

By the Committees on Judiciary; and Criminal Justice; and
Senator Detert

590-03516-12

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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 or s. 459.0066.

107 (b) A physician may provide expert testimony in a criminal
108 child abuse case regarding mental injury if the physician is a
109 physician licensed under chapter 458 or chapter 459, is board
110 certified in psychiatry, or has obtained certification as an
111 expert witness pursuant to s. 458.3175 or s. 459.0066.

112 (c) Notwithstanding s. 766.102, a physician who obtains an
113 expert witness certificate under s. 458.3145 or s. 459.0066 and
114 who otherwise meets the requirements of this subsection may
115 provide expert testimony in a criminal child abuse case.

116 (d) A psychologist may not give expert testimony in a

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117 criminal child abuse case regarding mental injury unless the
118 psychologist is licensed under chapter 490.

119 (e) The expert testimony requirements of this subsection
120 apply only to criminal child abuse cases and not to family court
121 or dependency court cases.

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

129 Section 2. Paragraph (d) of subsection (1) of section
130 775.084, Florida Statutes, is amended to read:

131 775.084 Violent career criminals; habitual felony offenders
132 and habitual violent felony offenders; three-time violent felony
133 offenders; definitions; procedure; enhanced penalties or
134 mandatory minimum prison terms.—

135 (1) As used in this act:

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

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

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

143 b. Aggravated stalking, as described in s. 784.048(3) and
144 (4);

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

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

148 e. Lewd or lascivious battery, lewd or lascivious
149 molestation, lewd or lascivious conduct, or lewd or lascivious
150 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

152 g. A felony violation of chapter 790 involving the use or
153 possession of a firearm.

154 2. The defendant has been incarcerated in a state prison or
155 a federal prison.

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

159 a. While the defendant was serving a prison sentence or
160 other sentence, or court-ordered or lawfully imposed supervision
161 that is imposed as a result of a prior conviction for an
162 enumerated felony; or

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

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

173 5. A conviction of a felony or other qualified offense
174 necessary to the operation of this paragraph has not been set

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175 aside in any postconviction proceeding.

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

178 775.0877 Criminal transmission of HIV; procedures;
179 penalties.—

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

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

186 (b) Section 826.04, relating to incest;

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

190 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
191 relating to assault;

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

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

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

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

199 (i) Section 827.03(2)(a), relating to aggravated child
200 abuse;

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

203 (k) Section 825.102(2), relating to aggravated abuse of an

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204 elderly person or disabled adult;

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

207 (m) Sections 796.03, 796.07, and 796.08, relating to
208 prostitution; or

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

211

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

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

226 782.07 Manslaughter; aggravated manslaughter of an elderly
227 person or disabled adult; aggravated manslaughter of a child;
228 aggravated manslaughter of an officer, a firefighter, an
229 emergency medical technician, or a paramedic.—

230 (3) A person who causes the death of any person under the
231 age of 18 by culpable negligence under s. 827.03 (2) (b) ~~(3)~~
232 commits aggravated manslaughter of a child, a felony of the

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233 first degree, punishable as provided in s. 775.082, s. 775.083,
 234 or s. 775.084.

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

237 921.0022 Criminal Punishment Code; offense severity ranking
 238 chart.—

239 (3) OFFENSE SEVERITY RANKING CHART

240 (f) LEVEL 6

241

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
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.

249

784.041 3rd Felony battery; domestic battery by
strangulation.

250

784.048 (3) 3rd Aggravated stalking; credible threat.

251

784.048 (5) 3rd Aggravated stalking of person under 16.

252

784.07 (2) (c) 2nd Aggravated assault on law enforcement
officer.

253

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

254

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

255

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

256

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

257

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

258

787.02 (2) 3rd False imprisonment; restraining with

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purpose other than those in s. 787.01.

259

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

260

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

261

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

262

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

263

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

264

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

265

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.

266

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

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268

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

269

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

270

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

271

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

272

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

273

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

274

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

275

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

276

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

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277

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

278

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

279

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

280

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

281

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

282

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

283

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

284

836.05 2nd Threats; extortion.

285

836.10 2nd Written threats to kill or do bodily injury.

843.12 3rd Aids or assists person to escape.

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- 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.
- 914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.
- 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.
- 944.40 2nd Escapes.
- 944.46 3rd Harboring, concealing, aiding escaped prisoners.
- 944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional

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facility.

294

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

295

296 (g) LEVEL 7

297

Florida	Felony	
Statute	Degree	Description

298

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

299

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

300

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.

301

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

302

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

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permanent disability, or death.

303

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

304

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

305

456.065 (2) 3rd Practicing a health care profession
without a license.

306

456.065 (2) 2nd Practicing a health care profession
without a license which results in
serious bodily injury.

307

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

308

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

309

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

310

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

311

462.17 3rd Practicing naturopathy without a
license.

312

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313 463.015 (1) 3rd Practicing optometry without a license.

314 464.016 (1) 3rd Practicing nursing without a license.

315 465.015 (2) 3rd Practicing pharmacy without a license.

316 466.026 (1) 3rd Practicing dentistry or dental hygiene
without a license.

317 467.201 3rd Practicing midwifery without a license.

318 468.366 3rd Delivering respiratory care services
without a license.

319 483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

320 483.901 (9) 3rd Practicing medical physics without a
license.

321 484.013 (1) (c) 3rd Preparing or dispensing optical devices
without a prescription.

322 484.053 3rd Dispensing hearing aids without a
license.

494.0018 (2) 1st Conviction of any violation of ss.
494.001-494.0077 in which the total
money and property unlawfully obtained

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exceeded \$50,000 and there were five or more victims.

323

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.

324

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

325

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

326

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

327

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

328

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

329

782.051 (3) 2nd Attempted felony murder of a person by

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a person other than the perpetrator or
the perpetrator of an attempted felony.

330

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

331

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

332

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

333

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

334

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

335

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

336

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

337

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338	784.048 (7)	3rd	Aggravated stalking; violation of court order.
339	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
340	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
341	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
342	784.081 (1)	1st	Aggravated battery on specified official or employee.
343	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
344	784.083 (1)	1st	Aggravated battery on code inspector.
345	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
346	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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

348

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

349

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

350

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

351

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.

352

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

353

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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354

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.

355

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

356

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

357

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

358

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

359

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

360

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.

361

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

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- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

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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.

372

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

373

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.

374

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

375

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

376

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

377

838.015 2nd Bribery.

378

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838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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387 893.13(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.

388 893.13(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).

389 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

390 893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 28
grams, less than 200 grams.

391 893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than
4 grams, less than 14 grams.

392 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

393 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

394 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

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395	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
396	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
397	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
398	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
399	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
400	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
401	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with

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reporting requirements.

402

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

403

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

404

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

405

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

406

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

407

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

408

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

409

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

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address verification.

410

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

411

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

412

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

413

414 (i) LEVEL 9

415

Florida	Felony	
Statute	Degree	Description

416

316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
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417

327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
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418

409.920 (2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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419

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

420

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

421

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

422

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

423

775.0844 1st Aggravated white collar crime.

424

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

425

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

426

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

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427

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

428

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

429

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

430

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

431

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.

432

790.161 1st Attempted capital destructive device offense.

433

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

434

794.011(2) 1st Attempted sexual battery; victim less

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than 12 years of age.

435

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

436

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

437

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

438

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

439

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

440

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

441

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

442

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

443

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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.

444

827.03(2)(a)

1st

Aggravated child abuse.

~~827.03(2)~~

445

847.0145(1)

1st

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

446

847.0145(2)

1st

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

447

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.

448

893.135

1st

Attempted capital trafficking offense.

449

893.135(1)(a)3.

1st

Trafficking in cannabis, more than 10,000 lbs.

450

893.135

1st

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

(1)(b)1.c.

451

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452 893.135 1st Trafficking in illegal drugs, more
 (1) (c) 1.c. than 28 grams, less than 30 kilograms.

453 893.135 1st Trafficking in phencyclidine, more
 (1) (d) 1.c. than 400 grams.

454 893.135 1st Trafficking in methaqualone, more than
 (1) (e) 1.c. 25 kilograms.

455 893.135 1st Trafficking in amphetamine, more than
 (1) (f) 1.c. 200 grams.

456 893.135 1st Trafficking in gamma-hydroxybutyric
 (1) (h) 1.c. acid (GHB), 10 kilograms or more.

457 893.135 1st Trafficking in 1,4-Butanediol, 10
 (1) (j) 1.c. kilograms or more.

458 893.135 1st Trafficking in Phenethylamines, 400
 (1) (k) 2.c. grams or more.

459 896.101 (5) (c) 1st Money laundering, financial
 instruments totaling or exceeding
 \$100,000.

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

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460

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

463 948.062 Reviewing and reporting serious offenses committed
464 by offenders placed on probation or community control.—

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

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

469 (b) Any sexual battery as provided in s. 794.011 or s.
470 794.023;

471 (c) Any sexual performance by a child as provided in s.
472 827.071;

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

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

477 (f) Any aggravated child abuse as provided in s.
478 827.03(2)(a) ~~s. 827.03(2)~~;

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

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

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

487 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
488 or vehicular or vessel homicide as provided in s. 782.071 or s.

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489 782.072, committed by a ~~any~~ person who is on probation or
490 community control for an offense involving death or injury
491 resulting from a driving incident.

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

494 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
495 960.01-960.28, unless the context otherwise requires, the term:

496 (3) "Crime" means:

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

506 (14) "Victim" means:

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

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

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

517 (d) ~~(e)~~ A person against whom a forcible felony was

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518 committed and who suffers a psychiatric or psychological injury
519 as a direct result of that crime but who does not otherwise
520 sustain a personal physical injury or death.

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