2012

children regularly congregate.

923

775.21(10)(g)

3rd

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

924

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

925

782.07(1)

2nd

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

926

782.071

2nd

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

927

782.072

2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel

HB 7049

2012

928			homicide).
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
929			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
930			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
931			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
932			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
933			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
934			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
935			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
936			

HB 7049

2012

937	784.081 (1)	1st	Aggravated battery on specified official or employee.
938	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
939	784.083 (1)	1st	Aggravated battery on code inspector.
940	<u>787.06 (3) (a)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services.</u>
941	<u>787.06 (3) (e)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.</u>
942	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
943	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.

HB 7049

2012

944	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
945	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
946	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
947	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
948	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger

HB 7049

2012

than 18 years of age.

949

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

950

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

951

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.

952

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

953

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

954

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

955

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

HB 7049

2012

or battery.

956

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

957

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

958

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

959

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

960

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

961

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

962

HB 7049

2012

963	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
964	812.131 (2) (a)	2nd	Robbery by sudden snatching.
965	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
966	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
967	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
968	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

HB 7049

2012

insolvency of that entity.

969

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

970

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.

971

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

972

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

973

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

974

838.015 2nd Bribery.

975

838.016 2nd Unlawful compensation or reward

HB 7049

2012

976			for official behavior.
977	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
978	838.22	2nd	Bid tampering.
979	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
980	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
981	872.06	2nd	Abuse of a dead human body.
982	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

HB 7049

2012

care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

983

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.

984

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).

985

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

986

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

987

HB 7049

2012

988	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
989	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
990	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
991	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
992	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
993	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
993	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5

HB 7049

2012

kilograms.

994

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

995

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

996

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

997

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

998

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

999

943.0435(8) 2nd Sexual offender; remains in
 state after indicating intent

HB 7049

2012

			to leave; failure to comply with reporting requirements.
1000	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
1001	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1002	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1003	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
1004	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1005	944.607 (12)	3rd	Failure to report or providing false information about a

HB 7049

2012

1006			sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1007			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
1008			
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
1009			
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
1010			
1011	(h)	LEVEL 8	
1012			
	Florida	Felony	
	Statute	Degree	Description
1013			

HB 7049

2012

1014	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
1015	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1016	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
1017	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
1018	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1019	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.
1020	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.

HB 7049

2012

1021	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
1022	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1023	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, aircraft piracy, or unlawfully discharging bomb.
1024	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
1025	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
	782.072 (2)	1st	Committing vessel homicide and

HB 7049

2012

1026			failing to render aid or give information.
1027	<u>787.06(3)(b)</u>	<u>1st</u>	<u>Human trafficking using coercion for commercial sexual activity.</u>
1028	<u>787.06(3)(c)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services of an unauthorized alien.</u>
1029	<u>787.06(3)(f)</u>	<u>1st</u>	<u>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within the state.</u>
1030	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
1031	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

HB 7049

2012

1032	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1033	800.04 (4)	2nd	Lewd or lascivious battery.
1034	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1035	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1036	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1037	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1038	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1039	812.13 (2) (b)	1st	Robbery with a weapon.

HB 7049

2012

1040	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1041	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1042	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1043	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1044	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
1045	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a

HB 7049

2012

1046			capital felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1047			
	860.16	1st	Aircraft piracy.
1048			
	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).
1049			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1050			
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1051			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1052			
	893.135	1st	Trafficking in cocaine, more

HB 7049

2012

1053	(1) (b) 1.b.		than 200 grams, less than 400 grams.
	893.135	1st	Trafficking in illegal drugs,
	(1) (c) 1.b.		more than 14 grams, less than 28 grams.
1054			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
1055			
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
1056			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
1057			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
1058			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1059			

HB 7049

2012

1060	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1061	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1062	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1063	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1064	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1065	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
	896.101 (5) (b)	2nd	Money laundering, financial

HB 7049

2012

1066			transactions totaling or exceeding \$20,000, but less than \$100,000.
	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.
1067			
1068	(i) LEVEL 9		
1069			
	Florida Statute	Felony Degree	Description
1070			
	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1071			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1072			
	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1073			
	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs

HB 7049

2012

1074	560.123 (8) (b) 3.	1st	resulting in great bodily harm. Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1075	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1076	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1077	775.0844	1st	Aggravated white collar crime.
1078	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1079	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

1080

HB 7049

2012

1081	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1082	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1083	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1084	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1085	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery,

HB 7049

2012

1086			molestation, conduct, or exhibition.
	<u>787.06(3)(d)</u>	<u>1st</u>	<u>Human trafficking using coercion for commercial sexual activity of an unauthorized alien.</u>
1087			
	<u>787.06(3)(g)</u>	<u>1st,PBL</u>	<u>Human trafficking for commercial sexual activity of a child under the age of 18.</u>
1088			
	<u>787.06(4)</u>	<u>1st</u>	<u>Selling or buying of minors into human trafficking.</u>
1089			
	790.161	1st	Attempted capital destructive device offense.
1090			
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1091			
	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
1092			
	794.011(2)	Life	Sexual battery; offender

HB 7049

2012

			younger than 18 years and commits sexual battery on a person less than 12 years.
1093	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1094	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1095	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1096			
1097	<u>796.035</u>	<u>1st</u>	<u>Selling or buying of minors into prostitution.</u>
1098	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1099	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1100			

HB 7049

2012

1101	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1102	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1103	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 custodial authority.
1104	827.03 (2)	1st	Aggravated child abuse.
1105	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1106	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink,

HB 7049

2012

			medicine, or water with intent to kill or injure another person.
1107	893.135	1st	Attempted capital trafficking offense.
1108	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1109	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1110	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1111	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1112	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1113	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1114			

HB 7049

2012

1115	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1116	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1117	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
1118	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
1119	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
1120	(j) LEVEL 10		
1121	Florida	Felony	
1122	Statute	Degree	Description
	499.0051 (10)	1st	Knowing sale or purchase of contraband prescription drugs

HB 7049

2012

1123			resulting in death.
	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
1124	<u>782.07 (3)</u>	<u>1st</u>	<u>Aggravated manslaughter of a child.</u>
1125	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
1126	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1127	<u>787.06 (3) (h)</u>	<u>Life</u>	<u>Human trafficking for commercial sexual activity of a child under the age of 15.</u>
1128	782.07 (3)	1st	Aggravated manslaughter of a child.
1129	794.011 (3)	Life	Sexual battery; victim 12 years

HB 7049

2012

or older, offender uses or
threatens to use deadly weapon
or physical force to cause
serious injury.

1130

812.135 (2) (a) 1st, PBL Home-invasion robbery with
firearm or other deadly weapon.

1131

876.32 1st Treason against the state.

1132

1133 Section 20. This act shall take effect July 1, 2012.