

## CHAPTER 2016-173

### Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 912

An act relating to fraudulent activities associated with payment systems; amending s. 316.80, F.S.; revising the felony classification for unlawful conveyance of fuel; amending s. 525.07, F.S.; specifying requirements for managers of petroleum fuel measuring devices with respect to accurate measurement; requiring retail petroleum fuel measuring devices fitted with scanning devices to have certain security measures; providing requirements for such measures; requiring the owner or operator of a device to have certain security measures in place within a specified timeframe upon notice from the Department of Agriculture and Consumer Services; authorizing the department, under certain circumstances, to prohibit use of or to remove from service such devices that are noncompliant; defining terms; providing applicability; requiring the department to enforce certain provisions; providing rulemaking authority; amending s. 817.58, F.S.; revising the definition of “traffic”; amending s. 817.611, F.S.; defining the term “related document”; revising the prohibition against trafficking in or possession of counterfeit credit cards; revising penalties; amending s. 921.0022, F.S.; revising the ranking of unlawful conveyance or fraudulent acquisition of fuel on the offense severity ranking chart; ranking trafficking in or possession of counterfeit credit cards; providing an effective date.

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

Section 1. Subsection (2) of section 316.80, Florida Statutes, is amended to read:

316.80 Unlawful conveyance of fuel; obtaining fuel fraudulently.—

(2) A ~~Any~~ person who violates subsection (1) commits a felony of the second ~~third~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she has attempted to or has fraudulently obtained motor or diesel fuel by:

(a) Presenting a credit card or a credit card account number in violation of ss. 817.57-817.685;

(b) Using unauthorized access to any computer network in violation of s. 815.06; or

(c) Using a fraudulently scanned or lost or stolen payment access device, whether credit card or contactless device.

Section 2. Subsections (3) and (4) of section 525.07, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

525.07 Powers and duties of department; inspections; unlawful acts.—

(3) ~~Each person who owns or manages~~ All persons who own or operate a petroleum fuel measuring device shall be responsible for ensuring accurate measure by the device within the tolerances defined by the rule. An appropriate security seal shall be placed on all measuring devices found to be giving accurate measure within the tolerances defined by the department in such a way that the metering adjustment cannot be changed without breaking the seal.

(4) ~~A~~ Any measuring device that is found to be operating outside the tolerances defined by the department shall be deemed inaccurate and the department, at its discretion, shall either:

(a) Give, in writing, the ~~operator or owner or manager~~ operator or owner or manager of the measuring device a reasonable time to repair the measuring device; or

(b) Condemn or prohibit the further use of the measuring device by using an appropriate security seal to obstruct the mechanism so that it cannot be operated without breaking the seal. The measuring device shall not be operated in this state again without the written consent of the department.

(10)(a) Each person who owns or manages a retail petroleum fuel measuring device shall have affixed to or installed onto the measuring device a security measure to restrict the unauthorized access of customer payment card information. The security measure must include one or more of the following:

1. The placement of pressure-sensitive security tape over the panel opening that leads to the scanning device for the retail petroleum fuel measuring device in a manner that will restrict the unauthorized opening of the panel.

2. A device or system that will render the retail petroleum fuel measuring device or the scanning device in the measuring device inoperable if there is an unauthorized opening of the panel.

3. A device or system that encrypts the customer payment card information in the scanning device.

4. Another security measure approved by the department.

(b) The owner or manager of a retail petroleum fuel measuring device without a security measure or with an altered or damaged security measure, upon written notice from the department of such noncompliance, shall have 5 calendar days to comply with this subsection. After the fifth day of noncompliance, the department may prohibit further use of the retail petroleum fuel measuring device until a security measure is installed, replaced, or repaired. A repeat violation found on the same retail petroleum fuel measuring device will be cause for the department to immediately take the measuring device out of service.

(c) For purposes of this subsection, the terms “scanning device” and “payment card” have the same meanings as defined in s. 817.625.

(d) This subsection applies only to retail petroleum fuel measuring devices that have a scanning device.

(e) The department shall enforce, and may adopt rules to administer, this subsection.

Section 3. Subsection (10) of section 817.58, Florida Statutes, is amended to read:

817.58 Definitions.—As used in ss. 817.57-817.685:

(10) “Traffic” means to sell, transfer, distribute, dispense, or otherwise dispose of a property or to buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.

Section 4. Section 817.611, Florida Statutes, is amended to read:

817.611 Traffic in or possess counterfeit credit cards.—

(1) As used in this section, the term “related document” means an invoice, a voucher, a sales draft, or other representation or manifestation of a counterfeit credit card or a credit card number of a cardholder if not authorized by the cardholder.

(2) A Any person who traffics in, or attempts to traffic in, or possesses 10 or more counterfeit credit cards or related documents, invoices, vouchers, sales drafts, or other representations or manifestations of counterfeit credit cards, or credit card account numbers of another in any 6-month period is guilty of:

(a) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person traffics in, attempts to traffic in, or possesses 5 to 14 counterfeit credit cards or related documents.

(b) A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person traffics in, attempts to traffic in, or possesses 15 to 49 counterfeit credit cards or related documents.

(c) A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person traffics in, attempts to traffic in, or possesses 50 or more counterfeit credit cards or related documents.

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

## (e) LEVEL 5

| Florida Statute      | Felony Degree | Description   |
|----------------------|---------------|---|
| 316.027(2)(a)        | 3rd           | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.                             |
| 316.1935(4)(a)       | 2nd           | Aggravated fleeing or eluding.  |
| <u>316.80(2)</u>     | <u>2nd</u>    | <u>Unlawful conveyance of fuel; obtaining fuel fraudulently.</u>  |
| 322.34(6)            | 3rd           | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.                            |
| 327.30(5)            | 3rd           | Vessel accidents involving personal injury; leaving scene.  |
| 379.367(4)           | 3rd           | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.  |
| 379.3671<br>(2)(c)3. | 3rd           | Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.            |
| 381.0041(11)(b)      | 3rd           | Donate blood, plasma, or organs knowing HIV positive.   |
| 440.10(1)(g)         | 2nd           | Failure to obtain workers' compensation coverage.   |
| 440.105(5)           | 2nd           | Unlawful solicitation for the purpose of making workers' compensation claims.   |
| 440.381(2)           | 2nd           | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401(4)(b)2.      | 2nd           | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.               |
| 626.902(1)(c)        | 2nd           | Representing an unauthorized insurer; repeat offender.  |
| 790.01(2)            | 3rd           | Carrying a concealed firearm.   |
| 790.162              | 2nd           | Threat to throw or discharge destructive device.  |

| Florida Statute                 | Felony Degree | Description  |
|---------------------------------|---------------|--|
| 790.163(1)                      | 2nd           | False report of deadly explosive or weapon of mass destruction.  |
| 790.221(1)                      | 2nd           | Possession of short-barreled shotgun or machine gun.   |
| 790.23                          | 2nd           | Felons in possession of firearms, ammunition, or electronic weapons or devices.  |
| 796.05(1)                       | 2nd           | Live on earnings of a prostitute; 1st offense.   |
| 800.04(6)(c)                    | 3rd           | Lewd or lascivious conduct; offender less than 18 years of age.  |
| 800.04(7)(b)                    | 2nd           | Lewd or lascivious exhibition; offender 18 years of age or older.  |
| 806.111(1)                      | 3rd           | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.   |
| 812.0145(2)(b)                  | 2nd           | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.   |
| 812.015(8)                      | 3rd           | Retail theft; property stolen is valued at \$300 or more and one or more specified acts.   |
| 812.019(1)                      | 2nd           | Stolen property; dealing in or trafficking in.   |
| 812.131(2)(b)                   | 3rd           | Robbery by sudden snatching.   |
| 812.16(2)                       | 3rd           | Owning, operating, or conducting a chop shop.  |
| 817.034(4)(a)2.                 | 2nd           | Communications fraud, value \$20,000 to \$50,000.  |
| 817.234(11)(b)                  | 2nd           | Insurance fraud; property value \$20,000 or more but less than \$100,000.  |
| 817.2341(1),<br>(2)(a) & (3)(a) | 3rd           | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| <u>817.611(2)(a)</u>            | <u>2nd</u>    | <u>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</u>  |

| Florida Statute       | Felony Degree | Description   |
|-----------------------|---------------|---|
| 817.568(2)(b)         | 2nd           | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons. |
| 817.625(2)(b)         | 2nd           | Second or subsequent fraudulent use of scanning device or reencoder.  |
| 825.1025(4)           | 3rd           | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.   |
| 827.071(4)            | 2nd           | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.   |
| 827.071(5)            | 3rd           | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.  |
| 839.13(2)(b)          | 2nd           | Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.   |
| 843.01                | 3rd           | Resist officer with violence to person; resist arrest with violence.  |
| 847.0135(5)(b)        | 2nd           | Lewd or lascivious exhibition using computer; offender 18 years or older.   |
| 847.0137<br>(2) & (3) | 3rd           | Transmission of pornography by electronic device or equipment.  |
| 847.0138<br>(2) & (3) | 3rd           | Transmission of material harmful to minors to a minor by electronic device or equipment.  |
| 874.05(1)(b)          | 2nd           | Encouraging or recruiting another to join a criminal gang; second or subsequent offense.  |
| 874.05(2)(a)          | 2nd           | Encouraging or recruiting person under 13 years of age to join a criminal gang.   |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 893.13(1)(a)1.  | 2nd           | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).  |
| 893.13(1)(c)2.  | 2nd           | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(d)1.  | 1st           | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.  |
| 893.13(1)(e)2.  | 2nd           | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.  |
| 893.13(1)(f)1.  | 1st           | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.  |
| 893.13(4)(b)    | 2nd           | Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).  |
| 893.1351(1)     | 3rd           | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.  |

## (g) LEVEL 7

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 316.027(2)(c)   | 1st           | Accident involving death, failure to stop; leaving scene. |
| 316.193(3)(c)2. | 3rd           | DUI resulting in serious bodily injury.                   |

| Florida Statute       | Felony Degree | Description  |
|-----------------------|---------------|--|
| 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. |
| 327.35(3)(c)2.        | 3rd           | Vessel BUI resulting in serious bodily injury.   |
| 402.319(2)            | 2nd           | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.   |
| 409.920<br>(2)(b)1.a. | 3rd           | Medicaid provider fraud; \$10,000 or less.   |
| 409.920<br>(2)(b)1.b. | 2nd           | Medicaid provider fraud; more than \$10,000, but less than \$50,000.   |
| 456.065(2)            | 3rd           | Practicing a health care profession without a license.   |
| 456.065(2)            | 2nd           | Practicing a health care profession without a license which results in serious bodily injury.  |
| 458.327(1)            | 3rd           | Practicing medicine without a license.   |
| 459.013(1)            | 3rd           | Practicing osteopathic medicine without a license.   |
| 460.411(1)            | 3rd           | Practicing chiropractic medicine without a license.  |
| 461.012(1)            | 3rd           | Practicing podiatric medicine without a license.   |
| 462.17                | 3rd           | Practicing naturopathy without a license.  |
| 463.015(1)            | 3rd           | Practicing optometry without a license.  |
| 464.016(1)            | 3rd           | Practicing nursing without a license.  |
| 465.015(2)            | 3rd           | Practicing pharmacy without a license.   |
| 466.026(1)            | 3rd           | Practicing dentistry or dental hygiene without a license.  |
| 467.201               | 3rd           | Practicing midwifery without a license.  |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 468.366         | 3rd           | Delivering respiratory care services without a license.   |
| 483.828(1)      | 3rd           | Practicing as clinical laboratory personnel without a license.  |
| 483.901(9)      | 3rd           | Practicing medical physics without a license.   |
| 484.013(1)(c)   | 3rd           | Preparing or dispensing optical devices without a prescription.   |
| 484.053         | 3rd           | Dispensing hearing aids without a license.  |
| 494.0018(2)     | 1st           | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 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.                                      |
| 560.125(5)(a)   | 3rd           | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.                                     |
| 655.50(10)(b)1. | 3rd           | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.   |
| 775.21(10)(a)   | 3rd           | Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.                                |
| 775.21(10)(b)   | 3rd           | Sexual predator working where children regularly congregate.  |
| 775.21(10)(g)   | 3rd           | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.  |
| 782.051(3)      | 2nd           | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.                                       |
| 782.07(1)       | 2nd           | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).   |

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 782.071         | 2nd           | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).                    |
| 782.072         | 2nd           | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).  |
| 784.045(1)(a)1. | 2nd           | Aggravated battery; intentionally causing great bodily harm or disfigurement.  |
| 784.045(1)(a)2. | 2nd           | Aggravated battery; using deadly weapon.   |
| 784.045(1)(b)   | 2nd           | Aggravated battery; perpetrator aware victim pregnant.   |
| 784.048(4)      | 3rd           | Aggravated stalking; violation of injunction or court order.   |
| 784.048(7)      | 3rd           | Aggravated stalking; violation of court order.   |
| 784.07(2)(d)    | 1st           | Aggravated battery on law enforcement officer.   |
| 784.074(1)(a)   | 1st           | Aggravated battery on sexually violent predators facility staff.   |
| 784.08(2)(a)    | 1st           | Aggravated battery on a person 65 years of age or older.   |
| 784.081(1)      | 1st           | Aggravated battery on specified official or employee.  |
| 784.082(1)      | 1st           | Aggravated battery by detained person on visitor or other detainee.  |
| 784.083(1)      | 1st           | Aggravated battery on code inspector.  |
| 787.06(3)(a)2.  | 1st           | Human trafficking using coercion for labor and services of an adult.   |
| 787.06(3)(e)2.  | 1st           | Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state. |
| 790.07(4)       | 1st           | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).  |

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 790.16(1)       | 1st           | Discharge of a machine gun under specified circumstances.  |
| 790.165(2)      | 2nd           | Manufacture, sell, possess, or deliver hoax bomb.  |
| 790.165(3)      | 2nd           | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.   |
| 790.166(3)      | 2nd           | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.  |
| 790.166(4)      | 2nd           | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.                                 |
| 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 than 18 years of age.                             |
| 796.05(1)       | 1st           | Live on earnings of a prostitute; 2nd offense.   |
| 796.05(1)       | 1st           | Live on earnings of a prostitute; 3rd and subsequent offense.  |
| 800.04(5)(c)1.  | 2nd           | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.  |
| 800.04(5)(c)2.  | 2nd           | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.                               |
| 800.04(5)(e)    | 1st           | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 806.01(2)       | 2nd           | Maliciously damage structure by fire or explosive.   |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 810.02(3)(a)    | 2nd           | Burglary of occupied dwelling; unarmed; no assault or battery.  |
| 810.02(3)(b)    | 2nd           | Burglary of unoccupied dwelling; unarmed; no assault or battery.  |
| 810.02(3)(d)    | 2nd           | Burglary of occupied conveyance; unarmed; no assault or battery.  |
| 810.02(3)(e)    | 2nd           | Burglary of authorized emergency vehicle.   |
| 812.014(2)(a)1. | 1st           | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 812.014(2)(b)2. | 2nd           | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.   |
| 812.014(2)(b)3. | 2nd           | Property stolen, emergency medical equipment; 2nd degree grand theft.   |
| 812.014(2)(b)4. | 2nd           | Property stolen, law enforcement equipment from authorized emergency vehicle.   |
| 812.0145(2)(a)  | 1st           | Theft from person 65 years of age or older; \$50,000 or more.   |
| 812.019(2)      | 1st           | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.  |
| 812.131(2)(a)   | 2nd           | Robbery by sudden snatching.  |
| 812.133(2)(b)   | 1st           | Carjacking; no firearm, deadly weapon, or other weapon.   |
| 817.034(4)(a)1. | 1st           | Communications fraud, value greater than \$50,000.  |
| 817.234(8)(a)   | 2nd           | Solicitation of motor vehicle accident victims with intent to defraud.  |
| 817.234(9)      | 2nd           | Organizing, planning, or participating in an intentional motor vehicle collision.   |
| 817.234(11)(c)  | 1st           | Insurance fraud; property value \$100,000 or more.  |

| Florida Statute             | Felony Degree | Description  |
|-----------------------------|---------------|--|
| 817.2341<br>(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 insolvency of that entity. |
| 817.535(2)(a)               | 3rd           | Filing false lien or other unauthorized document.  |
| <u>817.611(2)(b)</u>        | <u>2nd</u>    | <u>Traffic in or possess 15 to 49 counterfeit credit cards or related documents.</u>   |
| 825.102(3)(b)               | 2nd           | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.  |
| 825.103(3)(b)               | 2nd           | Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.   |
| 827.03(2)(b)                | 2nd           | Neglect of a child causing great bodily harm, disability, or disfigurement.  |
| 827.04(3)                   | 3rd           | Impregnation of a child under 16 years of age by person 21 years of age or older.  |
| 837.05(2)                   | 3rd           | Giving false information about alleged capital felony to a law enforcement officer.  |
| 838.015                     | 2nd           | Bribery.   |
| 838.016                     | 2nd           | Unlawful compensation or reward for official behavior.   |
| 838.021(3)(a)               | 2nd           | Unlawful harm to a public servant.   |
| 838.22                      | 2nd           | Bid tampering.   |
| 843.0855(2)                 | 3rd           | Impersonation of a public officer or employee.   |
| 843.0855(3)                 | 3rd           | Unlawful simulation of legal process.  |
| 843.0855(4)                 | 3rd           | Intimidation of a public officer or employee.  |
| 847.0135(3)                 | 3rd           | Solicitation of a child, via a computer service, to commit an unlawful sex act.  |
| 847.0135(4)                 | 2nd           | Traveling to meet a minor to commit an unlawful sex act.   |

| Florida Statute   | Felony Degree | Description  |
|-------------------|---------------|--|
| 872.06            | 2nd           | Abuse of a dead human body.  |
| 874.05(2)(b)      | 1st           | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.   |
| 874.10            | 1st,PBL       | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.   |
| 893.13(1)(c)1.    | 1st           | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 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.   |
| 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).  |
| 893.135(1)(a)1.   | 1st           | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.   |
| 893.135(1)(b)1.a. | 1st           | Trafficking in cocaine, more than 28 grams, less than 200 grams.   |
| 893.135(1)(c)1.a. | 1st           | Trafficking in illegal drugs, more than 4 grams, less than 14 grams.   |
| 893.135(1)(c)2.a. | 1st           | Trafficking in hydrocodone, 14 grams or more, less than 28 grams.  |
| 893.135(1)(c)2.b. | 1st           | Trafficking in hydrocodone, 28 grams or more, less than 50 grams.  |
| 893.135(1)(c)3.a. | 1st           | Trafficking in oxycodone, 7 grams or more, less than 14 grams.   |
| 893.135(1)(c)3.b. | 1st           | Trafficking in oxycodone, 14 grams or more, less than 25 grams.  |

| Florida Statute       | Felony Degree | Description  |
|-----------------------|---------------|--|
| 893.135(1)(d)1.       | 1st           | Trafficking in phencyclidine, more than 28 grams, less than 200 grams.   |
| 893.135(1)(e)1.       | 1st           | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.   |
| 893.135(1)(f)1.       | 1st           | Trafficking in amphetamine, more than 14 grams, less than 28 grams.  |
| 893.135<br>(1)(g)1.a. | 1st           | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.   |
| 893.135<br>(1)(h)1.a. | 1st           | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.   |
| 893.135<br>(1)(j)1.a. | 1st           | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.  |
| 893.135<br>(1)(k)2.a. | 1st           | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.   |
| 893.1351(2)           | 2nd           | Possession of place for trafficking in or manufacturing of controlled substance.   |
| 896.101(5)(a)         | 3rd           | Money laundering, financial transactions exceeding \$300 but less than \$20,000.   |
| 896.104(4)(a)1.       | 3rd           | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 943.0435(4)(c)        | 2nd           | Sexual offender vacating permanent residence; failure to comply with reporting requirements.   |
| 943.0435(8)           | 2nd           | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.                       |
| 943.0435(9)(a)        | 3rd           | Sexual offender; failure to comply with reporting requirements.  |
| 943.0435(13)          | 3rd           | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.                           |

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 943.0435(14)    | 3rd           | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 944.607(9)      | 3rd           | Sexual offender; failure to comply with reporting requirements.  |
| 944.607(10)(a)  | 3rd           | Sexual offender; failure to submit to the taking of a digitized photograph.  |
| 944.607(12)     | 3rd           | Failure to report or providing false information about a 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; providing false registration information. |
| 985.4815(10)    | 3rd           | Sexual offender; failure to submit to the taking of a digitized photograph.  |
| 985.4815(12)    | 3rd           | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.                           |
| 985.4815(13)    | 3rd           | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |

## (h) LEVEL 8

| Florida Statute       | Felony Degree | Description  |
|-----------------------|---------------|--|
| 316.193<br>(3)(c)3.a. | 2nd           | DUI manslaughter.  |
| 316.1935(4)(b)        | 1st           | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
| 327.35(3)(c)3.        | 2nd           | Vessel BUI manslaughter.   |
| 499.0051(7)           | 1st           | Knowing trafficking in contraband prescription drugs.                        |
| 499.0051(8)           | 1st           | Knowing forgery of prescription labels or prescription drug labels.          |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 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.   |
| 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.   |
| 655.50(10)(b)2. | 2nd           | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.   |
| 777.03(2)(a)    | 1st           | Accessory after the fact, capital felony.   |
| 782.04(4)       | 2nd           | Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb. |
| 782.051(2)      | 1st           | Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).   |
| 782.071(1)(b)   | 1st           | Committing vehicular homicide and failing to render aid or give information.  |
| 782.072(2)      | 1st           | Committing vessel homicide and failing to render aid or give information.   |
| 787.06(3)(a)1.  | 1st           | Human trafficking for labor and services of a child.  |
| 787.06(3)(b)    | 1st           | Human trafficking using coercion for commercial sexual activity of an adult.  |
| 787.06(3)(c)2.  | 1st           | Human trafficking using coercion for labor and services of an unauthorized alien adult.   |
| 787.06(3)(e)1.  | 1st           | Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.  |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 787.06(3)(f)2.  | 1st           | Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.                         |
| 790.161(3)      | 1st           | Discharging a destructive device which results in bodily harm or property damage.   |
| 794.011(5)(a)   | 1st           | Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury. |
| 794.011(5)(b)   | 2nd           | Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.  |
| 794.011(5)(c)   | 2nd           | Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.                               |
| 794.011(5)(d)   | 1st           | Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.           |
| 794.08(3)       | 2nd           | Female genital mutilation, removal of a victim younger than 18 years of age from this state.  |
| 800.04(4)(b)    | 2nd           | Lewd or lascivious battery.   |
| 800.04(4)(c)    | 1st           | Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.  |
| 806.01(1)       | 1st           | Maliciously damage dwelling or structure by fire or explosive, believing person in structure.   |
| 810.02(2)(a)    | 1st,PBL       | Burglary with assault or battery.   |
| 810.02(2)(b)    | 1st,PBL       | Burglary; armed with explosives or dangerous weapon.  |

| Florida Statute      | Felony Degree | Description  |
|----------------------|---------------|--|
| 810.02(2)(c)         | 1st           | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.                                  |
| 812.014(2)(a)2.      | 1st           | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.  |
| 812.13(2)(b)         | 1st           | Robbery with a weapon.   |
| 812.135(2)(c)        | 1st           | Home-invasion robbery, no firearm, deadly weapon, or other weapon.   |
| 817.535(2)(b)        | 2nd           | Filing false lien or other unauthorized document; second or subsequent offense.  |
| 817.535(3)(a)        | 2nd           | Filing false lien or other unauthorized document; property owner is a public officer or employee.                                  |
| 817.535(4)(a)1.      | 2nd           | Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.                                  |
| 817.535(5)(a)        | 2nd           | Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument. |
| 817.568(6)           | 2nd           | Fraudulent use of personal identification information of an individual under the age of 18.  |
| <u>817.611(2)(c)</u> | <u>1st</u>    | <u>Traffic in or possess 50 or more counterfeit credit cards or related documents.</u>   |
| 825.102(2)           | 1st           | Aggravated abuse of an elderly person or disabled adult.   |
| 825.1025(2)          | 2nd           | Lewd or lascivious battery upon an elderly person or disabled adult.   |
| 825.103(3)(a)        | 1st           | Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.   |
| 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 capital felony.                               |

| Florida Statute       | Felony Degree | Description  |
|-----------------------|---------------|--|
| 860.121(2)(c)         | 1st           | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm. |
| 860.16                | 1st           | Aircraft piracy.   |
| 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).    |
| 893.13(2)(b)          | 1st           | Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).           |
| 893.13(6)(c)          | 1st           | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).            |
| 893.135(1)(a)2.       | 1st           | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.                           |
| 893.135<br>(1)(b)1.b. | 1st           | Trafficking in cocaine, more than 200 grams, less than 400 grams.                              |
| 893.135<br>(1)(c)1.b. | 1st           | Trafficking in illegal drugs, more than 14 grams, less than 28 grams.                          |
| 893.135<br>(1)(c)2.c. | 1st           | Trafficking in hydrocodone, 50 grams or more, less than 200 grams.                             |
| 893.135<br>(1)(c)3.c. | 1st           | Trafficking in oxycodone, 25 grams or more, less than 100 grams.                               |
| 893.135<br>(1)(d)1.b. | 1st           | Trafficking in phencyclidine, more than 200 grams, less than 400 grams.                        |
| 893.135<br>(1)(e)1.b. | 1st           | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.                    |
| 893.135<br>(1)(f)1.b. | 1st           | Trafficking in amphetamine, more than 28 grams, less than 200 grams.                           |
| 893.135<br>(1)(g)1.b. | 1st           | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.                            |
| 893.135<br>(1)(h)1.b. | 1st           | Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.   |
| 893.135<br>(1)(j)1.b. | 1st           | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.                    |

| Florida Statute    | Felony Degree | Description  |
|--------------------|---------------|--|
| 893.135 (1)(k)2.b. | 1st           | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.  |
| 893.1351(3)        | 1st           | Possession of a place used to manufacture controlled substance when minor is present or resides there.   |
| 895.03(1)          | 1st           | Use or invest proceeds derived from pattern of racketeering activity.  |
| 895.03(2)          | 1st           | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.   |
| 895.03(3)          | 1st           | Conduct or participate in any enterprise through pattern of racketeering activity.   |
| 896.101(5)(b)      | 2nd           | Money laundering, financial 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. |

Section 6. This act shall take effect October 1, 2016.

Approved by the Governor April 1, 2016.

Filed in Office Secretary of State April 1, 2016.