

27 Florida Statutes, are amended to read:

28 400.9935 Clinic responsibilities.—

29 (3) A charge ~~All charges~~ or reimbursement claim ~~claims~~
 30 made by or on behalf of a clinic that is required to be licensed
 31 under this part, but that is not so licensed, or that is
 32 otherwise operating in violation of this part or rules of the
 33 agency, regardless of whether a service is rendered or whether
 34 the charge or reimbursement claim is paid, is an, ~~are~~ unlawful
 35 charge ~~charges,~~ and is ~~therefore~~ are noncompensable and
 36 unenforceable. A person who knowingly makes or causes to be made
 37 an unlawful charge commits theft within the meaning of, and
 38 punishable as provided in, s. 812.014.

39 (4) (a) Regardless of whether notification is provided by
 40 the agency under ~~In addition to the requirements of s. 408.812,~~
 41 a any person commits a felony of the third degree, punishable as
 42 provided in s. 775.082, s. 775.083, or s. 775.084, if the person
 43 knowingly:

44 1. Establishes, owns, operates, manages, or maintains
 45 establishing, ~~operating, or managing~~ an unlicensed clinic
 46 ~~otherwise~~ required to be licensed under this part or part II of
 47 chapter 408; ~~or~~

48 2. Offers or advertises services that require licensure as
 49 a clinic under this part or part II of chapter 408 without a
 50 license.

51 (b) If the agency provides notification under s. 408.812
 52 of, or if a person is arrested for, a violation of subparagraph

53 (a)1. or subparagraph (a)2., each day during which a violation
 54 of subparagraph (a)1. or subparagraph (a)2. occurs constitutes a
 55 separate offense.

56 (c) A person convicted of a second or subsequent violation
 57 of subparagraph (a)1. or subparagraph (a)2. commits a felony of
 58 the second degree, punishable as provided in s. 775.082, s.
 59 775.083, or s. 775.084. If the agency provides notification of,
 60 or if a person is arrested for, a violation of this paragraph,
 61 each day that this paragraph is violated thereafter constitutes
 62 a separate offense. For purposes of this paragraph, the term
 63 "convicted" means a determination of guilt which is the result
 64 of a trial or the entry of a plea of guilty or nolo contendere,
 65 regardless of whether adjudication is withheld.

66 (d) In addition to the requirements of part II of chapter
 67 408, a health care provider who is aware of the operation of an
 68 unlicensed clinic shall report the clinic to the agency. Failure
 69 to report a clinic that the provider knows or has reasonable
 70 cause to suspect is unlicensed shall be reported to the
 71 provider's licensing board.

72 (e) A person commits a felony of the third degree,
 73 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 74 if the ~~any~~ person ~~who~~ knowingly:

75 1. Files a false or misleading license application or
 76 license renewal application, ~~r~~ or files false or misleading
 77 information related to such application or agency ~~department~~
 78 rule; or

79 2. Fails to report information to the agency as required
 80 by s. 408.810(3), ~~commits a felony of the third degree,~~
 81 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

82 Section 3. Subsection (5) of section 626.9894, Florida
 83 Statutes, is amended to read:

84 626.9894 Gifts and grants.—

85 (5) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 86 any balance of moneys deposited into the Insurance Regulatory
 87 Trust Fund pursuant to this section ~~or s. 626.9895~~ remaining at
 88 the end of any fiscal year is available for carrying out the
 89 duties and responsibilities of the division. The department may
 90 request annual appropriations from the grants and donations
 91 received pursuant to this section ~~or s. 626.9895~~ and cash
 92 balances in the Insurance Regulatory Trust Fund for the purpose
 93 of carrying out its duties and responsibilities related to the
 94 division's anti-fraud efforts, including the funding of
 95 dedicated prosecutors and related personnel.

96 Section 4. Section 626.9895, Florida Statutes, is
 97 repealed.

98 Section 5. Paragraphs (c) and (f) of subsection (3) of
 99 section 921.0022, Florida Statutes, are amended to read:

100 921.0022 Criminal Punishment Code; offense severity
 101 ranking chart.—

102 (3) OFFENSE SEVERITY RANKING CHART

103 (c) LEVEL 3

104

105	Florida Statute	Felony Degree	Description
106	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
107	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
108	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
109	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
110	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
111	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
112	319.33 (1) (c)	3rd	Procure or pass title on stolen

vehicle.

113

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

114

327.35(2)(b) 3rd Felony BUI.

115

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

116

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

117

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

118

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.

119

379.2431
(1) (e) 6.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

120

400.9935 (4) (a)
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license ~~or filing false license application or other required information.~~

121

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

122

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

123	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
124	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
125	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
126	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
127	697.08	3rd	Equity skimming.
128	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
129	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

130	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
131	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
132	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
133	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
134	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
135	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
136	817.233	3rd	Burning to defraud insurer.

137	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
138	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
139	817.236	3rd	Filing a false motor vehicle insurance application.
140	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
141	817.413(2)	3rd	Sale of used goods as new.
142	817.505(4)	3rd	Patient brokering.
143	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
144	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a

counterfeit payment instrument.

145

831.29 2nd Possession of instruments for
counterfeiting driver licenses
or identification cards.

146

838.021 (3) (b) 3rd Threatens unlawful harm to
public servant.

147

843.19 3rd Injure, disable, or kill police
dog or horse.

148

860.15 (3) 3rd Overcharging for repairs and
parts.

149

870.01 (2) 3rd Riot; inciting or encouraging.

150

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).

151

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.

152

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.

153

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

154

893.13(7)(a)8. 3rd Withhold information from
 practitioner regarding previous
 receipt of or prescription for a
 controlled substance.

155

893.13(7)(a)9. 3rd Obtain or attempt to obtain
 controlled substance by fraud,
 forgery, misrepresentation, etc.

156

157	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
158	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
159	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.
160	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.

	Statute	Degree	
169	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
170	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
171	<u>400.9935 (4) (c)</u>	<u>2nd</u>	<u>Operating a clinic, or offering services requiring licensure, without a license.</u>
172	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
173	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
174	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
175	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
176			

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177	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
178	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
179	784.041	3rd	Felony battery; domestic battery by strangulation.
180	784.048 (3)	3rd	Aggravated stalking; credible threat.
181	784.048 (5)	3rd	Aggravated stalking of person under 16.
182	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
183	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
184	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
	784.081 (2)	2nd	Aggravated assault on specified

official or employee.

185

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

186

784.083 (2) 2nd Aggravated assault on code inspector.

187

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

188

790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

189

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

190

790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

191

192	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
193	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
194	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
195	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
196	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
197	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

198	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
199	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
200	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
201	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
202	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
203	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
204	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

205	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
206	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
207	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
208	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
209	827.03 (2) (c)	3rd	Abuse of a child.
210	827.03 (2) (d)	3rd	Neglect of a child.
211	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
212	836.05	2nd	Threats; extortion.
213	836.10	2nd	Written threats to kill or do

bodily injury.

214

843.12 3rd Aids or assists person to escape.

215

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

216

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

217

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

218

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

219

944.35(3)(a)2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community

