

## CHAPTER 2010-163

### House Bill No. 5501

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.008, F.S.; authorizing a county or municipality to use traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic control device; providing that a county or municipality may install such detectors or authorize installation of such detectors by contract or interlocal agreement; restricting such installation and use by a county to unincorporated areas of the county and installation and use by a municipality to the incorporated area of the municipality; providing for such installation and use on state roads under the jurisdiction of the Department of Transportation; providing for contingent effect; amending s. 316.066, F.S.; revising provisions for motor vehicle crash reports; providing for short-form crash reports to be completed under certain circumstances and maintained by the local law enforcement agency; authorizing law enforcement agencies to request supplemental reports from drivers and written reports from witnesses under certain circumstances; amending s. 322.02, F.S.; revising legislative intent relating to delivery of driver's license services by tax collectors; providing that it is the intent of the Legislature to transition all driver license issuance services from the Department of Highway Safety and Motor Vehicles to tax collectors; conforming a cross-reference; amending s. 322.135, F.S.; requiring the department to authorize any or all of the tax collectors in the several counties of the state to serve as its agent for the provision of specified driver's license services; removing an exemption from a fee charged by such agents; directing the department, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties, to develop a plan to transition all driver's license issuance services to county tax collectors; requiring the plan to be submitted to the Legislature; removing procedures for approval of tax collectors as agents upon application by the tax collector; amending s. 322.20, F.S.; providing for county clerks of court and tax collectors to provide 3-year, 7-year, or complete driver records to any person upon collection of specified fees; requiring certain fees collected to be remitted to the department within a certain time period; amending ss. 322.2615, 324.051, 921.0022, F.S.; conforming cross-references; providing an effective date.

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

Section 1. If House Bill 325 or Senate Bill 2166, 2010 Regular Session, is adopted in the same legislative session or an extension thereof and becomes law, subsection (7) is added to section 316.008, Florida Statutes, to read:

316.008 Powers of local authorities.—

(7)(a) A county or municipality may use traffic infraction detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a

traffic signal on streets and highways under its jurisdiction under s. 316.0083. Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

(c) Pursuant to s. 316.0083, a county or municipality may use traffic infraction detectors to enforce a s. 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.

Section 2. Section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

~~(1) The driver of a vehicle which is in any manner involved in a crash resulting in bodily injury to or death of any person or damage to any vehicle or other property in an apparent amount of at least \$500 shall, within 10 days after the crash, forward a written report of such crash to the department or traffic records center. However, when the investigating officer has made a written report of the crash pursuant to subsection (3), no written report need be forwarded to the department or traffic records center by the driver.~~

~~(2) The receiving entity may require any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department and may require witnesses of crashes to render reports to the department.~~

(1)(3)(a) A Florida Traffic Crash Report, Long Form is required to be completed and submitted to the department within 10 days after completing an investigation by every law enforcement officer who in the regular course of duty investigates a motor vehicle crash:

1. That Which crash resulted in death or personal injury shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

2. That Which crash involved a violation of s. 316.061(1) or s. 316.193 shall, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center.

3. In which ~~crash~~ a vehicle was rendered inoperative to a degree ~~that~~ which required a wrecker to remove it from traffic ~~may, within 10 days after completing the investigation, forward a written report of the crash to the department or traffic records center if such action is appropriate, in the officer's discretion.~~

(b) In every ~~crash for ease in which a Florida Traffic Crash Report, Long Form is not required by this section and a written report to a law enforcement officer is not prepared, the law enforcement officer may complete a short-form crash report or provide a short-form crash report to be completed by~~ shall provide each party involved in the crash a short-form report, prescribed by the state, ~~to be completed by the party.~~ The short-form report must include:

1. The date, time, and location of the crash.;
2. A description of the vehicles involved.;
3. The names and addresses of the parties involved.;
4. The names and addresses of witnesses.;
5. The name, badge number, and law enforcement agency of the officer investigating the crash.;
- and
6. The names of the insurance companies for the respective parties involved in the crash.

(c) Each party to the crash shall provide the law enforcement officer with proof of insurance to be included in the crash report. If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party involved in the crash. Any party who fails to provide the required information ~~commits a noncriminal traffic is guilty of an infraction, punishable as for a nonmoving violation, punishable as provided in chapter 318, unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the crash, proof of insurance that was valid at the time of the crash, the law enforcement agency may void the citation.~~

(d) The driver of a vehicle that was in any manner involved in a crash resulting in damage to any vehicle or other property in an amount of \$500 or more, which crash was not investigated by a law enforcement agency, shall, within 10 days after the crash, submit a written report of the crash to the department or traffic records center. The entity receiving the report may require witnesses of crashes to render reports and may require any driver of a vehicle involved in a crash of which a written report must be made as provided in this section to file supplemental written reports whenever the original report is deemed insufficient by the receiving entity.

(e) Short-form crash reports prepared by law enforcement shall be maintained by the law enforcement officer's agency.

~~(2)~~(4)(a) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.

(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A driver who is required to file a crash report must be notified of the proper place to submit the completed report.

(c) Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

For a crash report   \$10 per copy.

For a homicide report   \$25 per copy.

For a uniform traffic citation   \$0.50 per copy.

The fees collected for copies of the public records provided by a certified traffic records center shall be used to fund the center or otherwise as designated by the county or counties participating in the center.

~~(3)~~(5)(a) Crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the

purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver's license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt. In lieu of requiring the written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential and exempt information pursuant to this section.

(4)(6)(a) Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(7) Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. No such report or statement shall be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(6)(8) A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

Section 3. Subsections (1) and (5) of section 322.02, Florida Statutes, are amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution be completed no later than June 30, 2015. The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the department ~~future interests and processes for developing and expanding the department's relationship with tax collectors through contractual relationships for the delivery of driver license services be achieved through the provisions of this chapter, thereby serving best the public interest considering accountability, cost effectiveness, efficiency, responsiveness, and high-quality service to the drivers in Florida.~~

(5) The tax collector in and for his or her county may be designated the exclusive agent of the department to implement and administer the provisions of this chapter as provided by s. 322.135(5).

Section 4. Section 322.135, Florida Statutes, is amended to read:

## 322.135 Driver's license agents.—

(1) The department ~~shall may~~, upon application, authorize any or all of the tax collectors in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver's license services.

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

(c) A service fee of \$6.25 shall be charged, in addition to the fees set forth in this chapter, for providing all services pursuant to this chapter. The service fee may not be charged:

1. More than once per customer during a single visit to a tax collector's office.

2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.

3. For a voter registration transaction.

~~4. For changes in an organ donation registration.~~

~~4.5.~~ In violation of any federal or state law.

(2) Each tax collector is required to give a good and sufficient surety bond, payable to the department, conditioned upon his or her faithfully and truly performing the duties imposed upon him or her according to the requirements of law and the rules of the department and upon his or her accounting for all materials, records, and other property and money that come into his or her possession or control by reason of performing these duties.

(a) The amount of the bond must be determined by the department as an amount not less than 10 percent above the average of the daily deposits of each tax collector.

(b) If a tax collector is also an agent of the department for purposes of s. 320.03, the amount of the bond must be at least 10 percent above the average of the total daily deposits of all funds received by the tax collector on behalf of the department.

(c) Notwithstanding the provisions of s. 320.03, only one bond is required in order for a tax collector to serve as an agent of the department under chapters 320 and 322.

(3) Each tax collector shall keep a full and complete record of all materials, records, and other properties received by him or her from the

department, or from any other source, and shall make prompt remittance of moneys collected by him or her at such times and in such manner as prescribed by law, in accordance with departmental rules.

(4) A tax collector may not issue or renew a driver's license if he or she has any reason to believe that the licensee or prospective licensee is physically or mentally unqualified to operate a motor vehicle. The tax collector may direct any such licensee to the department for examination or reexamination under s. 322.221.

(5) The department, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties, shall develop a plan to transition all driver's license issuance services to the county tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution. The transition plan must be submitted to the President of the Senate and the Speaker of the House of Representatives on or before February 1, 2011. The transition plan must include a timeline to complete the full transition of all driver's license issuance services no later than June 30, 2015, and may include, but is not limited to, recommendations on the use of regional service centers, interlocal agreements, and equipment. The county tax collector at his or her option may apply to the department for approval by the executive director to be the exclusive agent of the department for his or her county to administer driver license services as provided and authorized in this chapter.

~~(a) The application by the county tax collector shall be in writing to the executive director of the department. The application must be submitted by September 1 to be effective for the state's subsequent fiscal year beginning July 1.~~

~~(b) The department shall provide a form for such application, which shall include the following information:~~

~~1. Locations within the county where offices and branch offices for driver license services are proposed.~~

~~2. The designation by the tax collector of the driver license functions to be performed by the tax collector in the county.~~

~~3. Any anticipated capital acquisition or construction costs.~~

~~4. A projection of equipment available or to be provided by the department.~~

~~5. All anticipated operating costs, including facilities, equipment, and personnel to administer driver license services.~~

~~(c) The department shall review applications on or before September 1 of each year. The department shall compare the costs included in the information submitted in the application with the related costs incurred by the department to accomplish the same level of services. The department~~

~~shall approve or deny an application within 60 calendar days after the application is received unless the department and the applicant agree mutually to a specific alternative date.~~

~~(d) The department may provide technical assistance to an applicant upon request.~~

~~(6) Administration of driver license services by a county tax collector as the exclusive agent of the department must be revenue neutral with no adverse state fiscal impact and with no adverse unfunded mandate to the tax collector.~~

~~(7) Upon approval by the department for a tax collector to provide exclusive driver license services in a county, the department and the applicable tax collector shall develop a transition plan for the orderly transfer of service responsibilities to the tax collector. This plan shall include, but is not limited to:~~

~~(a) The specifics of any possible use of any state-owned or leased facilities giving consideration to lease expiration date, cancellation provisions, and possibilities for sublease of such facilities.~~

~~(b) Consideration of staffing needs of the tax collector, either the assumption by the collector or departmental relocation of employees adversely affected.~~

~~(c) The execution of a standard agreement between the department and the tax collector for providing driver license services.~~

~~(8) The county tax collector, as the exclusive agent of the Department of Highway Safety and Motor Vehicles, shall be paid fees for driver license services.~~

~~(6)(9)~~ Notwithstanding chapter 116, each county officer within this state who is authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfers.

Section 5. Subsection (11) of section 322.20, Florida Statutes, is amended to read:

322.20 Records of the department; fees; destruction of records.—

(11)(a) The department may charge the following fees for the following services and documents:

1. For providing a transcript of any one individual's driver history record or any portion thereof for the past 3 years or for searching for such record when no record is found on file \$8

2. For providing a transcript of any one individual's driver history record or any portion thereof for the past 7 years ~~or for searching for such record when no record is found on file~~ \$10

3. For providing a certified copy of a transcript of the driver history record or any portion thereof for any one individual \$10

4. For providing a certified photographic copy of a document, per page \$1

5. For providing an exemplified record \$15

6. For providing photocopies of documents, papers, letters, clearances, or license or insurance status reports, per page \$0.50

7. For assisting persons in searching any one individual's driver record at a terminal located at the department's general headquarters in Tallahassee \$2

8. For searching for any one individual's driver history record when no record is found on file \$2

9. For electronically searching for any one individual's driver history record to determine if the record meets requested criteria \$0.01

(b) The department shall furnish such information without charge to any local, state, or federal law enforcement agency or court upon proof satisfactory to the department as to the purpose of the investigation.

(c) The clerks of court and tax collectors authorized under s. 322.135, may provide 3-year, 7-year, or complete driver records to any person requesting such records upon payment of the appropriate fees. In addition to the fees authorized under paragraph (a), clerks of court and tax collectors may assess the fee listed in s. 322.135(1)(c) for this service. The applicable record fees listed in paragraph (a) must be remitted to the department no later than 5 days after payment is received, unless a shorter remittance period is required by law.

Section 6. Subsection (2) of section 322.2615, Florida Statutes, is amended to read:

322.2615 Suspension of license; right to review.—

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver's license; an affidavit stating the officer's grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the

officer's description of the person's field sobriety test, if any; the notice of suspension; and a copy of the crash report, if any. The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department's ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of a videotape of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(5)(7), the crash report shall be considered by the hearing officer.

Section 7. Paragraph (a) of subsection (1) of section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)(a) Every law enforcement officer who, in the regular course of duty either at the time of and at the scene of the crash or thereafter by interviewing participants or witnesses, investigates a motor vehicle crash which he or she is required to report pursuant to s. 316.066(1)(3) shall forward a written report of the crash to the department within 10 days of completing the investigation. However, when the investigation of a crash will take more than 10 days to complete, a preliminary copy of the crash report shall be forwarded to the department within 10 days after of the occurrence of the crash, to be followed by a final report within 10 days after completion of the investigation. The report shall be on a form and contain information consistent with the requirements of s. 316.068.

Section 8. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

### (3) OFFENSE SEVERITY RANKING CHART

#### (c) LEVEL 3

| Florida Statute      | Felony Degree | Description                                                                                               |
|----------------------|---------------|-----------------------------------------------------------------------------------------------------------|
| 119.10(2)(b)         | 3rd           | Unlawful use of confidential information from police reports.                                             |
| 316.066(4)(6)(b)-(d) | 3rd           | Unlawfully obtaining or using confidential crash reports.                                                 |
| 316.193(2)(b)        | 3rd           | Felony DUI, 3rd conviction.                                                                               |
| 316.1935(2)          | 3rd           | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |

| Florida<br>Statute | Felony<br>Degree | Description                                                                                                                                                                                                                                        |
|--------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 319.30(4)          | 3rd              | Possession by junkyard of motor vehicle with identification number plate removed.                                                                                                                                                                  |
| 319.33(1)(a)       | 3rd              | Alter or forge any certificate of title to a motor vehicle or mobile home.                                                                                                                                                                         |
| 319.33(1)(c)       | 3rd              | Procure or pass title on stolen vehicle.                                                                                                                                                                                                           |
| 319.33(4)          | 3rd              | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.                                                                                                                                        |
| 327.35(2)(b)       | 3rd              | Felony BUI.                                                                                                                                                                                                                                        |
| 328.05(2)          | 3rd              | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.                                                                                                                                                |
| 328.07(4)          | 3rd              | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.                                                                                                                                                                      |
| 376.302(5)         | 3rd              | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.                                                                                                                                                        |
| 379.2431(1)(e)5.   | 3rd              | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act. |
| 379.2431(1)(e)6.   | 3rd              | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.                                                                                                                                                      |
| 400.9935(4)        | 3rd              | Operating a clinic without a license or filing false license application or other required information.                                                                                                                                            |
| 440.1051(3)        | 3rd              | False report of workers' compensation fraud or retaliation for making such a report.                                                                                                                                                               |
| 501.001(2)(b)      | 2nd              | Tampers with a consumer product or the container using materially false/misleading information.                                                                                                                                                    |
| 624.401(4)(a)      | 3rd              | Transacting insurance without a certificate of authority.                                                                                                                                                                                          |
| 624.401(4)(b)1.    | 3rd              | Transacting insurance without a certificate of authority; premium collected less than \$20,000.                                                                                                                                                    |

| Florida Statute     | Felony Degree | Description                                                                                             |
|---------------------|---------------|---------------------------------------------------------------------------------------------------------|
| 626.902(1)(a) & (b) | 3rd           | Representing an unauthorized insurer.                                                                   |
| 697.08              | 3rd           | Equity skimming.                                                                                        |
| 790.15(3)           | 3rd           | Person directs another to discharge firearm from a vehicle.                                             |
| 796.05(1)           | 3rd           | Live on earnings of a prostitute.                                                                       |
| 806.10(1)           | 3rd           | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.              |
| 806.10(2)           | 3rd           | Interferes with or assaults firefighter in performance of duty.                                         |
| 810.09(2)(c)        | 3rd           | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.         |
| 812.014(2)(c)2.     | 3rd           | Grand theft; \$5,000 or more but less than \$10,000.                                                    |
| 812.0145(2)(c)      | 3rd           | Theft from person 65 years of age or older; \$300 or more but less than \$10,000.                       |
| 815.04(4)(b)        | 2nd           | Computer offense devised to defraud or obtain property.                                                 |
| 817.034(4)(a)3.     | 3rd           | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 817.233             | 3rd           | Burning to defraud insurer.                                                                             |
| 817.234(8)(b)-(c)   | 3rd           | Unlawful solicitation of persons involved in motor vehicle accidents.                                   |
| 817.234(11)(a)      | 3rd           | Insurance fraud; property value less than \$20,000.                                                     |
| 817.236             | 3rd           | Filing a false motor vehicle insurance application.                                                     |
| 817.2361            | 3rd           | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.                  |
| 817.413(2)          | 3rd           | Sale of used goods as new.                                                                              |
| 817.505(4)          | 3rd           | Patient brokering.                                                                                      |
| 828.12(2)           | 3rd           | Tortures any animal with intent to inflict intense pain, serious physical injury, or death.             |

| Florida Statute | Felony Degree | Description                                                                                                                                                                                    |
|-----------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 831.28(2)(a)    | 3rd           | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.                                                                                     |
| 831.29          | 2nd           | Possession of instruments for counterfeiting drivers' licenses or identification cards.                                                                                                        |
| 838.021(3)(b)   | 3rd           | Threatens unlawful harm to public servant.                                                                                                                                                     |
| 843.19          | 3rd           | Injure, disable, or kill police dog or horse.                                                                                                                                                  |
| 860.15(3)       | 3rd           | Overcharging for repairs and parts.                                                                                                                                                            |
| 870.01(2)       | 3rd           | Riot; inciting or encouraging.                                                                                                                                                                 |
| 893.13(1)(a)2.  | 3rd           | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).                          |
| 893.13(1)(d)2.  | 2nd           | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.              |
| 893.13(1)(f)2.  | 2nd           | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility. |
| 893.13(6)(a)    | 3rd           | Possession of any controlled substance other than felony possession of cannabis.                                                                                                               |
| 893.13(7)(a)8.  | 3rd           | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.                                                                               |
| 893.13(7)(a)9.  | 3rd           | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.                                                                                                    |
| 893.13(7)(a)10. | 3rd           | Affix false or forged label to package of controlled substance.                                                                                                                                |
| 893.13(7)(a)11. | 3rd           | Furnish false or fraudulent material information on any document or record required by chapter 893.                                                                                            |

| Florida<br>Statute | Felony<br>Degree | Description                                                                                                                                                                                                |
|--------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 893.13(8)(a)1.     | 3rd              | Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice. |
| 893.13(8)(a)2.     | 3rd              | Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.                                                      |
| 893.13(8)(a)3.     | 3rd              | Knowingly write a prescription for a controlled substance for a fictitious person.                                                                                                                         |
| 893.13(8)(a)4.     | 3rd              | Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.                      |
| 918.13(1)(a)       | 3rd              | Alter, destroy, or conceal investigation evidence.                                                                                                                                                         |
| 944.47(1)(a)1.-2.  | 3rd              | Introduce contraband to correctional facility.                                                                                                                                                             |
| 944.47(1)(c)       | 2nd              | Possess contraband while upon the grounds of a correctional institution.                                                                                                                                   |
| 985.721            | 3rd              | Escapes from a juvenile facility (secure detention or residential commitment facility).                                                                                                                    |

Section 9. This act shall take effect July 1, 2010.

Approved by the Governor May 28, 2010.

Filed in Office Secretary of State May 28, 2010.