

Bill No. CS for SB 1854

Amendment No. \_\_\_\_

| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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Senator Brown-Waite moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, between, lines 24 and 25,

insert:

Section 2. Section 27.365, Florida Statutes, is amended to read:

27.365 Florida Prosecuting Attorneys Association; annual report regarding prosecutions.--By February 1st of each year, the Florida Prosecuting Attorneys Association shall report to the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and to the appropriate substantive committees of each chamber regarding prosecutions for offenses during the previous calendar year under ss. 794.011, 794.05, 800.04, and 827.04(4) ~~827.04(3)~~ when the victim of the offense was less than 18 years of age. This report must include, by judicial circuit, the following information in summary format for each offense: the initial charge in each case; the age of the victim and the age of the offender; the charge ultimately prosecuted, if any;

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1 whether the case went to trial or was resolved by plea  
2 agreement; and either the sentence imposed in each case, or  
3 the status of each case on December 31st of the previous year.  
4 The names of sexual offense victims shall not be included in  
5 the report.

6 Section 3. Paragraph (a) of subsection (2) of section  
7 39.201, Florida Statutes, is amended to read:

8 39.201 Mandatory reports of child abuse, abandonment,  
9 or neglect; mandatory reports of death; central abuse  
10 hotline.--

11 (2)(a) Each report of known or suspected child abuse,  
12 abandonment, or neglect pursuant to this section, except those  
13 solely under s. 827.04(4)~~s. 827.04(3)~~, shall be made  
14 immediately to the department's central abuse hotline on the  
15 single statewide toll-free telephone number, and, if the  
16 report is of an instance of known or suspected child abuse by  
17 a noncaretaker, the call shall be immediately electronically  
18 transferred to the appropriate county sheriff's office by the  
19 central abuse hotline. If the report is of an instance of  
20 known or suspected child abuse involving impregnation of a  
21 child under 16 years of age by a person 21 years of age or  
22 older solely under s. 827.04(4)~~s. 827.04(3)~~, the report shall  
23 be made immediately to the appropriate county sheriff's office  
24 or other appropriate law enforcement agency. If the report is  
25 of an instance of known or suspected child abuse solely under  
26 s. 827.04(4)~~s. 827.04(3)~~, the reporting provisions of this  
27 subsection do not apply to health care professionals or other  
28 persons who provide medical or counseling services to pregnant  
29 children when such reporting would interfere with the  
30 provision of medical services.

31 Section 4. Section 90.4025, Florida Statutes, is

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1 amended to read:

2           90.4025 Admissibility of paternity determination in  
3 certain criminal prosecutions.--If a person less than 18 years  
4 of age gives birth to a child and the paternity of that child  
5 is established under chapter 742, such evidence of paternity  
6 is admissible in a criminal prosecution under ss. 794.011,  
7 794.05, 800.04, and 827.04(4)~~827.04(3)~~.

8           Section 5. Section 382.356, Florida Statutes, is  
9 amended to read:

10           382.356 Protocol for sharing certain birth certificate  
11 information.--In order to facilitate the prosecution of  
12 offenses under s. 794.011, s. 794.05, s. 800.04, or s.  
13 827.04(4)~~s. 827.04(3)~~, the Department of Health, the  
14 Department of Revenue, and the Florida Prosecuting Attorneys  
15 Association shall develop a protocol for sharing birth  
16 certificate information for all children born to unmarried  
17 mothers who are less than 17 years of age at the time of the  
18 child's birth.

19           Section 6. Subsection (4) of section 742.107, Florida  
20 Statutes, is amended to read:

21           742.107 Determining paternity of child with mother  
22 under 16 years of age when impregnated.--

23           (4) When the information provided by the applicant or  
24 recipient who was impregnated while under age 16 indicates  
25 that such person is the victim of child abuse as provided in  
26 s. 827.04(4)~~s. 827.04(3)~~, the Department of Revenue or the  
27 Department of Children and Family Services shall notify the  
28 county sheriff's office or other appropriate agency or  
29 official and provide information needed to protect the child's  
30 health or welfare.

31           Section 7. Paragraph (g) of subsection (3) of section

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1 921.0022, Florida Statutes, is amended to read:  
 2 921.0022 Criminal Punishment Code; offense severity  
 3 ranking chart.--  
 4 (3) OFFENSE SEVERITY RANKING CHART  
 5  
 6 Florida Felony  
 7 Statute Degree Description  
 8  
 9 (g) LEVEL 7  
 10 316.193(3)(c)2. 3rd DUI resulting in serious bodily  
 11 injury.  
 12 327.35(3)(c)2. 3rd Vessel BUI resulting in serious  
 13 bodily injury.  
 14 402.319(2) 2nd Misrepresentation and negligence  
 15 or intentional act resulting in  
 16 great bodily harm, permanent  
 17 disfiguration, permanent  
 18 disability, or death.  
 19 409.920(2) 3rd Medicaid provider fraud.  
 20 494.0018(2) 1st Conviction of any violation of  
 21 ss. 494.001-494.0077 in which the  
 22 total money and property  
 23 unlawfully obtained exceeded  
 24 \$50,000 and there were five or  
 25 more victims.  
 26 782.051(3) 2nd Attempted felony murder of a  
 27 person by a person other than the  
 28 perpetrator or the perpetrator of  
 29 an attempted felony.  
 30 782.07(1) 2nd Killing of a human being by the  
 31 act, procurement, or culpable

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| 1  |                 |     | negligence of another             |
| 2  |                 |     | (manslaughter).                   |
| 3  | 782.071         | 2nd | Killing of human being or viable  |
| 4  |                 |     | fetus by the operation of a motor |
| 5  |                 |     | vehicle in a reckless manner      |
| 6  |                 |     | (vehicular homicide).             |
| 7  | 782.072         | 2nd | Killing of a human being by the   |
| 8  |                 |     | operation of a vessel in a        |
| 9  |                 |     | reckless manner (vessel           |
| 10 |                 |     | homicide).                        |
| 11 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally |
| 12 |                 |     | causing great bodily harm or      |
| 13 |                 |     | disfigurement.                    |
| 14 | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly  |
| 15 |                 |     | weapon.                           |
| 16 | 784.045(1)(b)   | 2nd | Aggravated battery; perpetrator   |
| 17 |                 |     | aware victim pregnant.            |
| 18 | 784.048(4)      | 3rd | Aggravated stalking; violation of |
| 19 |                 |     | injunction or court order.        |
| 20 | 784.07(2)(d)    | 1st | Aggravated battery on law         |
| 21 |                 |     | enforcement officer.              |
| 22 | 784.08(2)(a)    | 1st | Aggravated battery on a person 65 |
| 23 |                 |     | years of age or older.            |
| 24 | 784.081(1)      | 1st | Aggravated battery on specified   |
| 25 |                 |     | official or employee.             |
| 26 | 784.082(1)      | 1st | Aggravated battery by detained    |
| 27 |                 |     | person on visitor or other        |
| 28 |                 |     | detainee.                         |
| 29 | 784.083(1)      | 1st | Aggravated battery on code        |
| 30 |                 |     | inspector.                        |
| 31 |                 |     |                                   |

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| 1  | 790.07(4)      | 1st | Specified weapons violation        |
| 2  |                |     | subsequent to previous conviction  |
| 3  |                |     | of s. 790.07(1) or (2).            |
| 4  | 790.16(1)      | 1st | Discharge of a machine gun under   |
| 5  |                |     | specified circumstances.           |
| 6  | 796.03         | 2nd | Procuring any person under 16      |
| 7  |                |     | years for prostitution.            |
| 8  | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation;    |
| 9  |                |     | victim less than 12 years of age;  |
| 10 |                |     | offender less than 18 years.       |
| 11 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation;    |
| 12 |                |     | victim 12 years of age or older    |
| 13 |                |     | but less than 16 years; offender   |
| 14 |                |     | 18 years or older.                 |
| 15 | 806.01(2)      | 2nd | Maliciously damage structure by    |
| 16 |                |     | fire or explosive.                 |
| 17 | 810.02(3)(a)   | 2nd | Burglary of occupied dwelling;     |
| 18 |                |     | unarmed; no assault or battery.    |
| 19 | 810.02(3)(b)   | 2nd | Burglary of unoccupied dwelling;   |
| 20 |                |     | unarmed; no assault or battery.    |
| 21 | 810.02(3)(d)   | 2nd | Burglary of occupied conveyance;   |
| 22 |                |     | unarmed; no assault or battery.    |
| 23 | 812.014(2)(a)  | 1st | Property stolen, valued at         |
| 24 |                |     | \$100,000 or more; property stolen |
| 25 |                |     | while causing other property       |
| 26 |                |     | damage; 1st degree grand theft.    |
| 27 | 812.019(2)     | 1st | Stolen property; initiates,        |
| 28 |                |     | organizes, plans, etc., the theft  |
| 29 |                |     | of property and traffics in        |
| 30 |                |     | stolen property.                   |
| 31 | 812.131(2)(a)  | 2nd | Robbery by sudden snatching.       |

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|----|----------------------------------|-----|-----------------------------------|
| 1  | 812.133(2)(b)                    | 1st | Carjacking; no firearm, deadly    |
| 2  |                                  |     | weapon, or other weapon.          |
| 3  | 825.102(3)(b)                    | 2nd | Neglecting an elderly person or   |
| 4  |                                  |     | disabled adult causing great      |
| 5  |                                  |     | bodily harm, disability, or       |
| 6  |                                  |     | disfigurement.                    |
| 7  | 825.1025(2)                      | 2nd | Lewd or lascivious battery upon   |
| 8  |                                  |     | an elderly person or disabled     |
| 9  |                                  |     | adult.                            |
| 10 | 825.103(2)(b)                    | 2nd | Exploiting an elderly person or   |
| 11 |                                  |     | disabled adult and property is    |
| 12 |                                  |     | valued at \$20,000 or more, but   |
| 13 |                                  |     | less than \$100,000.              |
| 14 | 827.03(3)(b)                     | 2nd | Neglect of a child causing great  |
| 15 |                                  |     | bodily harm, disability, or       |
| 16 |                                  |     | disfigurement.                    |
| 17 | 827.04 <u>(4)</u> <del>(3)</del> | 3rd | Impregnation of a child under 16  |
| 18 |                                  |     | years of age by person 21 years   |
| 19 |                                  |     | of age or older.                  |
| 20 | 837.05(2)                        | 3rd | Giving false information about    |
| 21 |                                  |     | alleged capital felony to a law   |
| 22 |                                  |     | enforcement officer.              |
| 23 | 872.06                           | 2nd | Abuse of a dead human body.       |
| 24 | 893.13(1)(c)1.                   | 1st | Sell, manufacture, or deliver     |
| 25 |                                  |     | cocaine (or other drug prohibited |
| 26 |                                  |     | under s. 893.03(1)(a), (1)(b),    |
| 27 |                                  |     | (1)(d), (2)(a), or (2)(b)) within |
| 28 |                                  |     | 1,000 feet of a child care        |
| 29 |                                  |     | facility or school.               |
| 30 | 893.13(1)(e)                     | 1st | Sell, manufacture, or deliver     |
| 31 |                                  |     | cocaine or other drug prohibited  |

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| 1  |                 |     | under s. 893.03(1)(a), (1)(b),    |
| 2  |                 |     | (1)(d), (2)(a), or (2)(b), within |
| 3  |                 |     | 1,000 feet of property used for   |
| 4  |                 |     | religious services or a specified |
| 5  |                 |     | business site.                    |
| 6  | 893.13(4)(a)    | 1st | Deliver to minor cocaine (or      |
| 7  |                 |     | other s. 893.03(1)(a), (1)(b),    |
| 8  |                 |     | (1)(d), (2)(a), or (2)(b) drugs). |
| 9  | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more     |
| 10 |                 |     | than 50 lbs., less than 2,000     |
| 11 |                 |     | lbs.                              |
| 12 | 893.135         |     |                                   |
| 13 | (1)(b)1.a.      | 1st | Trafficking in cocaine, more than |
| 14 |                 |     | 28 grams, less than 200 grams.    |
| 15 | 893.135         |     |                                   |
| 16 | (1)(c)1.a.      | 1st | Trafficking in illegal drugs,     |
| 17 |                 |     | more than 4 grams, less than 14   |
| 18 |                 |     | grams.                            |
| 19 | 893.135         |     |                                   |
| 20 | (1)(d)1.        | 1st | Trafficking in phencyclidine,     |
| 21 |                 |     | more than 28 grams, less than 200 |
| 22 |                 |     | grams.                            |
| 23 | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more |
| 24 |                 |     | than 200 grams, less than 5       |
| 25 |                 |     | kilograms.                        |
| 26 | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more  |
| 27 |                 |     | than 14 grams, less than 28       |
| 28 |                 |     | grams.                            |
| 29 | 893.135         |     |                                   |
| 30 | (1)(g)1.a.      | 1st | Trafficking in flunitrazepam, 4   |
| 31 |                 |     | grams or more, less than 14       |



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grams.

Section 8. For the purpose of incorporating the amendment to section 827.04, Florida Statutes, in references thereto, section 409.2355, Florida Statutes, is reenacted to read:

409.2355 Programs for prosecution of males over age 21 who commit certain offenses involving girls under age 16.--Subject to specific appropriated funds, the Department of Children and Family Services is directed to establish a program by which local communities, through the state attorney's office of each judicial circuit, may apply for grants to fund innovative programs for the prosecution of males over the age of 21 who victimize girls under the age of 16 in violation of s. 794.011, s. 794.05, s. 800.04, or s. 827.04(4).

(Redesignate subsequent sections.)

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 6, after the semicolon,

insert:

amending ss. 27.365, 39.201, 90.4025, 382.356, 742.107, 921.0022, F.S.; conforming cross-references; reenacting s. 409.2355, F.S., relating to programs for prosecution of males over age 21 who commit certain offenses involving girls under age 16, to incorporate the amendment to s. 827.04, F.S., in references

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