

By the Committee on Children, Families, and Elder Affairs; and
Senators Altman and Detert

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1 A bill to be entitled
2 An act relating to criminal conduct; amending s.
3 827.03, F.S.; defining the term "mental injury" with
4 respect to the offenses of abuse, aggravated abuse,
5 and neglect of a child; requiring that a person acting
6 as an expert witness have certain credentials;
7 amending ss. 775.084, 775.0877, 782.07, 921.0022, and
8 948.062, F.S.; conforming cross-references; amending
9 s. 960.03, F.S.; redefining the term "crime" for
10 purposes of crime victims compensation to include
11 additional forms of injury; redefining the term
12 "victim" to conform with the modified definition of
13 the term "crime"; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 827.03, Florida Statutes, is amended to
18 read:

19 827.03 Abuse, aggravated abuse, and neglect of a child;
20 penalties.—

21 (1) DEFINITIONS.—For purposes of this section:

22 (a) "Aggravated child abuse" occurs when a person:

23 1. Commits aggravated battery on a child;

24 2. Willfully tortures, maliciously punishes, or willfully
25 and unlawfully cages a child; or

26 3. Knowingly or willfully abuses a child and in so doing
27 causes great bodily harm, permanent disability, or permanent
28 disfigurement to the child.

29 (b) "Child abuse" means:

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30 1.(a) Intentional infliction of physical or mental injury
31 upon a child;

32 2.(b) An intentional act that could reasonably be expected
33 to result in physical or mental injury to a child; or

34 3.(e) Active encouragement of any person to commit an act
35 that results or could reasonably be expected to result in
36 physical or mental injury to a child.

37
38 ~~A person who knowingly or willfully abuses a child without~~
39 ~~causing great bodily harm, permanent disability, or permanent~~
40 ~~disfigurement to the child commits a felony of the third degree,~~
41 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

42 ~~(2) "Aggravated child abuse" occurs when a person:~~

43 ~~(a) Commits aggravated battery on a child;~~

44 ~~(b) Willfully tortures, maliciously punishes, or willfully~~
45 ~~and unlawfully cages a child; or~~

46 ~~(c) Knowingly or willfully abuses a child and in so doing~~
47 ~~causes great bodily harm, permanent disability, or permanent~~
48 ~~disfigurement to the child.~~

49
50 ~~A person who commits aggravated child abuse commits a felony of~~
51 ~~the first degree, punishable as provided in s. 775.082, s.~~
52 ~~775.083, or s. 775.084.~~

53 (c) "Maliciously" means wrongfully, intentionally, and
54 without legal justification or excuse. Maliciousness may be
55 established by circumstances from which one could conclude that
56 a reasonable parent would not have engaged in the damaging acts
57 toward the child for any valid reason and that the primary
58 purpose of the acts was to cause the victim unjustifiable pain

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59 or injury.

60 (d) "Mental injury" means injury to the intellectual or
61 psychological capacity of a child as evidenced by a discernible
62 and substantial impairment in the ability of the child to
63 function within the normal range of performance and behavior as
64 supported by expert testimony. A person may not give expert
65 testimony regarding mental injury unless that person is a
66 physician licensed under chapter 458 or chapter 459, board
67 certified in psychiatry, or a psychologist licensed under
68 chapter 490, and, during the 3 years immediately preceding the
69 date of the alleged injury, has devoted professional time to the
70 active clinical practice of, or consulting with respect to, a
71 specialty that includes the evaluation, diagnosis, or treatment
72 of the condition that is the subject of the offense. The expert
73 testimony requirements apply only to criminal court cases, not
74 to family court or dependency court cases.

75 (e) ~~(3)(a)~~ "Neglect of a child" means:

76 1. A caregiver's failure or omission to provide a child
77 with the care, supervision, and services necessary to maintain
78 the child's physical and mental health, including, but not
79 limited to, food, nutrition, clothing, shelter, supervision,
80 medicine, and medical services that a prudent person would
81 consider essential for the well-being of the child; or

82 2. A caregiver's failure to make a reasonable effort to
83 protect a child from abuse, neglect, or exploitation by another
84 person.

85
86 Except as otherwise provided in this section, neglect of a child
87 may be based on repeated conduct or on a single incident or

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88 omission that results in, or could reasonably be expected to
89 result in, serious physical or mental injury, or a substantial
90 risk of death, to a child.

91 (2) OFFENSES.—

92 (a) A person who commits aggravated child abuse commits a
93 felony of the first degree, punishable as provided in s.
94 775.082, s. 775.083, or s. 775.084.

95 (b) A person who willfully or by culpable negligence
96 neglects a child and in so doing causes great bodily harm,
97 permanent disability, or permanent disfigurement to the child
98 commits a felony of the second degree, punishable as provided in
99 s. 775.082, s. 775.083, or s. 775.084.

100 (c) A person who knowingly or willfully abuses a child
101 without causing great bodily harm, permanent disability, or
102 permanent disfigurement to the child commits a felony of the
103 third degree, punishable as provided in s. 775.082, s. 775.083,
104 or s. 775.084.

105 (d)(e) A person who willfully or by culpable negligence
106 neglects a child without causing great bodily harm, permanent
107 disability, or permanent disfigurement to the child commits a
108 felony of the third degree, punishable as provided in s.
109 775.082, s. 775.083, or s. 775.084.

110 ~~(4) For purposes of this section, "maliciously" means~~
111 ~~wrongfully, intentionally, and without legal justification or~~
112 ~~excuse. Maliciousness may be established by circumstances from~~
113 ~~which one could conclude that a reasonable parent would not have~~
114 ~~engaged in the damaging acts toward the child for any valid~~
115 ~~reason and that the primary purpose of the acts was to cause the~~
116 ~~victim unjustifiable pain or injury.~~

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117 Section 2. Paragraph (d) of subsection (1) of section
118 775.084, Florida Statutes, is amended to read:

119 775.084 Violent career criminals; habitual felony offenders
120 and habitual violent felony offenders; three-time violent felony
121 offenders; definitions; procedure; enhanced penalties or
122 mandatory minimum prison terms.—

123 (1) As used in this act:

124 (d) "Violent career criminal" means a defendant for whom
125 the court must impose imprisonment pursuant to paragraph (4) (d),
126 if it finds that:

127 1. The defendant has previously been convicted as an adult
128 three or more times for an offense in this state or other
129 qualified offense that is:

130 a. Any forcible felony, as described in s. 776.08;

131 b. Aggravated stalking, as described in s. 784.048(3) and
132 (4);

133 c. Aggravated child abuse, as described in s. 827.03(2) (a);

134 d. Aggravated abuse of an elderly person or disabled adult,
135 as described in s. 825.102(2);

136 e. Lewd or lascivious battery, lewd or lascivious
137 molestation, lewd or lascivious conduct, or lewd or lascivious
138 exhibition, as described in s. 800.04 or s. 847.0135(5);

139 f. Escape, as described in s. 944.40; or

140 g. A felony violation of chapter 790 involving the use or
141 possession of a firearm.

142 2. The defendant has been incarcerated in a state prison or
143 a federal prison.

144 3. The primary felony offense for which the defendant is to
145 be sentenced is a felony enumerated in subparagraph 1. and was

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146 committed on or after October 1, 1995, and:

147 a. While the defendant was serving a prison sentence or
148 other sentence, or court-ordered or lawfully imposed supervision
149 that is imposed as a result of a prior conviction for an
150 enumerated felony; or

151 b. Within 5 years after the conviction of the last prior
152 enumerated felony, or within 5 years after the defendant's
153 release from a prison sentence, probation, community control,
154 control release, conditional release, parole, or court-ordered
155 or lawfully imposed supervision or other sentence that is
156 imposed as a result of a prior conviction for an enumerated
157 felony, whichever is later.

158 4. The defendant has not received a pardon for any felony
159 or other qualified offense that is necessary for the operation
160 of this paragraph.

161 5. A conviction of a felony or other qualified offense
162 necessary to the operation of this paragraph has not been set
163 aside in any postconviction proceeding.

164 Section 3. Subsection (1) of section 775.0877, Florida
165 Statutes, is amended to read:

166 775.0877 Criminal transmission of HIV; procedures;
167 penalties.—

168 (1) In any case in which a person has been convicted of or
169 has pled nolo contendere or guilty to, regardless of whether
170 adjudication is withheld, any of the following offenses, or the
171 attempt thereof, which offense or attempted offense involves the
172 transmission of body fluids from one person to another:

173 (a) Section 794.011, relating to sexual battery;

174 (b) Section 826.04, relating to incest;

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175 (c) Section 800.04, relating to lewd or lascivious offenses
176 committed upon or in the presence of persons less than 16 years
177 of age;

178 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
179 relating to assault;

180 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
181 relating to aggravated assault;

182 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
183 relating to battery;

184 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
185 relating to aggravated battery;

186 (h) Section 827.03(2)(c)~~(1)~~, relating to child abuse;

187 (i) Section 827.03(2)(a), relating to aggravated child
188 abuse;

189 (j) Section 825.102(1), relating to abuse of an elderly
190 person or disabled adult;

191 (k) Section 825.102(2), relating to aggravated abuse of an
192 elderly person or disabled adult;

193 (l) Section 827.071, relating to sexual performance by
194 person less than 18 years of age;

195 (m) Sections 796.03, 796.07, and 796.08, relating to
196 prostitution; or

197 (n) Section 381.0041(11)(b), relating to donation of blood,
198 plasma, organs, skin, or other human tissue,

199

200 the court shall order the offender to undergo HIV testing, to be
201 performed under the direction of the Department of Health in
202 accordance with s. 381.004, unless the offender has undergone
203 HIV testing voluntarily or pursuant to procedures established in

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204 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
 205 rule providing for HIV testing of criminal offenders or inmates,
 206 subsequent to her or his arrest for an offense enumerated in
 207 paragraphs (a)-(n) for which she or he was convicted or to which
 208 she or he pled nolo contendere or guilty. The results of an HIV
 209 test performed on an offender pursuant to this subsection are
 210 not admissible in any criminal proceeding arising out of the
 211 alleged offense.

212 Section 4. Subsection (3) of section 782.07, Florida
 213 Statutes, is amended to read:

214 782.07 Manslaughter; aggravated manslaughter of an elderly
 215 person or disabled adult; aggravated manslaughter of a child;
 216 aggravated manslaughter of an officer, a firefighter, an
 217 emergency medical technician, or a paramedic.—

218 (3) A person who causes the death of any person under the
 219 age of 18 by culpable negligence under s. 827.03(2)(b)~~(3)~~
 220 commits aggravated manslaughter of a child, a felony of the
 221 first degree, punishable as provided in s. 775.082, s. 775.083,
 222 or s. 775.084.

223 Section 5. Paragraphs (f), (g), and (i) of subsection (3)
 224 of section 921.0022, Florida Statutes, are amended to read:

225 921.0022 Criminal Punishment Code; offense severity ranking
 226 chart.—

227 (3) OFFENSE SEVERITY RANKING CHART

228 (f) LEVEL 6

229

Florida	Felony	
Statute	Degree	Description

230

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231	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
232	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
233	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
234	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
235	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
236	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
237	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
238	784.041	3rd	Felony battery; domestic battery by strangulation.
239	784.048 (3)	3rd	Aggravated stalking; credible threat.
240	784.048 (5)	3rd	Aggravated stalking of person under 16.
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement

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officer.

241

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

242

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

243

784.081 (2) 2nd Aggravated assault on specified official or employee.

244

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

245

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

246

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

247

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

248

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

249

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

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250

790.19 2nd Shooting or throwing deadly missiles
into dwellings, vessels, or vehicles.

251

794.011(8)(a) 3rd Solicitation of minor to participate in
sexual activity by custodial adult.

252

794.05(1) 2nd Unlawful sexual activity with specified
minor.

253

800.04(5)(d) 3rd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender less than 18 years.

254

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18
years of age or older.

255

806.031(2) 2nd Arson resulting in great bodily harm to
firefighter or any other person.

256

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

257

812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but
less than \$100,000, grand theft in 2nd
degree.

258

812.014(6) 2nd Theft; property stolen \$3,000 or more;
coordination of others.

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259

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

260

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

261

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

262

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

263

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

264

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

265

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

266

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

267

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

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827.03 <u>(2) (c)</u> (1)	3rd	Abuse of a child.
827.03 <u>(2) (d)</u> (3) (e)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

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278 914.23 2nd Retaliation against a witness, victim,
or informant, with bodily injury.

279 944.35(3)(a)2. 3rd Committing malicious battery upon or
inflicting cruel or inhuman treatment on
an inmate or offender on community
supervision, resulting in great bodily
harm.

280 944.40 2nd Escapes.

281 944.46 3rd Harboring, concealing, aiding escaped
prisoners.

282 944.47(1)(a)5. 2nd Introduction of contraband (firearm,
weapon, or explosive) into correctional
facility.

283 951.22(1) 3rd Intoxicating drug, firearm, or weapon
introduced into county facility.

284 (g) LEVEL 7

285 Florida Felony
Statute Degree Description

286 316.027(1)(b) 1st Accident involving death, failure to
stop; leaving scene.

287

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288

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

289

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.

290

327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious bodily injury.

291

402.319 (2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

292

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

293

409.920 (2) (b) 1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

294

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.

295

458.327 (1) 3rd Practicing medicine without a license.

296

459.013 (1) 3rd Practicing osteopathic medicine without a license.

297

460.411 (1) 3rd Practicing chiropractic medicine without a license.

298

461.012 (1) 3rd Practicing podiatric medicine without a license.

299

462.17 3rd Practicing naturopathy without a license.

300

463.015 (1) 3rd Practicing optometry without a license.

301

464.016 (1) 3rd Practicing nursing without a license.

302

465.015 (2) 3rd Practicing pharmacy without a license.

303

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

304

467.201 3rd Practicing midwifery without a license.

305

468.366 3rd Delivering respiratory care services without a license.

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306

483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

307

483.901 (9) 3rd Practicing medical physics without a
license.

308

484.013 (1) (c) 3rd Preparing or dispensing optical devices
without a prescription.

309

484.053 3rd Dispensing hearing aids without a
license.

310

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.

311

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.

312

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

313

655.50 (10) (b) 1. 3rd Failure to report financial

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transactions exceeding \$300 but less than \$20,000 by financial institution.

314

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

315

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

316

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

317

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

318

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

319

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

320

782.072 2nd Killing of a human being by the

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operation of a vessel in a reckless manner (vessel homicide).

321

784.045 (1) (a) 1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

322

784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.

323

784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.

324

784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

325

784.048 (7) 3rd Aggravated stalking; violation of court order.

326

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

327

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

328

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

329

784.081 (1) 1st Aggravated battery on specified

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official or employee.

330

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

331

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

332

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

333

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

334

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

335

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

336

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

337

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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338

790.23 1st,PBL Possession of a firearm by a person who
qualifies for the penalty enhancements
provided for in s. 874.04.

339

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.

340

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

341

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

342

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.

343

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

344

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

345

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

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346

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

347

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

348

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.

349

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

350

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

351

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

352

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

353

812.019 (2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and

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traffics in stolen property.

354

812.131 (2) (a) 2nd Robbery by sudden snatching.

355

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

356

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

357

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

358

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

359

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

360

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

361

825.103 (2) (b) 2nd Exploiting an elderly person or disabled adult and property is valued

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at \$20,000 or more, but less than
\$100,000.

362

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

363

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

364

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

365

838.015 2nd Bribery.

366

838.016 2nd Unlawful compensation or reward for
official behavior.

367

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

368

838.22 2nd Bid tampering.

369

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

370

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

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372

872.06 2nd Abuse of a dead human body.

373

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

374

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.

375

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.

376

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.

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377

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

378

893.135 1st Trafficking in illegal drugs, more than
(1) (c) 1.a. 4 grams, less than 14 grams.

379

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

380

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

381

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

382

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

383

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

384

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

385

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

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386

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

387

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

388

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

389

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

390

943.0435(8) 2nd Sexual offender; remains in state after
indicating intent to leave; failure to
comply with reporting requirements.

391

943.0435(9)(a) 3rd Sexual offender; failure to comply with
reporting requirements.

392

943.0435(13) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

393

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394	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
395	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
396	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
397	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
398	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
399	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
400	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
401	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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402 (i) LEVEL 9

403

Florida	Felony	
Statute	Degree	Description

404

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

405

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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406

409.920	1st	Medicaid provider fraud; \$50,000 or more.
(2) (b) 1.c.		

407

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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408

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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409

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
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410

655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding
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\$100,000 by financial institution.

411

775.0844 1st Aggravated white collar crime.

412

782.04(1) 1st Attempt, conspire, or solicit to
commit premeditated murder.

413

782.04(3) 1st,PBL Accomplice to murder in connection
with arson, sexual battery, robbery,
burglary, and other specified
felonies.

414

782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04(3).

415

782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.

416

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.

417

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.

418

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.

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419

787.02 (3) (a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

420

790.161 1st Attempted capital destructive device offense.

421

790.166 (2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

422

794.011 (2) 1st Attempted sexual battery; victim less than 12 years of age.

423

794.011 (2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

424

794.011 (4) 1st Sexual battery; victim 12 years or older, certain circumstances.

425

794.011 (8) (b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
812.135 (2) (b)	1st	Home-invasion robbery with weapon.
817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
827.03 (2) <u>(a)</u>	1st	Aggravated child abuse.
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.

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- 859.01 1st Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
- 893.135 1st Attempted capital trafficking offense.
- 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.
- 893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
- 893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
- 893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.
- 893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than 25 kilograms.
- 893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than 200 grams.
- 893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

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893.135 1st Trafficking in 1,4-Butanediol, 10
 (1) (j) 1.c. kilograms or more.

445

893.135 1st Trafficking in Phenethylamines, 400
 (1) (k) 2.c. grams or more.

446

896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or exceeding
 \$100,000.

447

896.104 (4) (a) 3. 1st Structuring transactions to evade
 reporting or registration
 requirements, financial transactions
 totaling or exceeding \$100,000.

448

449 Section 6. Subsection (1) of section 948.062, Florida
 450 Statutes, is amended to read:

451 948.062 Reviewing and reporting serious offenses committed
 452 by offenders placed on probation or community control.—

453 (1) The department shall review the circumstances related
 454 to an offender placed on probation or community control who has
 455 been arrested while on supervision for the following offenses:

456 (a) Any murder as provided in s. 782.04;

457 (b) Any sexual battery as provided in s. 794.011 or s.
 458 794.023;

459 (c) Any sexual performance by a child as provided in s.
 460 827.071;

461 (d) Any kidnapping, false imprisonment, or luring of a

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462 child as provided in s. 787.01, s. 787.02, or s. 787.025;

463 (e) Any lewd and lascivious battery or lewd and lascivious
464 molestation as provided in s. 800.04(4) or (5);

465 (f) Any aggravated child abuse as provided in s.
466 827.03(2) (a);

467 (g) Any robbery with a firearm or other deadly weapon, home
468 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
469 s. 812.135, or s. 812.133;

470 (h) Any aggravated stalking as provided in s. 784.048(3),
471 (4), or (5);

472 (i) Any forcible felony as provided in s. 776.08, committed
473 by any person on probation or community control who is
474 designated as a sexual predator; or

475 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
476 or vehicular or vessel homicide as provided in s. 782.071 or s.
477 782.072, committed by any person who is on probation or
478 community control for an offense involving death or injury
479 resulting from a driving incident.

480 Section 7. Paragraph (a) of subsection (3) and subsection
481 (14) of section 960.03, Florida Statutes, are amended to read:

482 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
483 960.01-960.28, unless the context otherwise requires, the term:

484 (3) "Crime" means:

485 (a) A felony or misdemeanor offense committed by either an
486 adult or a juvenile which results in physical injury or death,
487 including a felony or misdemeanor offense committed by either an
488 adult or a juvenile which results in psychiatric or
489 psychological injury to a person less than 18 years of age who
490 was not physically injured by the criminal act. The term also

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491 includes any such criminal act which is committed within this
492 state but which falls exclusively within federal jurisdiction.

493 (14) "Victim" means:

494 (a) A person who suffers personal physical injury or death
495 as a direct result of a crime;

496 (b) A person younger than 18 years of age who was present
497 at the scene of a crime, saw or heard the crime, and suffered a
498 psychiatric or psychological injury because of the crime, but
499 who was not physically injured; ~~or~~

500 (c) A person less than 18 years of age who was the victim
501 of a felony or misdemeanor offense which resulted in a
502 psychiatric or psychological injury, but who was not physically
503 injured; or

504 (d) ~~(e)~~ A person against whom a forcible felony was
505 committed and who suffers a psychiatric or psychological injury
506 as a direct result of that crime but who does not otherwise
507 sustain a personal physical injury or death.

508 Section 8. This act shall take effect July 1, 2011.