

By Senator Storms

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1 A bill to be entitled
2 An act relating to forfeiture of property; amending s.
3 895.02, F.S.; defining the term "prosecuting
4 authority" for purposes of the Florida RICO Act;
5 creating s. 895.025, F.S.; providing that the act be
6 liberally construed to achieve the remedial purposes
7 of curtailing racketeering activities and lessening
8 the economic power of criminal organizations engaged
9 in patterns of racketeering activities in this state;
10 creating s. 895.041, F.S.; providing that in addition
11 to any criminal penalties imposed on a person due to a
12 pattern of racketeering activities, the person shall
13 forfeit to the state any interest in property that he
14 or she has acquired in violation of the racketeering
15 laws, including property of an enterprise that the
16 person has established, operated, or controlled, and
17 property derived from proceeds that the person
18 obtained, directly or indirectly, from racketeering
19 activities or unlawful debt collection practices;
20 providing that property subject to forfeiture vests in
21 the state when the person commits the act that
22 violates the racketeering laws; authorizing a court to
23 issue a temporary injunction, require the execution of
24 a satisfactory performance bond, or to take any other
25 action to preserve the availability and quality of the
26 property that is subject to forfeiture; providing that
27 the state may apply for a temporary restraining order,
28 without notice or opportunity for a hearing by the
29 defendant, under certain circumstances; requiring the

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30 temporary restraining order to expire within a
31 specified period, unless extended for good cause
32 shown; requiring the court, upon the conviction of the
33 defendant, to enter an order forfeiting the property
34 to the state and authorizing the prosecuting authority
35 to seize all forfeited property upon such terms and
36 conditions as the court deems proper; requiring the
37 prosecuting authority to dispose of the forfeited
38 property by sale or any other commercially feasible
39 means, making due provision for the rights of any
40 innocent persons; authorizing the prosecuting
41 authority to dispose of forfeited property by
42 specified means; authorizing the Attorney General to
43 adopt rules; prohibiting a party claiming an interest
44 in property that is subject to forfeiture from
45 intervening in a trial or appeal of a criminal case
46 involving the forfeited property or commencing an
47 action at law or equity against the state concerning
48 the validity of his or her claimed interest in the
49 forfeited property; providing an exception; requiring
50 the state to publish notice of the forfeiture order
51 and of its intent to dispose of the forfeited
52 property; providing that the state may also, to the
53 extent practicable, provide direct written notice to
54 any person who is known to claim an interest in the
55 forfeited property; providing that any person, other
56 than the defendant, who asserts a claim to the
57 forfeited property may petition the court for a
58 hearing to adjudicate the validity of his or her claim

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59 to the forfeited property; providing that the hearing
60 be conducted without a jury; permitting the petitioner
61 to testify and present evidence and witnesses on his
62 or her own behalf and cross-examine witnesses who
63 appear at the hearing; requiring the petitioner to
64 prove by a preponderance of the evidence that he or
65 she has a legal claim or interest in the forfeited
66 property superior to the state or any other person or
67 that the petitioner is a bona fide purchaser; amending
68 s. 896.101, F.S.; defining the term "proceeds" for
69 purposes of the Florida Money Laundering Act;
70 providing that a person who, without permission,
71 notifies another person of certain specified
72 forfeiture information is subject to a fine for each
73 unauthorized disclosure; amending s. 560.125, F.S.,
74 relating to penalties for unlicensed activities;
75 conforming provisions to changes made by the act;
76 amending s. 665.50, F.S.; defining the term "proceeds"
77 for purposes of the Florida Control of Money
78 Laundering in Financial Institutions Act; conforming
79 provisions to changes made by the act; amending s.
80 923.03, F.S.; providing that a judgment of forfeiture
81 may not be entered in a criminal proceeding unless the
82 indictment or the information provides notice that the
83 defendant has an interest in property that is subject
84 to forfeiture in accordance with the applicable
85 statute; amending s. 921.0022, F.S., relating to the
86 offense severity ranking chart of the Criminal
87 Punishment Code; conforming provisions to changes made

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88 by the act; providing an effective date.

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

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92 Section 1. Subsection (13) is added to section 895.02,
93 Florida Statutes, to read:

94 895.02 Definitions.—As used in ss. 895.01-895.08, the term:
95 (13) "Prosecuting authority" means the Attorney General,
96 any state attorney, or the statewide prosecutor.

97 Section 2. Section 895.025, Florida Statutes, is created to
98 read:

99 895.025 Construction of law.—The provisions of this chapter
100 shall be liberally construed to achieve the remedial purposes of
101 curtailing racketeering activities and crimes involving
102 controlled substance and lessening the economic power of
103 criminal organizations engaged in patterns of racketeering
104 activities in this state.

105 Section 3. Section 895.041, Florida Statutes, is created to
106 read:

107 895.041 Criminal forfeiture.—

108 (1) In addition to any criminal penalties imposed, a person
109 convicted of engaging in a pattern of racketeering activity or
110 collecting an unlawful debt shall forfeit to the state,
111 irrespective of any other provision of law, any:

112 (a) Interest acquired or maintained in property in
113 violation of s. 895.03;

114 (b) Interest in, security of, claim against, or property or
115 contractual right of any kind affording a source of influence
116 over an enterprise that the person has established, operated,

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117 controlled, or conducted, or in which the person participated,
118 all in violation of s. 895.03; or

119 (c) Property derived from any proceeds obtained, directly
120 or indirectly, from a pattern of racketeering activity or
121 through collecting an unlawful debt in violation of s. 895.03.
122

123 When imposing sentence, the court shall order that the person
124 forfeit all property described in this section. In lieu of a
125 fine otherwise authorized by this chapter, a person who derives
126 proceeds from a violation of this chapter may be fined not more
127 than three times the amount of the gross profits or other
128 proceeds received by the person.

129 (2) Property subject to forfeiture under this section
130 includes:

131 (a) Real property, including things growing on, affixed to,
132 and found in the land; and

133 (b) Tangible and intangible personal property, including
134 rights, privileges, interests, claims, and securities.

135 (3) All right, title, and interest in property described in
136 subsection (1) vests in the state at the time the person commits
137 the act that violates s. 895.03. Any property vested in the
138 state which is subsequently transferred to a person other than
139 the defendant may be ordered forfeited to the state. However, if
140 at the time of purchase the person was reasonably without cause
141 to believe that the property was subject to forfeiture and if
142 the person purchased the property for value, he or she is a bona
143 fide purchaser and the property is not subject to forfeiture.

144 (4) The court may order an injunction, require the
145 execution of a satisfactory performance bond, or take any other

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146 action to preserve the availability and quality of the property
147 that is subject to forfeiture under this section.

148 (a) Upon the filing of an indictment or information
149 charging a violation of s. 895.03, or before the filing of an
150 indictment or information, the court may enter a temporary
151 injunction ordering that the property be protected and
152 sequestered if, after notice to persons appearing to have an
153 interest in the property and an opportunity for a hearing, the
154 prosecuting authority demonstrates that:

155 1. There is a substantial probability that the state will
156 prevail on the matter of forfeiture and that a failure to enter
157 a temporary injunction against the defendant will result in the
158 property being degraded or destroyed, removed from the
159 jurisdiction of the court, or otherwise made unavailable for
160 forfeiture; and

161 2. The need to preserve the quality and availability of the
162 property through the entry of a court order outweighs the
163 hardship on any party against whom the order is to be entered.

164
165 An order entered under this paragraph expires no later than 90
166 days after the injunction is issued, unless extended by the
167 court for good cause shown or unless an indictment or
168 information is filed.

169 (b) If, before an information or indictment has been filed,
170 the prosecuting authority demonstrates that there is probable
171 cause to believe that the property with respect to which the
172 temporary restraining order is sought would, in the event of
173 conviction, be subject to forfeiture and that providing notice
174 to the defendants before forfeiture of the property will

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175 jeopardize the quality and availability of the property for
176 forfeiture, a court may issue a temporary restraining order
177 without notice or opportunity for a hearing. The temporary
178 restraining order expires no later than 10 days after the date
179 the temporary restraining order is issued unless extended for
180 good cause shown or unless the party against whom the temporary
181 restraining order is entered consents to an extension for a
182 longer period. If a hearing is requested concerning a temporary
183 restraining order entered under this paragraph, it shall be held
184 before the expiration of the temporary restraining order.

185
186 At a hearing held pursuant to this paragraph, the court may
187 receive and consider evidence and information that would be
188 inadmissible under the Florida Rules of Evidence.

189 (5) Upon the conviction of a person under s. 895.03, the
190 court shall:

191 (a)1. Enter an order forfeiting the property of the
192 defendant to the state; and

193 2. Order the prosecuting authority to seize all property of
194 the defendant upon such terms and conditions as the court deems
195 proper.

196 (b) After ordering the property forfeited, the court may,
197 at the request of the prosecuting authority, enter other orders
198 necessary to protect the property, including requiring the
199 execution of satisfactory performance bonds, appointing
200 receivers, conservators, appraisers, accountants, or trustees,
201 or taking any other appropriate action to protect the forfeited
202 property. Any income accruing to, or derived from, an enterprise
203 or an interest in an enterprise that has been ordered forfeited

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204 under this section may be used to offset ordinary and necessary
205 expenses of the enterprise which are required by law, or which
206 are necessary to protect the interests of the state or of third
207 parties.

208 (6) (a) After seizing the property ordered forfeited under
209 this section, the prosecuting authority shall dispose of the
210 property by sale or any other commercially feasible means,
211 making due provision for the rights of innocent persons.

212 (b) Any property right or interest not exercisable by, or
213 transferable for value to, the state shall expire and does not
214 revert to the defendant. The defendant and any person acting in
215 concert with or on behalf of the defendant, is not eligible to
216 purchase forfeited property at any sale held by the state. If a
217 person other than the defendant or a person acting in concert
218 with or on behalf of the defendant demonstrates that continuing
219 with the sale or disposition of the property will result in
220 irreparable injury, harm, or loss to that person, the court may
221 restrain or stay the sale or disposition of the property pending
222 the conclusion of any appeal of the criminal case giving rise to
223 the forfeiture. The proceeds of any sale or disposition of
224 property forfeited under this section and any moneys forfeited
225 shall be used to pay all proper expenses for the forfeiture and
226 the sale, including expenses of seizure, maintenance and custody
227 of the property pending its disposition, advertising, and court
228 costs. The prosecuting authority shall deposit any amount of
229 such proceeds or moneys remaining after the payment of such
230 expenses into the General Revenue Fund.

231 (7) With respect to forfeited property, the prosecuting
232 authority may:

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233 (a) Grant petitions for mitigation or remission of
234 forfeiture, restore forfeited property to victims of a violation
235 of this chapter, or take any other action to protect the rights
236 of innocent persons which is in the interest of justice and
237 which is not inconsistent with the provisions of this chapter.

238 (b) Compromise claims arising under this section.

239 (c) Award compensation to persons providing information
240 resulting in a forfeiture under this section.

241 (d) Direct the disposition by the state of all forfeited
242 property by public sale or any other commercially feasible
243 means, making due provision for the rights of innocent persons.

244 (e) Take appropriate measures necessary to safeguard and
245 maintain property ordered forfeited under this section pending
246 its disposition.

247 (8) The Attorney General may adopt rules relating to:

248 (a) Making reasonable efforts to provide notice to persons
249 who may have an interest in property ordered forfeited under
250 this section;

251 (b) Granting petitions for remission or mitigation of
252 forfeiture;

253 (c) Returning property to victims of an offense petitioning
254 for remission or mitigation of forfeiture under this chapter;

255 (d) Disposing the forfeited property by public sale or
256 other commercially feasible means;

257 (e) Maintaining and safekeeping forfeited property pending
258 its disposition; and

259 (f) Compromising claims arising under this chapter.

260 (9) Except as provided in subsection (12), a person
261 claiming an interest in property subject to forfeiture under

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262 this section may not:

263 (a) Intervene in a trial or appeal of a criminal case
264 involving the forfeiture of property under this section; or

265 (b) Commence an action against the state concerning the
266 validity of a person's claim in the property after the filing of
267 an indictment or information alleging that the property is
268 subject to forfeiture.

269 (10) A circuit court has jurisdiction to enter orders as
270 provided in this section without regard to the location of any
271 property that may be subject to forfeiture or that has been
272 ordered forfeited under this section.

273 (11) In order to facilitate the identification or location
274 of property that has been ordered forfeited and to facilitate
275 the disposition of petitions for remission or mitigation of
276 forfeiture, a court that orders the forfeiture of property to
277 the state may order that the testimony of any witness relating
278 to the property be taken by deposition and that any designated
279 book, paper, document, record, recording, or other material that
280 is not subject to privilege be produced at the time and place of
281 the deposition, in the same manner as provided for the taking of
282 depositions under Rule 3.220, Florida Rules of Criminal
283 Procedure.

284 (12) (a) After the court enters an order forfeiting property
285 under this section, the state shall publish notice of the order
286 and of its intent to dispose of the property in such manner as
287 the prosecuting authority may direct. The state may also, to the
288 extent practicable, provide direct written notice to any person
289 known to have claimed an interest in the property that is the
290 subject of the order of forfeiture as a substitute for published

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291 notice as to those persons so notified.

292 (b) Any person, other than the defendant, who claims a
293 legal interest in property that has been ordered forfeited to
294 the state may, within 30 days after the final publication of
295 notice or his or her receipt of notice under paragraph (a),
296 whichever occurs sooner, petition the court for a hearing to
297 adjudicate the validity of his or her claim to the forfeited
298 property. The hearing shall be held before the court alone,
299 without a jury.

300 (c) The petition must be signed by the petitioner under
301 penalty of perjury and shall set forth the nature and extent of
302 the petitioner's right, title, or interest in the property, the
303 time and circumstances of the petitioner's acquisition of the
304 right, title, or interest in the property, any additional facts
305 supporting the petitioner's claim, and the relief sought.

306 (d) The hearing on the petition shall, to the extent
307 practicable, be held within 30 days after the petition is filed.
308 The court may consolidate the hearing on the petition with a
309 hearing on any other petition filed by a person other than the
310 defendant.

311 (e) At the hearing, the petitioner may testify, present
312 evidence and witnesses on his or her behalf, and cross-examine
313 witnesses who appear at the hearing. The state may present
314 evidence and witnesses in rebuttal and in defense of its claim
315 to the property and may cross-examine witnesses who appear at
316 the hearing. In addition to testimony and evidence presented at
317 the hearing, the court shall consider the relevant portions of
318 the record of the criminal case that resulted in the order of
319 forfeiture.

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320 (f) After the hearing, the court shall determine whether
321 the petitioner has proven by a preponderance of the evidence
322 that:

323 1. The petitioner has a legal right, title, or interest in
324 the property, and that the petitioner's right, title, or
325 interest renders the order of forfeiture invalid in whole or in
326 part because it was vested in the petitioner rather than in the
327 defendant or was superior to any right, title, or interest of
328 the defendant at the time of the commission of the acts that
329 gave rise to the forfeiture of the property under this section;
330 or

331 2. The petitioner is a bona fide purchaser for value of the
332 right, title, or interest in the property and was at the time of
333 purchase reasonably without cause to believe that the property
334 was subject to forfeiture,

335
336 and the court shall amend the order of forfeiture according to
337 its determination.

338 (g) Following the court's disposition of all petitions
339 filed under this subsection, or if no such petition is timely
340 filed, the state shall have clear title to the forfeited
341 property and may warrant good title to any subsequent purchaser
342 or transferee.

343 (13) If any of the property described in subsection (1) is
344 protected by s. 6, Art. VII of the State Constitution; cannot be
345 located upon the exercise of due diligence as a result of any
346 act or omission of the defendant; has been transferred, sold to,
347 or deposited with a third party; has been placed beyond the
348 jurisdiction of the court; has been substantially diminished in

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349 value; or has been commingled with other property that cannot be
350 divided without difficulty, the court shall order the forfeiture
351 of any other property of the defendant up to the value of any
352 such protected or unavailable property.

353 Section 4. Paragraph (j) is added to subsection (2) of
354 section 896.101, Florida Statutes, and subsections (5) and (10)
355 of that section are amended, to read:

356 896.101 Florida Money Laundering Act; definitions;
357 penalties; injunctions; seizure warrants; immunity.-

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

359 (j) "Proceeds" means any property derived from or obtained
360 or retained, directly or indirectly, through some form of
361 unlawful activity, including the gross receipts of such
362 activity.

363 (5) A person who violates or causes another to violate this
364 section, if the violation involves:

365 (a) Financial transactions valued at less than \$20,000,
366 ~~exceeding \$300 but less than \$20,000 in any 12-month period,~~
367 commits a felony of the third degree, punishable as provided in
368 s. 775.082, s. 775.083, or s. 775.084.

369 (b) Financial transactions valued at ~~totaling or exceeding~~
370 \$20,000 or more but less than \$100,000 ~~in any 12-month period,~~
371 commits a felony of the second degree, punishable as provided in
372 s. 775.082, s. 775.083, or s. 775.084.

373 (c) Financial transactions valued at ~~totaling or exceeding~~
374 \$100,000 or more ~~in any 12-month period,~~ commits a felony of the
375 first degree, punishable as provided in s. 775.082, s. 775.083,
376 or s. 775.084.

377 (10) Any financial institution, licensed money services

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378 business, or other person served with and complying with the
379 terms of a warrant, temporary injunction, or other court order,
380 including any subpoena issued under s. 16.56 or s. 27.04,
381 obtained in furtherance of an investigation of any crime in this
382 section, including any crime specified ~~listed~~ as ~~specified~~
383 unlawful activity under this section or any felony violation of
384 chapter 560, has immunity from criminal liability and is not
385 liable to any person for any lawful action taken in complying
386 with the warrant, temporary injunction, or other court order,
387 including any subpoena issued under s. 16.56 or s. 27.04. If a
388 ~~any~~ subpoena issued under s. 16.56 or s. 27.04 contains a
389 nondisclosure provision, it is unlawful for any financial
390 institution ~~or~~, licensed money services business, ~~employee or~~
391 ~~officer of a financial institution or licensed money services~~
392 ~~business,~~ or any ~~other~~ person to ~~may not~~ notify, directly or
393 indirectly, any customer of that financial institution or money
394 services business whose records are being sought by the
395 subpoena, or any other person named in the subpoena, about the
396 existence or the contents of that subpoena, ~~or of the~~
397 investigation, or ~~about~~ information that has been furnished in
398 response to the subpoena to the state attorney, the ~~or~~ statewide
399 prosecutor who issued the subpoena, or other law enforcement
400 officer named in the subpoena ~~in response to the subpoena.~~
401 However, an entity or person whose testimony is sought in the
402 matter is not precluded from consulting with an attorney
403 regarding that testimony. Any person who violates a
404 nondisclosure provision contained in a warrant, temporary
405 injunction, or other court order, including a subpoena issued
406 under s. 16.56 or s. 27.04, shall be fined \$5,000 for each

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407 unauthorized notification.

408 Section 5. Subsection (5) of section 560.125, Florida
409 Statutes, is amended to read:

410 560.125 Unlicensed activity; penalties.—

411 (5) A person who violates or causes another to violate this
412 section, if the violation involves:

413 (a) Currency or payment instruments valued at ~~exceeding~~
414 ~~\$300 but~~ less than \$20,000 ~~in any 12-month period~~, commits a
415 felony of the third degree, punishable as provided in s.
416 775.082, s. 775.083, or s. 775.084.

417 (b) Currency or payment instruments valued at ~~totaling or~~
418 ~~exceeding~~ \$20,000 but less than \$100,000 ~~in any 12-month period~~,
419 commits a felony of the second degree, punishable as provided in
420 s. 775.082, s. 775.083, or s. 775.084.

421 (c) Currency or payment instruments valued at ~~totaling or~~
422 ~~exceeding~~ \$100,000 or more ~~in any 12-month period~~, commits a
423 felony of the first degree, punishable as provided in s.
424 775.082, s. 775.083, or s. 775.084.

425 Section 6. Paragraph (h) is added to subsection (3) of
426 section 655.50, Florida Statutes, and subsection (10) of that
427 section is amended, to read:

428 655.50 Florida Control of Money Laundering in Financial
429 Institutions Act; reports of transactions involving currency or
430 monetary instruments; when required; purpose; definitions;
431 penalties.—

432 (3) As used in this section, the term:

433 (h) "Proceeds" means any property derived from or obtained
434 or retained, directly or indirectly, through some form of
435 unlawful activity, including the gross receipts of such

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436 activity.

437 (10) (a) Except as provided in paragraph (b), a person who
438 willfully violates ~~any provision of~~ this section is guilty of a
439 misdemeanor of the first degree, punishable as provided in s.
440 775.082 or s. 775.083.

441 (b) A person who willfully violates or knowingly causes
442 another to violate any provision of this section, when the
443 violation involves:

444 1. Financial transactions valued at ~~totaling or exceeding~~
445 ~~\$300 but~~ less than \$20,000 ~~in any 12-month period~~, commits is
446 ~~guilty of~~ a felony of the third degree, punishable as provided
447 in s. 775.082 or s. 775.083; or

448 2. Financial transactions valued at ~~totaling or exceeding~~
449 \$20,000 or more but less than \$100,000 commits ~~in any 12-month~~
450 ~~period is guilty of~~ a felony of the second degree, punishable as
451 provided in s. 775.082 or s. 775.083; or

452 3. Financial transactions valued at ~~totaling or exceeding~~
453 \$100,000 or more commits ~~in any 12-month period is guilty of~~ a
454 felony of the first degree, punishable as provided in s. 775.082
455 or s. 775.083.

456 (c) In addition to the penalties otherwise authorized by
457 ss. 775.082 and 775.083, a person who has been convicted of or
458 who has pleaded guilty or nolo contendere to having violated
459 paragraph (b) may be sentenced to pay a fine not exceeding
460 \$250,000 or twice the value of the financial transaction,
461 whichever is greater, except that on a second or subsequent
462 conviction for or plea of guilty or nolo contendere to a
463 violation of paragraph (b), the fine may be up to \$500,000 or
464 quintuple the value of the financial transaction, whichever is

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465 greater.

466 (d) A financial institution as defined in s. 655.005 that
 467 willfully violates this section is also liable for a civil
 468 penalty of not more than the greater of the value of the
 469 financial transaction involved or \$25,000. However, the civil
 470 penalty may not exceed \$100,000.

471 (e) A person other than a financial institution as defined
 472 in s. 655.005 who violates this section is also liable for a
 473 civil penalty of not more than the greater of the value of the
 474 financial transaction involved or \$25,000.

475 Section 7. Subsection (3) is added to section 923.03,
 476 Florida Statutes, to read:

477 923.03 Indictment and information.—

478 (3) A judgment of forfeiture may not be entered in a
 479 criminal proceeding unless the indictment or the information
 480 provides notice that the defendant has an interest in property
 481 that is subject to forfeiture in accordance with the applicable
 482 statute.

483 Section 8. Paragraph (g) of subsection (3) of section
 484 921.0022, Florida Statutes, is amended to read:

485 921.0022 Criminal Punishment Code; offense severity ranking
 486 chart.—

487 (3) OFFENSE SEVERITY RANKING CHART

488 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

489 316.027(1)(b) 1st Accident involving death, failure to
 stop; leaving scene.

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

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

409.920(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

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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.

468.366 3rd Delivering respiratory care services without a license.

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- 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 ss. 494.001-494.0077 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

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financial institution.

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

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775.21(10) (b) 3rd Sexual predator working where children regularly congregate.

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775.21(10) (g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

520

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

521

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

523

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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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

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visitor or other detainee.

534

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

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790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

536

790.16 (1) 1st Discharge of a machine gun under specified circumstances.

537

790.165 (2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

538

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

540

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements

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provided for in s. 874.04.

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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.

543

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

544

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

545

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.

546

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

547

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

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

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

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- 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.

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559 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.

560 817.234(8)(a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.

561 817.234(9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.

562 817.234(11)(c) 1st Insurance fraud; property value \$100,000
or more.

563 817.2341(2)(b) 1st Making false entries of material fact or
& (3)(b) false statements regarding property
values relating to the solvency of an
insuring entity which are a significant
cause of the insolvency of that entity.

564 825.102(3)(b) 2nd Neglecting an elderly person or disabled
adult causing great bodily harm,
disability, or disfigurement.

565 825.103(2)(b) 2nd Exploiting an elderly person or disabled
adult and property is valued at \$20,000
or more, but less than \$100,000.

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

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

567

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

568

838.015 2nd Bribery.

569

838.016 2nd Unlawful compensation or reward for official behavior.

570

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

571

838.22 2nd Bid tampering.

572

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

573

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

574

872.06 2nd Abuse of a dead human body.

575

874.10 1st, PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related

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activity.

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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.

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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.

578

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).

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893.135(1)(a)1. 1st

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

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893.135(1)(b)1.a. 1st

Trafficking in cocaine, more than 28 grams, less than 200 grams.

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893.135(1)(c)1.a. 1st

Trafficking in illegal drugs, more than

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4 grams, less than 14 grams.

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893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

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893.135(1)(e)1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

584

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

585

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

586

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

587

893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

588

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

589

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

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- 591 896.101(5)(a) 3rd Money laundering, financial transactions ~~exceeding \$300 but~~ less than \$20,000.
- 592 896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
- 593 943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.
- 594 943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
- 595 943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.
- 596 943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 597 943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
- 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

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944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

599

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

600

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

601

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

602

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

603

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

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