

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Hart offered the following:

Amendment (with title amendment)

On page 13, between lines 25 and 26,

insert:

Section 11. Section 784.048, Florida Statutes, is amended to read:

784.048 Stalking; definitions; penalties.--

(1) As used in this section, the term:

(a) "Harass" means to engage in a course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose.

(b) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other organized protests.

(c) "Credible threat" means a threat made with the

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1 intent to cause the person who is the target of the threat to
2 reasonably fear for his or her safety. The threat must be
3 against the life of, or a threat to cause bodily injury to, a
4 person.

5 (d) "Cyberstalk" means to engage in a course of
6 conduct to communicate, or to cause to be communicated, words,
7 images, or language by or through the use of electronic mail
8 or electronic communication, directed at a specific person,
9 that causes substantial emotional distress in such person and
10 serves no legitimate purpose.

11 (2) Any person who willfully, maliciously, and
12 repeatedly follows, or harasses, or cyberstalks another person
13 commits the offense of stalking, a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 (3) Any person who willfully, maliciously, and
16 repeatedly follows, or harasses, or cyberstalks another
17 person, and makes a credible threat with the intent to place
18 that person in reasonable fear of death or bodily injury of
19 the person or the person's child, sibling, spouse, or
20 dependent, commits the offense of aggravated stalking, a
21 felony of the third degree, punishable as provided in s.
22 775.082, s. 775.083, or s. 775.084.

23 (4) Any person who, after an injunction for protection
24 against repeat violence pursuant to s. 784.046, or an
25 injunction for protection against domestic violence pursuant
26 to s. 741.30, or after any other court-imposed prohibition of
27 conduct toward the subject person or that person's property,
28 knowingly, willfully, maliciously, and repeatedly follows, or
29 harasses, or cyberstalks another person commits the offense of
30 aggravated stalking, a felony of the third degree, punishable
31 as provided in s. 775.082, s. 775.083, or s. 775.084.

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1 (5) Any person who willfully, maliciously, and
2 repeatedly follows or harasses a minor under 16 years of age,
3 or any person over 18 years of age who willfully, maliciously
4 and repeatedly cyberstalks a minor under 16 years of age
5 commits the offense of aggravated stalking, a felony of the
6 third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

8 (6) Any law enforcement officer may arrest, without a
9 warrant, any person he or she has probable cause to believe
10 has violated the provisions of this section.

11 Section 12. For the purpose of incorporating the
12 amendment to section 784.048, Florida Statutes, in references
13 thereto, the sections or subdivisions of Florida Statutes set
14 forth below are reenacted to read:

15 775.084 Violent career criminals; habitual felony
16 offenders and habitual violent felony offenders; three-time
17 violent felony offenders; definitions; procedure; enhanced
18 penalties or mandatory minimum prison terms.--

19 (1) As used in this act:

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

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

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

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

29 c. Aggravated child abuse, as described in s.
30 827.03(2);

31 d. Aggravated abuse of an elderly person or disabled

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1 adult, as described in s. 825.102(2);

2 e. Lewd or lascivious battery, lewd or lascivious
3 molestation, lewd or lascivious conduct, or lewd or lascivious
4 exhibition, as described in s. 800.04;

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

6 g. A felony violation of chapter 790 involving the use
7 or possession of a firearm.

8 2. The defendant has been incarcerated in a state
9 prison or a federal prison.

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

13 a. While the defendant was serving a prison sentence
14 or other sentence, or court-ordered or lawfully imposed
15 supervision that is imposed as a result of a prior conviction
16 for an enumerated felony; or

17 b. Within 5 years after the conviction of the last
18 prior enumerated felony, or within 5 years after the
19 defendant's release from a prison sentence, probation,
20 community control, control release, conditional release,
21 parole, or court-ordered or lawfully imposed supervision or
22 other sentence that is imposed as a result of a prior
23 conviction for an enumerated felony, whichever is later.

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

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

30 790.065 Sale and delivery of firearms.--

31 (2) Upon receipt of a request for a criminal history

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1 record check, the Department of Law Enforcement shall, during
2 the licensee's call or by return call, forthwith:

3 (c)1. Review any records available to it to determine
4 whether the potential buyer or transferee has been indicted or
5 has had an information filed against her or him for an offense
6 that is a felony under either state or federal law, or, as
7 mandated by federal law, has had an injunction for protection
8 against domestic violence entered against the potential buyer
9 or transferee under s. 741.30, has had an injunction for
10 protection against repeat violence entered against the
11 potential buyer or transferee under s. 784.046, or has been
12 arrested for a dangerous crime as specified in s.

13 907.041(4)(a) or for any of the following enumerated offenses:

- 14 a. Criminal anarchy under ss. 876.01 and 876.02.
- 15 b. Extortion under s. 836.05.
- 16 c. Explosives violations under s. 552.22(1) and (2).
- 17 d. Controlled substances violations under chapter 893.
- 18 e. Resisting an officer with violence under s. 843.01.
- 19 f. Weapons and firearms violations under this chapter.
- 20 g. Treason under s. 876.32.
- 21 h. Assisting self-murder under s. 782.08.
- 22 i. Sabotage under s. 876.38.
- 23 j. Stalking or aggravated stalking under s. 784.048.

24
25 If the review indicates any such indictment, information, or
26 arrest, the department shall provide to the licensee a
27 conditional nonapproval number.

28 2. Within 24 working hours, the department shall
29 determine the disposition of the indictment, information, or
30 arrest and inform the licensee as to whether the potential
31 buyer is prohibited from receiving or possessing a firearm.

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1 For purposes of this paragraph, "working hours" means the
2 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
3 legal holidays.

4 3. The office of the clerk of court, at no charge to
5 the department, shall respond to any department request for
6 data on the disposition of the indictment, information, or
7 arrest as soon as possible, but in no event later than 8
8 working hours.

9 4. The department shall determine as quickly as
10 possible within the allotted time period whether the potential
11 buyer is prohibited from receiving or possessing a firearm.

12 5. If the potential buyer is not so prohibited, or if
13 the department cannot determine the disposition information
14 within the allotted time period, the department shall provide
15 the licensee with a conditional approval number.

16 6. If the buyer is so prohibited, the conditional
17 nonapproval number shall become a nonapproval number.

18 7. The department shall continue its attempts to
19 obtain the disposition information and may retain a record of
20 all approval numbers granted without sufficient disposition
21 information. If the department later obtains disposition
22 information which indicates:

23 a. That the potential buyer is not prohibited from
24 owning a firearm, it shall treat the record of the transaction
25 in accordance with this section; or

26 b. That the potential buyer is prohibited from owning
27 a firearm, it shall immediately revoke the conditional
28 approval number and notify local law enforcement.

29 8. During the time that disposition of the indictment,
30 information, or arrest is pending and until the department is
31 notified by the potential buyer that there has been a final

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1 disposition of the indictment, information, or arrest, the
2 conditional nonapproval number shall remain in effect.

3 921.0022 Criminal Punishment Code; offense severity
4 ranking chart.--

5 (3) OFFENSE SEVERITY RANKING CHART

6	7 Florida	8 Felony	
9	10 Statute	11 Degree	12 Description
13			(f) LEVEL 6
14	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
15	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
16	775.0875(1)	3rd	Taking firearm from law enforcement officer.
17	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
18	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
19	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
20	784.041	3rd	Felony battery.
21	784.048(3)	3rd	Aggravated stalking; credible threat.
22	784.048(5)	3rd	Aggravated stalking of person under 16.
23	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.

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1	784.08(2)(b)	2nd	Aggravated assault on a person 65
2			years of age or older.
3	784.081(2)	2nd	Aggravated assault on specified
4			official or employee.
5	784.082(2)	2nd	Aggravated assault by detained
6			person on visitor or other
7			detainee.
8	784.083(2)	2nd	Aggravated assault on code
9			inspector.
10	787.02(2)	3rd	False imprisonment; restraining
11			with purpose other than those in
12			s. 787.01.
13	790.115(2)(d)	2nd	Discharging firearm or weapon on
14			school property.
15	790.161(2)	2nd	Make, possess, or throw
16			destructive device with intent to
17			do bodily harm or damage
18			property.
19	790.164(1)	2nd	False report of deadly explosive
20			or act of arson or violence to
21			state property.
22	790.19	2nd	Shooting or throwing deadly
23			missiles into dwellings, vessels,
24			or vehicles.
25	794.011(8)(a)	3rd	Solicitation of minor to
26			participate in sexual activity by
27			custodial adult.
28	794.05(1)	2nd	Unlawful sexual activity with
29			specified minor.
30	800.04(5)(d)	3rd	Lewd or lascivious molestation;
31			victim 12 years of age or older

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1			but less than 16 years; offender
2			less than 18 years.
3	800.04(6)(b)	2nd	Lewd or lascivious conduct;
4			offender 18 years of age or
5			older.
6	806.031(2)	2nd	Arson resulting in great bodily
7			harm to firefighter or any other
8			person.
9	810.02(3)(c)	2nd	Burglary of occupied structure;
10			unarmed; no assault or battery.
11	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
12			but less than \$100,000, grand
13			theft in 2nd degree.
14	812.13(2)(c)	2nd	Robbery, no firearm or other
15			weapon (strong-arm robbery).
16	817.034(4)(a)1.	1st	Communications fraud, value
17			greater than \$50,000.
18	817.4821(5)	2nd	Possess cloning paraphernalia
19			with intent to create cloned
20			cellular telephones.
21	825.102(1)	3rd	Abuse of an elderly person or
22			disabled adult.
23	825.102(3)(c)	3rd	Neglect of an elderly person or
24			disabled adult.
25	825.1025(3)	3rd	Lewd or lascivious molestation of
26			an elderly person or disabled
27			adult.
28	825.103(2)(c)	3rd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at less than \$20,000.
31	827.03(1)	3rd	Abuse of a child.

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1	827.03(3)(c)	3rd	Neglect of a child.
2	827.071(2)&(3)	2nd	Use or induce a child in a sexual
3			performance, or promote or direct
4			such performance.
5	836.05	2nd	Threats; extortion.
6	836.10	2nd	Written threats to kill or do
7			bodily injury.
8	843.12	3rd	Aids or assists person to escape.
9	847.0135(3)	3rd	Solicitation of a child, via a
10			computer service, to commit an
11			unlawful sex act.
12	914.23	2nd	Retaliation against a witness,
13			victim, or informant, with bodily
14			injury.
15	943.0435(9)	3rd	Sex offenders; failure to comply
16			with reporting requirements.
17	944.35(3)(a)2.	3rd	Committing malicious battery upon
18			or inflicting cruel or inhuman
19			treatment on an inmate or
20			offender on community
21			supervision, resulting in great
22			bodily harm.
23	944.40	2nd	Escapes.
24	944.46	3rd	Harboring, concealing, aiding
25			escaped prisoners.
26	944.47(1)(a)5.	2nd	Introduction of contraband
27			(firearm, weapon, or explosive)
28			into correctional facility.
29	951.22(1)	3rd	Intoxicating drug, firearm, or
30			weapon introduced into county
31			facility.

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1			(g) LEVEL 7
2	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
3			injury.
4	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
5			bodily injury.
6	402.319(2)	2nd	Misrepresentation and negligence
7			or intentional act resulting in
8			great bodily harm, permanent
9			disfiguration, permanent
10			disability, or death.
11	409.920(2)	3rd	Medicaid provider fraud.
12	456.065(2)	3rd	Practicing a health care
13			profession without a license.
14	456.065(2)	2nd	Practicing a health care
15			profession without a license
16			which results in serious bodily
17			injury.
18	458.327(1)	3rd	Practicing medicine without a
19			license.
20	459.013(1)	3rd	Practicing osteopathic medicine
21			without a license.
22	460.411(1)	3rd	Practicing chiropractic medicine
23			without a license.
24	461.012(1)	3rd	Practicing podiatric medicine
25			without a license.
26	462.17	3rd	Practicing naturopathy without a
27			license.
28	463.015(1)	3rd	Practicing optometry without a
29			license.
30	464.016(1)	3rd	Practicing nursing without a
31			license.

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1	465.015(2)	3rd	Practicing pharmacy without a
2			license.
3	466.026(1)	3rd	Practicing dentistry or dental
4			hygiene without a license.
5	467.201	3rd	Practicing midwifery without a
6			license.
7	468.366	3rd	Delivering respiratory care
8			services without a license.
9	483.828(1)	3rd	Practicing as clinical laboratory
10			personnel without a license.
11	483.901(9)	3rd	Practicing medical physics
12			without a license.
13	484.053	3rd	Dispensing hearing aids without a
14			license.
15	494.0018(2)	1st	Conviction of any violation of
16			ss. 494.001-494.0077 in which the
17			total money and property
18			unlawfully obtained exceeded
19			\$50,000 and there were five or
20			more victims.
21	560.123(8)(b)1.	3rd	Failure to report currency or
22			payment instruments exceeding
23			\$300 but less than \$20,000 by
24			money transmitter.
25	560.125(5)(a)	3rd	Money transmitter business by
26			unauthorized person, currency or
27			payment instruments exceeding
28			\$300 but less than \$20,000.
29	655.50(10)(b)1.	3rd	Failure to report financial
30			transactions exceeding \$300 but
31			less than \$20,000 by financial

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1			institution.
2	782.051(3)	2nd	Attempted felony murder of a
3			person by a person other than the
4			perpetrator or the perpetrator of
5			an attempted felony.
6	782.07(1)	2nd	Killing of a human being by the
7			act, procurement, or culpable
8			negligence of another
9			(manslaughter).
10	782.071	2nd	Killing of human being or viable
11			fetus by the operation of a motor
12			vehicle in a reckless manner
13			(vehicular homicide).
14	782.072	2nd	Killing of a human being by the
15			operation of a vessel in a
16			reckless manner (vessel
17			homicide).
18	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
19			causing great bodily harm or
20			disfigurement.
21	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
22			weapon.
23	784.045(1)(b)	2nd	Aggravated battery; perpetrator
24			aware victim pregnant.
25	784.048(4)	3rd	Aggravated stalking; violation of
26			injunction or court order.
27	784.07(2)(d)	1st	Aggravated battery on law
28			enforcement officer.
29	784.08(2)(a)	1st	Aggravated battery on a person 65
30			years of age or older.
31			

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1	784.081(1)	1st	Aggravated battery on specified
2			official or employee.
3	784.082(1)	1st	Aggravated battery by detained
4			person on visitor or other
5			detainee.
6	784.083(1)	1st	Aggravated battery on code
7			inspector.
8	790.07(4)	1st	Specified weapons violation
9			subsequent to previous conviction
10			of s. 790.07(1) or (2).
11	790.16(1)	1st	Discharge of a machine gun under
12			specified circumstances.
13	790.166(3)	2nd	Possessing, selling, using, or
14			attempting to use a hoax weapon
15			of mass destruction.
16	796.03	2nd	Procuring any person under 16
17			years for prostitution.
18	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
19			victim less than 12 years of age;
20			offender less than 18 years.
21	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
22			victim 12 years of age or older
23			but less than 16 years; offender
24			18 years or older.
25	806.01(2)	2nd	Maliciously damage structure by
26			fire or explosive.
27	810.02(3)(a)	2nd	Burglary of occupied dwelling;
28			unarmed; no assault or battery.
29	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
30			unarmed; no assault or battery.
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1	810.02(3)(d)	2nd	Burglary of occupied conveyance;
2			unarmed; no assault or battery.
3	812.014(2)(a)	1st	Property stolen, valued at
4			\$100,000 or more; property stolen
5			while causing other property
6			damage; 1st degree grand theft.
7	812.019(2)	1st	Stolen property; initiates,
8			organizes, plans, etc., the theft
9			of property and traffics in
10			stolen property.
11	812.131(2)(a)	2nd	Robbery by sudden snatching.
12	812.133(2)(b)	1st	Carjacking; no firearm, deadly
13			weapon, or other weapon.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
18	825.1025(2)	2nd	Lewd or lascivious battery upon
19			an elderly person or disabled
20			adult.
21	825.103(2)(b)	2nd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at \$20,000 or more, but
24			less than \$100,000.
25	827.03(3)(b)	2nd	Neglect of a child causing great
26			bodily harm, disability, or
27			disfigurement.
28	827.04(3)	3rd	Impregnation of a child under 16
29			years of age by person 21 years
30			of age or older.
31			

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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	872.06	2nd	Abuse of a dead human body.
5	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
6			cocaine (or other drug prohibited
7			under s. 893.03(1)(a), (1)(b),
8			(1)(d), (2)(a), (2)(b), or
9			(2)(c)4.) within 1,000 feet of a
10			child care facility or school.
11	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
12			cocaine or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4., within 1,000 feet of
16			property used for religious
17			services or a specified business
18			site.
19	893.13(4)(a)	1st	Deliver to minor cocaine (or
20			other s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4. drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 50 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
29	893.135		
30	(1)(c)1.a.	1st	Trafficking in illegal drugs,
31			more than 4 grams, less than 14

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1			grams.
2	893.135		
3	(1)(d)1.	1st	Trafficking in phencyclidine,
4			more than 28 grams, less than 200
5			grams.
6	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
7			than 200 grams, less than 5
8			kilograms.
9	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
10			than 14 grams, less than 28
11			grams.
12	893.135		
13	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
14			grams or more, less than 14
15			grams.
16	893.135		
17	(1)(h)1.a.	1st	Trafficking in
18			gamma-hydroxybutyric acid (GHB),
19			1 kilogram or more, less than 5
20			kilograms.
21	893.135		
22	(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1
23			kilogram or more, less than 5
24			kilograms.
25	893.135		
26	(1)(j)2.a.	1st	Trafficking in Phenethylamines,
27			10 grams or more, less than 200
28			grams.
29	896.101(5)(a)	3rd	Money laundering, financial
30			transactions exceeding \$300 but
31			less than \$20,000.

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1 896.104(4)(a)1. 3rd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions exceeding \$300 but
5 less than \$20,000.
6

7 960.001 Guidelines for fair treatment of victims and
8 witnesses in the criminal justice and juvenile justice
9 systems.--

10 (1) The Department of Legal Affairs, the state
11 attorneys, the Department of Corrections, the Department of
12 Juvenile Justice, the Parole Commission, the State Courts
13 Administrator and circuit court administrators, the Department
14 of Law Enforcement, and every sheriff's department, police
15 department, or other law enforcement agency as defined in s.
16 943.10(4) shall develop and implement guidelines for the use
17 of their respective agencies, which guidelines are consistent
18 with the purposes of this act and s. 16(b), Art. I of the
19 State Constitution and are designed to implement the
20 provisions of s. 16(b), Art. I of the State Constitution and
21 to achieve the following objectives:

22 (b) Information for purposes of notifying victim or
23 appropriate next of kin of victim or other designated contact
24 of victim.--In the case of a homicide, pursuant to chapter
25 782; or a sexual offense, pursuant to chapter 794; or an
26 attempted murder or sexual offense, pursuant to chapter 777;
27 or stalking, pursuant to s. 784.048; or domestic violence,
28 pursuant to s. 25.385:

29 1. The arresting law enforcement officer or personnel
30 of an organization that provides assistance to a victim or to
31 the appropriate next of kin of the victim or other designated

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1 contact must request that the victim or appropriate next of
2 kin of the victim or other designated contact complete a
3 victim notification card. However, the victim or appropriate
4 next of kin of the victim or other designated contact may
5 choose not to complete the victim notification card.

6 2. Unless the victim or the appropriate next of kin of
7 the victim or other designated contact waives the option to
8 complete the victim notification card, a copy of the victim
9 notification card must be filed with the incident report or
10 warrant in the sheriff's office of the jurisdiction in which
11 the incident report or warrant originated. The notification
12 card shall, at a minimum, consist of:

13 a. The name, address, and phone number of the victim;
14 or

15 b. The name, address, and phone number of the
16 appropriate next of kin of the victim; or

17 c. The name, address, and phone number of a designated
18 contact other than the victim or appropriate next of kin of
19 the victim; and

20 d. Any relevant identification or case numbers
21 assigned to the case.

22 3. The chief administrator, or a person designated by
23 the chief administrator, of a county jail, municipal jail,
24 juvenile detention facility, or residential commitment
25 facility shall make a reasonable attempt to notify the alleged
26 victim or appropriate next of kin of the alleged victim or
27 other designated contact within 4 hours following the release
28 of the defendant on bail or, in the case of a juvenile
29 offender, upon the release from residential detention or
30 commitment. If the chief administrator, or designee, is
31 unable to contact the alleged victim or appropriate next of

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1 kin of the alleged victim or other designated contact by
2 telephone, the chief administrator, or designee, must send to
3 the alleged victim or appropriate next of kin of the alleged
4 victim or other designated contact a written notification of
5 the defendant's release.

6 4. Unless otherwise requested by the victim or the
7 appropriate next of kin of the victim or other designated
8 contact, the information contained on the victim notification
9 card must be sent by the chief administrator, or designee, of
10 the appropriate facility to the subsequent correctional or
11 residential commitment facility following the sentencing and
12 incarceration of the defendant, and unless otherwise requested
13 by the victim or the appropriate next of kin of the victim or
14 other designated contact, he or she must be notified of the
15 release of the defendant from incarceration as provided by
16 law.

17 5. If the defendant was arrested pursuant to a warrant
18 issued or taken into custody pursuant to s. 985.207 in a
19 jurisdiction other than the jurisdiction in which the
20 defendant is being released, and the alleged victim or
21 appropriate next of kin of the alleged victim or other
22 designated contact does not waive the option for notification
23 of release, the chief correctional officer or chief
24 administrator of the facility releasing the defendant shall
25 make a reasonable attempt to immediately notify the chief
26 correctional officer of the jurisdiction in which the warrant
27 was issued or the juvenile was taken into custody pursuant to
28 s. 985.207, and the chief correctional officer of that
29 jurisdiction shall make a reasonable attempt to notify the
30 alleged victim or appropriate next of kin of the alleged
31 victim or other designated contact, as provided in this

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1 paragraph, that the defendant has been or will be released.

2 Section 13. This act shall take effect October 1,
3 2001.

4
5

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

7 And the title is amended as follows:

8 On page 2, line 2 after "interest"

9

10 insert:

11 amending s. 784.048, F.S.; defining the term
12 "cyberstalk" to mean communication by means of
13 electronic mail or electronic communication
14 which causes substantial emotional distress and
15 does not serve a legitimate purpose; including
16 within the offenses of stalking and aggravated
17 stalking the willful, malicious, and repeated
18 cyberstalking of another person; providing
19 penalties; revising the elements of the offense
20 of aggravated stalking to include placing a
21 person in fear of death or bodily injury of the
22 person or the person's child, sibling, spouse,
23 or dependent; reenacting ss. 775.084(1)(d),
24 790.065(2)(c), 921.0022(3)(f) and (g), and
25 960.001(1)(b), F.S., to incorporate the
26 amendment to s. 784.048, F.S., in references
27 thereto;

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 14. Section 784.048, Florida Statutes, is

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 784.048 Stalking; definitions; penalties.--

3 (1) As used in this section, the term:

4 (a) "Harass" means to engage in a course of conduct
5 directed at a specific person that causes substantial
6 emotional distress in such person and serves no legitimate
7 purpose.

8 (b) "Course of conduct" means a pattern of conduct
9 composed of a series of acts over a period of time, however
10 short, evidencing a continuity of purpose. Constitutionally
11 protected activity is not included within the meaning of
12 "course of conduct." Such constitutionally protected activity
13 includes picketing or other organized protests.

14 (c) "Credible threat" means a threat made with the
15 intent to cause the person who is the target of the threat to
16 reasonably fear for his or her safety. The threat must be
17 against the life of, or a threat to cause bodily injury to, a
18 person.

19 (d) "Cyberstalk" means to engage in a course of
20 conduct to communicate, or to cause to be communicated, words,
21 images, or language by or through the use of electronic mail
22 or electronic communication, directed at a specific person,
23 that causes substantial emotional distress in such person and
24 serves no legitimate purpose.

25 (2) Any person who willfully, maliciously, and
26 repeatedly follows, ~~or~~ harasses, or cyberstalks another person
27 commits the offense of stalking, a misdemeanor of the first
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 (3) Any person who willfully, maliciously, and
30 repeatedly follows, ~~or~~ harasses, or cyberstalks another
31 person, and makes a credible threat with the intent to place

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1 that person in reasonable fear of death or bodily injury of
2 the person or the person's child, sibling, spouse, or
3 dependent, commits the offense of aggravated stalking, a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 (4) Any person who, after an injunction for protection
7 against repeat violence pursuant to s. 784.046, or an
8 injunction for protection against domestic violence pursuant
9 to s. 741.30, or after any other court-imposed prohibition of
10 conduct toward the subject person or that person's property,
11 knowingly, willfully, maliciously, and repeatedly follows, or
12 harasses, or cyberstalks another person commits the offense of
13 aggravated stalking, a felony of the third degree, punishable
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 (5) Any person who willfully, maliciously, and
16 repeatedly follows, or harasses, or cyberstalks a minor under
17 16 years of age commits the offense of aggravated stalking, a
18 felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 (6) Any law enforcement officer may arrest, without a
21 warrant, any person he or she has probable cause to believe
22 has violated the provisions of this section.

23 Section 15. For the purpose of incorporating the
24 amendment to section 784.048, Florida Statutes, in references
25 thereto, the sections or subdivisions of Florida Statutes set
26 forth below are reenacted to read:

27 775.084 Violent career criminals; habitual felony
28 offenders and habitual violent felony offenders; three-time
29 violent felony offenders; definitions; procedure; enhanced
30 penalties or mandatory minimum prison terms.--

31 (1) As used in this act:

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- 1 (d) "Violent career criminal" means a defendant for
2 whom the court must impose imprisonment pursuant to paragraph
3 (4)(d), if it finds that:
- 4 1. The defendant has previously been convicted as an
5 adult three or more times for an offense in this state or
6 other qualified offense that is:
- 7 a. Any forcible felony, as described in s. 776.08;
8 b. Aggravated stalking, as described in s. 784.048(3)
9 and (4);
10 c. Aggravated child abuse, as described in s.
11 827.03(2);
12 d. Aggravated abuse of an elderly person or disabled
13 adult, as described in s. 825.102(2);
14 e. Lewd or lascivious battery, lewd or lascivious
15 molestation, lewd or lascivious conduct, or lewd or lascivious
16 exhibition, as described in s. 800.04;
17 f. Escape, as described in s. 944.40; or
18 g. A felony violation of chapter 790 involving the use
19 or possession of a firearm.
- 20 2. The defendant has been incarcerated in a state
21 prison or a federal prison.
- 22 3. The primary felony offense for which the defendant
23 is to be sentenced is a felony enumerated in subparagraph 1.
24 and was committed on or after October 1, 1995, and:
- 25 a. While the defendant was serving a prison sentence
26 or other sentence, or court-ordered or lawfully imposed
27 supervision that is imposed as a result of a prior conviction
28 for an enumerated felony; or
29 b. Within 5 years after the conviction of the last
30 prior enumerated felony, or within 5 years after the
31 defendant's release from a prison sentence, probation,

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1 community control, control release, conditional release,
2 parole, or court-ordered or lawfully imposed supervision or
3 other sentence that is imposed as a result of a prior
4 conviction for an enumerated felony, whichever is later.

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

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

11 790.065 Sale and delivery of firearms.--

12 (2) Upon receipt of a request for a criminal history
13 record check, the Department of Law Enforcement shall, during
14 the licensee's call or by return call, forthwith:

15 (c)1. Review any records available to it to determine
16 whether the potential buyer or transferee has been indicted or
17 has had an information filed against her or him for an offense
18 that is a felony under either state or federal law, or, as
19 mandated by federal law, has had an injunction for protection
20 against domestic violence entered against the potential buyer
21 or transferee under s. 741.30, has had an injunction for
22 protection against repeat violence entered against the
23 potential buyer or transferee under s. 784.046, or has been
24 arrested for a dangerous crime as specified in s.

25 907.041(4)(a) or for any of the following enumerated offenses:

- 26 a. Criminal anarchy under ss. 876.01 and 876.02.
- 27 b. Extortion under s. 836.05.
- 28 c. Explosives violations under s. 552.22(1) and (2).
- 29 d. Controlled substances violations under chapter 893.
- 30 e. Resisting an officer with violence under s. 843.01.
- 31 f. Weapons and firearms violations under this chapter.

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- 1 g. Treason under s. 876.32.
- 2 h. Assisting self-murder under s. 782.08.
- 3 i. Sabotage under s. 876.38.
- 4 j. Stalking or aggravated stalking under s. 784.048.

5
6 If the review indicates any such indictment, information, or
7 arrest, the department shall provide to the licensee a
8 conditional nonapproval number.

9 2. Within 24 working hours, the department shall
10 determine the disposition of the indictment, information, or
11 arrest and inform the licensee as to whether the potential
12 buyer is prohibited from receiving or possessing a firearm.
13 For purposes of this paragraph, "working hours" means the
14 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
15 legal holidays.

16 3. The office of the clerk of court, at no charge to
17 the department, shall respond to any department request for
18 data on the disposition of the indictment, information, or
19 arrest as soon as possible, but in no event later than 8
20 working hours.

21 4. The department shall determine as quickly as
22 possible within the allotted time period whether the potential
23 buyer is prohibited from receiving or possessing a firearm.

24 5. If the potential buyer is not so prohibited, or if
25 the department cannot determine the disposition information
26 within the allotted time period, the department shall provide
27 the licensee with a conditional approval number.

28 6. If the buyer is so prohibited, the conditional
29 nonapproval number shall become a nonapproval number.

30 7. The department shall continue its attempts to
31 obtain the disposition information and may retain a record of

Amendment No. ____ (for drafter's use only)

1 all approval numbers granted without sufficient disposition
2 information. If the department later obtains disposition
3 information which indicates:

4 a. That the potential buyer is not prohibited from
5 owning a firearm, it shall treat the record of the transaction
6 in accordance with this section; or

7 b. That the potential buyer is prohibited from owning
8 a firearm, it shall immediately revoke the conditional
9 approval number and notify local law enforcement.

10 8. During the time that disposition of the indictment,
11 information, or arrest is pending and until the department is
12 notified by the potential buyer that there has been a final
13 disposition of the indictment, information, or arrest, the
14 conditional nonapproval number shall remain in effect.

15 921.0022 Criminal Punishment Code; offense severity
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18

19 Florida Statute	Felony Degree	Description
		(f) LEVEL 6
23 316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
25 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
27 775.0875(1)	3rd	Taking firearm from law enforcement officer.
29 775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or

31

Amendment No. ____ (for drafter's use only)

1			identification card.
2	784.021(1)(a)	3rd	Aggravated assault; deadly weapon
3			without intent to kill.
4	784.021(1)(b)	3rd	Aggravated assault; intent to
5			commit felony.
6	784.041	3rd	Felony battery.
7	784.048(3)	3rd	Aggravated stalking; credible
8			threat.
9	784.048(5)	3rd	Aggravated stalking of person
10			under 16.
11	784.07(2)(c)	2nd	Aggravated assault on law
12			enforcement officer.
13	784.08(2)(b)	2nd	Aggravated assault on a person 65
14			years of age or older.
15	784.081(2)	2nd	Aggravated assault on specified
16			official or employee.
17	784.082(2)	2nd	Aggravated assault by detained
18			person on visitor or other
19			detainee.
20	784.083(2)	2nd	Aggravated assault on code
21			inspector.
22	787.02(2)	3rd	False imprisonment; restraining
23			with purpose other than those in
24			s. 787.01.
25	790.115(2)(d)	2nd	Discharging firearm or weapon on
26			school property.
27	790.161(2)	2nd	Make, possess, or throw
28			destructive device with intent to
29			do bodily harm or damage
30			property.
31			

Amendment No. ____ (for drafter's use only)

1	790.164(1)	2nd	False report of deadly explosive
2			or act of arson or violence to
3			state property.
4	790.19	2nd	Shooting or throwing deadly
5			missiles into dwellings, vessels,
6			or vehicles.
7	794.011(8)(a)	3rd	Solicitation of minor to
8			participate in sexual activity by
9			custodial adult.
10	794.05(1)	2nd	Unlawful sexual activity with
11			specified minor.
12	800.04(5)(d)	3rd	Lewd or lascivious molestation;
13			victim 12 years of age or older
14			but less than 16 years; offender
15			less than 18 years.
16	800.04(6)(b)	2nd	Lewd or lascivious conduct;
17			offender 18 years of age or
18			older.
19	806.031(2)	2nd	Arson resulting in great bodily
20			harm to firefighter or any other
21			person.
22	810.02(3)(c)	2nd	Burglary of occupied structure;
23			unarmed; no assault or battery.
24	812.014(2)(b)	2nd	Property stolen \$20,000 or more,
25			but less than \$100,000, grand
26			theft in 2nd degree.
27	812.13(2)(c)	2nd	Robbery, no firearm or other
28			weapon (strong-arm robbery).
29	817.034(4)(a)1.	1st	Communications fraud, value
30			greater than \$50,000.
31			

Amendment No. ____ (for drafter's use only)

1	817.4821(5)	2nd	Possess cloning paraphernalia
2			with intent to create cloned
3			cellular telephones.
4	825.102(1)	3rd	Abuse of an elderly person or
5			disabled adult.
6	825.102(3)(c)	3rd	Neglect of an elderly person or
7			disabled adult.
8	825.1025(3)	3rd	Lewd or lascivious molestation of
9			an elderly person or disabled
10			adult.
11	825.103(2)(c)	3rd	Exploiting an elderly person or
12			disabled adult and property is
13			valued at less than \$20,000.
14	827.03(1)	3rd	Abuse of a child.
15	827.03(3)(c)	3rd	Neglect of a child.
16	827.071(2)&(3)	2nd	Use or induce a child in a sexual
17			performance, or promote or direct
18			such performance.
19	836.05	2nd	Threats; extortion.
20	836.10	2nd	Written threats to kill or do
21			bodily injury.
22	843.12	3rd	Aids or assists person to escape.
23	847.0135(3)	3rd	Solicitation of a child, via a
24			computer service, to commit an
25			unlawful sex act.
26	914.23	2nd	Retaliation against a witness,
27			victim, or informant, with bodily
28			injury.
29	943.0435(9)	3rd	Sex offenders; failure to comply
30			with reporting requirements.
31			

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1	944.35(3)(a)2.	3rd	Committing malicious battery upon
2			or inflicting cruel or inhuman
3			treatment on an inmate or
4			offender on community
5			supervision, resulting in great
6			bodily harm.
7	944.40	2nd	Escapes.
8	944.46	3rd	Harboring, concealing, aiding
9			escaped prisoners.
10	944.47(1)(a)5.	2nd	Introduction of contraband
11			(firearm, weapon, or explosive)
12			into correctional facility.
13	951.22(1)	3rd	Intoxicating drug, firearm, or
14			weapon introduced into county
15			facility.
16			(g) LEVEL 7
17	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
18			injury.
19	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
20			bodily injury.
21	402.319(2)	2nd	Misrepresentation and negligence
22			or intentional act resulting in
23			great bodily harm, permanent
24			disfiguration, permanent
25			disability, or death.
26	409.920(2)	3rd	Medicaid provider fraud.
27	456.065(2)	3rd	Practicing a health care
28			profession without a license.
29	456.065(2)	2nd	Practicing a health care
30			profession without a license
31			which results in serious bodily

HOUSE AMENDMENT

Bill No. CS/HB 203, 1st Eng.

Amendment No. ____ (for drafter's use only)

1			injury.
2	458.327(1)	3rd	Practicing medicine without a
3			license.
4	459.013(1)	3rd	Practicing osteopathic medicine
5			without a license.
6	460.411(1)	3rd	Practicing chiropractic medicine
7			without a license.
8	461.012(1)	3rd	Practicing podiatric medicine
9			without a license.
10	462.17	3rd	Practicing naturopathy without a
11			license.
12	463.015(1)	3rd	Practicing optometry without a
13			license.
14	464.016(1)	3rd	Practicing nursing without a
15			license.
16	465.015(2)	3rd	Practicing pharmacy without a
17			license.
18	466.026(1)	3rd	Practicing dentistry or dental
19			hygiene without a license.
20	467.201	3rd	Practicing midwifery without a
21			license.
22	468.366	3rd	Delivering respiratory care
23			services without a license.
24	483.828(1)	3rd	Practicing as clinical laboratory
25			personnel without a license.
26	483.901(9)	3rd	Practicing medical physics
27			without a license.
28	484.053	3rd	Dispensing hearing aids without a
29			license.
30	494.0018(2)	1st	Conviction of any violation of
31			ss. 494.001-494.0077 in which the

Amendment No. ____ (for drafter's use only)

1			total money and property
2			unlawfully obtained exceeded
3			\$50,000 and there were five or
4			more victims.
5	560.123(8)(b)1.	3rd	Failure to report currency or
6			payment instruments exceeding
7			\$300 but less than \$20,000 by
8			money transmitter.
9	560.125(5)(a)	3rd	Money transmitter business by
10			unauthorized person, currency or
11			payment instruments exceeding
12			\$300 but less than \$20,000.
13	655.50(10)(b)1.	3rd	Failure to report financial
14			transactions exceeding \$300 but
15			less than \$20,000 by financial
16			institution.
17	782.051(3)	2nd	Attempted felony murder of a
18			person by a person other than the
19			perpetrator or the perpetrator of
20			an attempted felony.
21	782.07(1)	2nd	Killing of a human being by the
22			act, procurement, or culpable
23			negligence of another
24			(manslaughter).
25	782.071	2nd	Killing of human being or viable
26			fetus by the operation of a motor
27			vehicle in a reckless manner
28			(vehicular homicide).
29	782.072	2nd	Killing of a human being by the
30			operation of a vessel in a
31			reckless manner (vessel

Amendment No. ____ (for drafter's use only)

1			homicide).
2	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
3			causing great bodily harm or
4			disfigurement.
5	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
6			weapon.
7	784.045(1)(b)	2nd	Aggravated battery; perpetrator
8			aware victim pregnant.
9	784.048(4)	3rd	Aggravated stalking; violation of
10			injunction or court order.
11	784.07(2)(d)	1st	Aggravated battery on law
12			enforcement officer.
13	784.08(2)(a)	1st	Aggravated battery on a person 65
14			years of age or older.
15	784.081(1)	1st	Aggravated battery on specified
16			official or employee.
17	784.082(1)	1st	Aggravated battery by detained
18			person on visitor or other
19			detainee.
20	784.083(1)	1st	Aggravated battery on code
21			inspector.
22	790.07(4)	1st	Specified weapons violation
23			subsequent to previous conviction
24			of s. 790.07(1) or (2).
25	790.16(1)	1st	Discharge of a machine gun under
26			specified circumstances.
27	790.166(3)	2nd	Possessing, selling, using, or
28			attempting to use a hoax weapon
29			of mass destruction.
30	796.03	2nd	Procuring any person under 16
31			years for prostitution.

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1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; property stolen
18			while causing other property
19			damage; 1st degree grand theft.
20	812.019(2)	1st	Stolen property; initiates,
21			organizes, plans, etc., the theft
22			of property and traffics in
23			stolen property.
24	812.131(2)(a)	2nd	Robbery by sudden snatching.
25	812.133(2)(b)	1st	Carjacking; no firearm, deadly
26			weapon, or other weapon.
27	825.102(3)(b)	2nd	Neglecting an elderly person or
28			disabled adult causing great
29			bodily harm, disability, or
30			disfigurement.
31			

Amendment No. ____ (for drafter's use only)

1	825.1025(2)	2nd	Lewd or lascivious battery upon
2			an elderly person or disabled
3			adult.
4	825.103(2)(b)	2nd	Exploiting an elderly person or
5			disabled adult and property is
6			valued at \$20,000 or more, but
7			less than \$100,000.
8	827.03(3)(b)	2nd	Neglect of a child causing great
9			bodily harm, disability, or
10			disfigurement.
11	827.04(3)	3rd	Impregnation of a child under 16
12			years of age by person 21 years
13			of age or older.
14	837.05(2)	3rd	Giving false information about
15			alleged capital felony to a law
16			enforcement officer.
17	872.06	2nd	Abuse of a dead human body.
18	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
19			cocaine (or other drug prohibited
20			under s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4.) within 1,000 feet of a
23			child care facility or school.
24	893.13(1)(e)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), (2)(b), or
28			(2)(c)4., within 1,000 feet of
29			property used for religious
30			services or a specified business
31			site.

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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 50 lbs., less than 2,000
7			lbs.
8	893.135		
9	(1)(b)1.a.	1st	Trafficking in cocaine, more than
10			28 grams, less than 200 grams.
11	893.135		
12	(1)(c)1.a.	1st	Trafficking in illegal drugs,
13			more than 4 grams, less than 14
14			grams.
15	893.135		
16	(1)(d)1.	1st	Trafficking in phencyclidine,
17			more than 28 grams, less than 200
18			grams.
19	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
20			than 200 grams, less than 5
21			kilograms.
22	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
23			than 14 grams, less than 28
24			grams.
25	893.135		
26	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
27			grams or more, less than 14
28			grams.
29	893.135		
30	(1)(h)1.a.	1st	Trafficking in
31			gamma-hydroxybutyric acid (GHB),

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1 1 kilogram or more, less than 5
2 kilograms.
3 893.135
4 (1)(i)1.a. 1st Trafficking in 1,4-Butanediol, 1
5 kilogram or more, less than 5
6 kilograms.
7 893.135
8 (1)(j)2.a. 1st Trafficking in Phenethylamines,
9 10 grams or more, less than 200
10 grams.
11 896.101(5)(a) 3rd Money laundering, financial
12 transactions exceeding \$300 but
13 less than \$20,000.
14 896.104(4)(a)1. 3rd Structuring transactions to evade
15 reporting or registration
16 requirements, financial
17 transactions exceeding \$300 but
18 less than \$20,000.

19
20 960.001 Guidelines for fair treatment of victims and
21 witnesses in the criminal justice and juvenile justice
22 systems.--

23 (1) The Department of Legal Affairs, the state
24 attorneys, the Department of Corrections, the Department of
25 Juvenile Justice, the Parole Commission, the State Courts
26 Administrator and circuit court administrators, the Department
27 of Law Enforcement, and every sheriff's department, police
28 department, or other law enforcement agency as defined in s.
29 943.10(4) shall develop and implement guidelines for the use
30 of their respective agencies, which guidelines are consistent
31 with the purposes of this act and s. 16(b), Art. I of the

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1 State Constitution and are designed to implement the
2 provisions of s. 16(b), Art. I of the State Constitution and
3 to achieve the following objectives:

4 (b) Information for purposes of notifying victim or
5 appropriate next of kin of victim or other designated contact
6 of victim.--In the case of a homicide, pursuant to chapter
7 782; or a sexual offense, pursuant to chapter 794; or an
8 attempted murder or sexual offense, pursuant to chapter 777;
9 or stalking, pursuant to s. 784.048; or domestic violence,
10 pursuant to s. 25.385:

11 1. The arresting law enforcement officer or personnel
12 of an organization that provides assistance to a victim or to
13 the appropriate next of kin of the victim or other designated
14 contact must request that the victim or appropriate next of
15 kin of the victim or other designated contact complete a
16 victim notification card. However, the victim or appropriate
17 next of kin of the victim or other designated contact may
18 choose not to complete the victim notification card.

19 2. Unless the victim or the appropriate next of kin of
20 the victim or other designated contact waives the option to
21 complete the victim notification card, a copy of the victim
22 notification card must be filed with the incident report or
23 warrant in the sheriff's office of the jurisdiction in which
24 the incident report or warrant originated. The notification
25 card shall, at a minimum, consist of:

26 a. The name, address, and phone number of the victim;
27 or

28 b. The name, address, and phone number of the
29 appropriate next of kin of the victim; or

30 c. The name, address, and phone number of a designated
31 contact other than the victim or appropriate next of kin of

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1 the victim; and

2 d. Any relevant identification or case numbers
3 assigned to the case.

4 3. The chief administrator, or a person designated by
5 the chief administrator, of a county jail, municipal jail,
6 juvenile detention facility, or residential commitment
7 facility shall make a reasonable attempt to notify the alleged
8 victim or appropriate next of kin of the alleged victim or
9 other designated contact within 4 hours following the release
10 of the defendant on bail or, in the case of a juvenile
11 offender, upon the release from residential detention or
12 commitment. If the chief administrator, or designee, is
13 unable to contact the alleged victim or appropriate next of
14 kin of the alleged victim or other designated contact by
15 telephone, the chief administrator, or designee, must send to
16 the alleged victim or appropriate next of kin of the alleged
17 victim or other designated contact a written notification of
18 the defendant's release.

19 4. Unless otherwise requested by the victim or the
20 appropriate next of kin of the victim or other designated
21 contact, the information contained on the victim notification
22 card must be sent by the chief administrator, or designee, of
23 the appropriate facility to the subsequent correctional or
24 residential commitment facility following the sentencing and
25 incarceration of the defendant, and unless otherwise requested
26 by the victim or the appropriate next of kin of the victim or
27 other designated contact, he or she must be notified of the
28 release of the defendant from incarceration as provided by
29 law.

30 5. If the defendant was arrested pursuant to a warrant
31 issued or taken into custody pursuant to s. 985.207 in a

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1 jurisdiction other than the jurisdiction in which the
2 defendant is being released, and the alleged victim or
3 appropriate next of kin of the alleged victim or other
4 designated contact does not waive the option for notification
5 of release, the chief correctional officer or chief
6 administrator of the facility releasing the defendant shall
7 make a reasonable attempt to immediately notify the chief
8 correctional officer of the jurisdiction in which the warrant
9 was issued or the juvenile was taken into custody pursuant to
10 s. 985.207, and the chief correctional officer of that
11 jurisdiction shall make a reasonable attempt to notify the
12 alleged victim or appropriate next of kin of the alleged
13 victim or other designated contact, as provided in this
14 paragraph, that the defendant has been or will be released.

15 Section 16. This act shall take effect October 1,
16 2001.

17 HOUSE SUMMARY

18
19
20 Revises provisions relating to the offense of stalking.
21 Defines the term "cyberstalk" to mean communication by means
22 of electronic mail or electronic communication which causes
23 substantial emotional distress and does not serve a legitimate
24 purpose. Includes within the offenses of stalking and
25 aggravated stalking the willful, malicious, and repeated
26 cyberstalking of another person. Provides penalties. Revises
27 the elements of the offense of aggravated stalking to include
28 placing a person in fear of death or bodily injury of the
29 person or the person's child, sibling, spouse, or dependent.

30
31