

By the Committee on Criminal Justice; and Senator Detert

591-03218-12

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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 physician or
6 psychologist acting as an expert witness in certain
7 proceedings have certain credentials; amending ss.
8 775.084, 775.0877, 782.07, 921.0022, and 948.062,
9 F.S.; conforming cross-references; amending s. 960.03,
10 F.S.; redefining the term "crime" for purposes of
11 crime victims compensation to include additional forms
12 of injury; redefining the term "victim" to conform
13 with the modified definition of the term "crime";
14 providing an effective date.

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

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

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

22 (1) DEFINITIONS.—As used in this section, the term:

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

24 1. Commits aggravated battery on a child;

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

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

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30 (b) "Child abuse" means:

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

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

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

38

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

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

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

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

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

50

51 ~~A person who commits aggravated child abuse commits a felony of~~
52 ~~the first degree, punishable as provided in s. 775.082, s.~~
53 ~~775.083, or s. 775.084.~~

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

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59 purpose of the acts was to cause the victim unjustifiable pain
60 or injury.

61 (d) "Mental injury" means injury to the intellectual or
62 psychological capacity of a child as evidenced by a discernible
63 and substantial impairment in the ability of the child to
64 function within the normal range of performance and behavior as
65 supported by expert testimony.

66 (e)-(3)-(a) "Neglect of a child" means:

67 1. A caregiver's failure or omission to provide a child
68 with the care, supervision, and services necessary to maintain
69 the child's physical and mental health, including, but not
70 limited to, food, nutrition, clothing, shelter, supervision,
71 medicine, and medical services that a prudent person would
72 consider essential for the well-being of the child; or

73 2. A caregiver's failure to make a reasonable effort to
74 protect a child from abuse, neglect, or exploitation by another
75 person.

76
77 Except as otherwise provided in this section, neglect of a child
78 may be based on repeated conduct or on a single incident or
79 omission that results in, or could reasonably be expected to
80 result in, serious physical or mental injury, or a substantial
81 risk of death, to a child.

82 (2) OFFENSES.-

83 (a) A person who commits aggravated child abuse commits a
84 felony of the first degree, punishable as provided in s.
85 775.082, s. 775.083, or s. 775.084.

86 (b) A person who willfully or by culpable negligence
87 neglects a child and in so doing causes great bodily harm,

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88 permanent disability, or permanent disfigurement to the child
89 commits a felony of the second degree, punishable as provided in
90 s. 775.082, s. 775.083, or s. 775.084.

91 (c) A person who knowingly or willfully abuses a child
92 without causing great bodily harm, permanent disability, or
93 permanent disfigurement to the child commits a felony of the
94 third degree, punishable as provided in s. 775.082, s. 775.083,
95 or s. 775.084.

96 (d) ~~(e)~~ A person who willfully or by culpable negligence
97 neglects a child without causing great bodily harm, permanent
98 disability, or permanent disfigurement to the child commits a
99 felony of the third degree, punishable as provided in s.
100 775.082, s. 775.083, or s. 775.084.

101 (3) EXPERT TESTIMONY.—

102 (a) Except as provided in paragraph (b), a physician may
103 not provide expert testimony in a criminal child abuse case
104 unless the physician is a physician licensed under chapter 458
105 or chapter 459 or has obtained certification as an expert
106 witness pursuant to s. 458.3175.

107 (b) A physician may not provide expert testimony in a
108 criminal child abuse case regarding mental injury unless the
109 physician is a physician licensed under chapter 458 or chapter
110 459 who is board certified in psychiatry or has obtained
111 certification as an expert witness pursuant to s. 458.3175.

112 (c) A psychologist may not give expert testimony in a
113 criminal child abuse case regarding mental injury unless the
114 psychologist is licensed under chapter 490.

115 (d) The expert testimony requirements of this subsection
116 apply only to criminal child abuse cases and not to family court

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117 or dependency court cases.

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

125 Section 2. Paragraph (d) of subsection (1) of section
126 775.084, Florida Statutes, is amended to read:

127 775.084 Violent career criminals; habitual felony offenders
128 and habitual violent felony offenders; three-time violent felony
129 offenders; definitions; procedure; enhanced penalties or
130 mandatory minimum prison terms.-

131 (1) As used in this act:

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

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

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

139 b. Aggravated stalking, as described in s. 784.048(3) and
140 (4);

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

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

144 e. Lewd or lascivious battery, lewd or lascivious
145 molestation, lewd or lascivious conduct, or lewd or lascivious

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146 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

148 g. A felony violation of chapter 790 involving the use or
149 possession of a firearm.

150 2. The defendant has been incarcerated in a state prison or
151 a federal prison.

152 3. The primary felony offense for which the defendant is to
153 be sentenced is a felony enumerated in subparagraph 1. and was
154 committed on or after October 1, 1995, and:

155 a. While the defendant was serving a prison sentence or
156 other sentence, or court-ordered or lawfully imposed supervision
157 that is imposed as a result of a prior conviction for an
158 enumerated felony; or

159 b. Within 5 years after the conviction of the last prior
160 enumerated felony, or within 5 years after the defendant's
161 release from a prison sentence, probation, community control,
162 control release, conditional release, parole, or court-ordered
163 or lawfully imposed supervision or other sentence that is
164 imposed as a result of a prior conviction for an enumerated
165 felony, whichever is later.

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

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

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

174 775.0877 Criminal transmission of HIV; procedures;

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175 penalties.—

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

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

182 (b) Section 826.04, relating to incest;

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

186 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
187 relating to assault;

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

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

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

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

195 (i) Section 827.03(2)(a), relating to aggravated child
196 abuse;

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

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

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

203 (m) Sections 796.03, 796.07, and 796.08, relating to

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204 prostitution; or

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

207
208 the court shall order the offender to undergo HIV testing, to be
209 performed under the direction of the Department of Health in
210 accordance with s. 381.004, unless the offender has undergone
211 HIV testing voluntarily or pursuant to procedures established in
212 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
213 rule providing for HIV testing of criminal offenders or inmates,
214 subsequent to her or his arrest for an offense enumerated in
215 paragraphs (a)-(n) for which she or he was convicted or to which
216 she or he pled nolo contendere or guilty. The results of an HIV
217 test performed on an offender pursuant to this subsection are
218 not admissible in any criminal proceeding arising out of the
219 alleged offense.

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

222 782.07 Manslaughter; aggravated manslaughter of an elderly
223 person or disabled adult; aggravated manslaughter of a child;
224 aggravated manslaughter of an officer, a firefighter, an
225 emergency medical technician, or a paramedic.-

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

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

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233 921.0022 Criminal Punishment Code; offense severity ranking
 234 chart.-

235 (3) OFFENSE SEVERITY RANKING CHART

236 (f) LEVEL 6

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Florida	Felony	
Statute	Degree	Description

238

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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239

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
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246	784.041	3rd	Felony battery; domestic battery by strangulation.
247	784.048 (3)	3rd	Aggravated stalking; credible threat.
248	784.048 (5)	3rd	Aggravated stalking of person under 16.
249	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
250	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
251	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
252	784.081 (2)	2nd	Aggravated assault on specified official or employee.
253	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
254	784.083 (2)	2nd	Aggravated assault on code inspector.
255	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.

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- 790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.
- 790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
- 790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
- 794.011 (8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.
- 794.05 (1) 2nd Unlawful sexual activity with specified minor.
- 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.
- 800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.
- 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;

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no assault or battery.

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

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

267

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

268

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

269

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

270

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

271

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

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

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

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adult.

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

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

827.03(2)(c) 3rd Abuse of a child.
~~827.03(1)~~

827.03(2)(d) 3rd Neglect of a child.
~~827.03(3)(c)~~

827.071(2) & 2nd Use or induce a child in a sexual
(3) 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.

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(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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 disfigurement, permanent disability, or death.
409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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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 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.

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311	465.015 (2)	3rd	Practicing pharmacy without a license.
312	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
313	467.201	3rd	Practicing midwifery without a license.
314	468.366	3rd	Delivering respiratory care services without a license.
315	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
316	483.901 (9)	3rd	Practicing medical physics without a license.
317	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
318	484.053	3rd	Dispensing hearing aids without a license.
319	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

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instruments exceeding \$300 but less than \$20,000 by a money services business.

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

321

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

322

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

323

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

324

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

325

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

326

782.07 (1) 2nd Killing of a human being by the act,

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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).

328

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

329

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

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

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

332

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

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

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

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officer.

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

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

337

784.081 (1) 1st Aggravated battery on specified official or employee.

338

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

339

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

340

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

341

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

342

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

343

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.

345

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

346

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

347

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.

348

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

349

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

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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.

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- 806.01 (2) 2nd Maliciously damage structure by fire or explosive.
- 810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.
- 810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.
- 810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.
- 810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.
- 812.014 (2) (a) 1. 1st Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

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360	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
361	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
362	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
363	812.131(2)(a)	2nd	Robbery by sudden snatching.
364	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
365	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
366	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
367	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an

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insuring entity which are a significant cause of the insolvency of that entity.

368

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

369

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.

370

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

~~827.03 (3) (b)~~

371

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

372

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

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838.015 2nd Bribery.

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838.016 2nd Unlawful compensation or reward for official behavior.

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

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838.22 2nd Bid tampering.

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

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

379

872.06 2nd Abuse of a dead human body.

380

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

381

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.

382

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

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of property used for religious services
or a specified business site.

383

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).

384

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

385

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

386

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

387

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

388

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

389

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

390

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

391

893.135 1st Trafficking in gamma-hydroxybutyric

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(1) (h) 1.a.

acid (GHB), 1 kilogram or more, less than 5 kilograms.

392

893.135

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

(1) (j) 1.a.

393

893.135

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

(1) (k) 2.a.

394

893.1351 (2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

395

896.101 (5) (a)

3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

396

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

397

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

398

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to

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comply with reporting requirements.

399

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

400

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

401

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

402

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

403

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

404

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

405

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

406

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

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407

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

408

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

409

410 (i) LEVEL 9

411

Florida	Felony	
Statute	Degree	Description

412

316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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413

327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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414

409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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415

499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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416

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

417

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

418

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

419

775.0844 1st Aggravated white collar crime.

420

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

421

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

422

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

423

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

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425

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

426

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

427

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

428

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.

429

790.161 1st Attempted capital destructive device offense.

430

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

431

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

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on

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a person less than 12 years.

432

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

433

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

434

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

435

800.04(5)(b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

436

812.13(2)(a) 1st,PBL Robbery with firearm or other deadly weapon.

437

812.133(2)(a) 1st,PBL Carjacking; firearm or other deadly weapon.

438

812.135(2)(b) 1st Home-invasion robbery with weapon.

439

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

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person exercising custodial authority.

440

827.03(2)(a)

1st

Aggravated child abuse.

~~827.03(2)~~

441

847.0145(1)

1st

Selling, or otherwise transferring custody or control, of a minor.

442

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

443

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.

444

893.135

1st

Attempted capital trafficking offense.

445

893.135(1)(a)3.

1st

Trafficking in cannabis, more than 10,000 lbs.

446

893.135

1st

Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

(1)(b)1.c.

447

893.135

1st

Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

(1)(c)1.c.

448

893.135

1st

Trafficking in phencyclidine, more

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449 (1) (d) 1.c. than 400 grams.

893.135 1st Trafficking in methaqualone, more than
 450 (1) (e) 1.c. 25 kilograms.

893.135 1st Trafficking in amphetamine, more than
 451 (1) (f) 1.c. 200 grams.

893.135 1st Trafficking in gamma-hydroxybutyric
 452 (1) (h) 1.c. acid (GHB), 10 kilograms or more.

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

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

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

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

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

459 948.062 Reviewing and reporting serious offenses committed

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460 by offenders placed on probation or community control.—

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

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

465 (b) Any sexual battery as provided in s. 794.011 or s.
466 794.023;

467 (c) Any sexual performance by a child as provided in s.
468 827.071;

469 (d) Any kidnapping, false imprisonment, or luring of a
470 child as provided in s. 787.01, s. 787.02, or s. 787.025;

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

473 (f) Any aggravated child abuse as provided in s.
474 827.03(2) (a) ~~s. 827.03(2)~~;

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

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

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

483 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
484 or vehicular or vessel homicide as provided in s. 782.071 or s.
485 782.072, committed by a ~~any~~ person who is on probation or
486 community control for an offense involving death or injury
487 resulting from a driving incident.

488 Section 7. Paragraph (a) of subsection (3) and subsection

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489 (14) of section 960.03, Florida Statutes, are amended to read:
490 960.03 Definitions; ss. 960.01-960.28.-As used in ss.
491 960.01-960.28, unless the context otherwise requires, the term:

492 (3) "Crime" means:

493 (a) A felony or misdemeanor offense committed by either an
494 adult or a juvenile which results in physical injury or death,
495 including a felony or misdemeanor offense committed by either an
496 adult or a juvenile which results in psychiatric or
497 psychological injury to a person younger than 18 years of age
498 who was not physically injured by the criminal act. The term
499 also includes any ~~such~~ criminal act that ~~which~~ is committed
500 within this state but that ~~which~~ falls exclusively within
501 federal jurisdiction.

502 (14) "Victim" means:

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

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

509 (c) A person younger than 18 years of age who was the
510 victim of a felony or misdemeanor offense that resulted in a
511 psychiatric or psychological injury, but who was not physically
512 injured; or

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

517 Section 8. This act shall take effect October 1, 2012.