

By Senator Cowin

20-779-04

1 A bill to be entitled
2 An act relating to aggravated stalking;
3 amending s. 784.048, F.S.; providing that an
4 offender commits aggravated stalking, a
5 third-degree felony, when he or she violates a
6 court order of probation prohibiting contact
7 with the victim of the offense; amending s.
8 921.0022, F.S., relating to the offense
9 severity ranking chart of the Criminal
10 Punishment Code; conforming provisions to
11 changes made by the act; providing an effective
12 date.

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

16 Section 1. Subsections (5) and (6) of section 784.048,
17 Florida Statutes, are redesignated as subsections (6) and (7),
18 respectively, and a new subsection (5) is added to that
19 section, to read:

20 784.048 Stalking; definitions; penalties.--
21 (5) Any offender who, directly or indirectly,
22 knowingly and willfully violates a court order of probation
23 prohibiting contact with the victim of the offense commits
24 aggravated stalking, a felony of the third degree, punishable
25 as provided in s. 775.082, s. 775.083, or s. 775.084.

26 Section 2. Paragraphs (f) and (g) of subsection (3) of
27 section 921.0022, Florida Statutes, are amended to read:

28 921.0022 Criminal Punishment Code; offense severity
29 ranking chart.--

30 (3) OFFENSE SEVERITY RANKING CHART

31

	Florida Statute	Felony Degree	Description
1			
2			
3			
4			
5			(f) LEVEL 6
6	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
7			
8	499.0051(3)	2nd	Forgery of pedigree papers.
9	499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
10			
11	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
12			
13	775.0875(1)	3rd	Taking firearm from law enforcement officer.
14			
15	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
16			
17			
18			
19	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
20			
21	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
22			
23	784.041	3rd	Felony battery.
24	784.048(3)	3rd	Aggravated stalking; credible threat.
25			
26	784.048 <u>(6)</u> (5)	3rd	Aggravated stalking of person under 16.
27			
28	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
29			
30	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
31			

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			weapon of mass destruction, or
21			act of arson or violence to state
22			property.
23	790.19	2nd	Shooting or throwing deadly
24			missiles into dwellings, vessels,
25			or vehicles.
26	794.011(8)(a)	3rd	Solicitation of minor to
27			participate in sexual activity by
28			custodial adult.
29	794.05(1)	2nd	Unlawful sexual activity with
30			specified minor.
31			

1	800.04(5)(d)	3rd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			less than 18 years.
5	800.04(6)(b)	2nd	Lewd or lascivious conduct;
6			offender 18 years of age or
7			older.
8	806.031(2)	2nd	Arson resulting in great bodily
9			harm to firefighter or any other
10			person.
11	810.02(3)(c)	2nd	Burglary of occupied structure;
12			unarmed; no assault or battery.
13	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
14			but less than \$100,000, grand
15			theft in 2nd degree.
16	812.014(2)(b)2.	2nd	Property stolen; cargo valued at
17			less than \$50,000, grand theft in
18			2nd degree.
19	812.015(9)	2nd	Retail theft; property stolen
20			\$300 or more; second or
21			subsequent conviction.
22	812.13(2)(c)	2nd	Robbery, no firearm or other
23			weapon (strong-arm robbery).
24	817.034(4)(a)1.	1st	Communications fraud, value
25			greater than \$50,000.
26	817.4821(5)	2nd	Possess cloning paraphernalia
27			with intent to create cloned
28			cellular telephones.
29	825.102(1)	3rd	Abuse of an elderly person or
30			disabled adult.
31			

1	825.102(3)(c)	3rd	Neglect of an elderly person or
2			disabled adult.
3	825.1025(3)	3rd	Lewd or lascivious molestation of
4			an elderly person or disabled
5			adult.
6	825.103(2)(c)	3rd	Exploiting an elderly person or
7			disabled adult and property is
8			valued at less than \$20,000.
9	827.03(1)	3rd	Abuse of a child.
10	827.03(3)(c)	3rd	Neglect of a child.
11	827.071(2)&(3)	2nd	Use or induce a child in a sexual
12			performance, or promote or direct
13			such performance.
14	836.05	2nd	Threats; extortion.
15	836.10	2nd	Written threats to kill or do
16			bodily injury.
17	843.12	3rd	Aids or assists person to escape.
18	847.0135(3)	3rd	Solicitation of a child, via a
19			computer service, to commit an
20			unlawful sex act.
21	914.23	2nd	Retaliation against a witness,
22			victim, or informant, with bodily
23			injury.
24	943.0435(9)	3rd	Sex offenders; failure to comply
25			with reporting requirements.
26	944.35(3)(a)2.	3rd	Committing malicious battery upon
27			or inflicting cruel or inhuman
28			treatment on an inmate or
29			offender on community
30			supervision, resulting in great
31			bodily harm.

1	944.40	2nd	Escapes.
2	944.46	3rd	Harboring, concealing, aiding
3			escaped prisoners.
4	944.47(1)(a)5.	2nd	Introduction of contraband
5			(firearm, weapon, or explosive)
6			into correctional facility.
7	951.22(1)	3rd	Intoxicating drug, firearm, or
8			weapon introduced into county
9			facility.
10			(g) LEVEL 7
11	316.027(1)(b)	2nd	Accident involving death, failure
12			to stop; leaving scene.
13	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
14			injury.
15	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
16			bodily injury.
17	402.319(2)	2nd	Misrepresentation and negligence
18			or intentional act resulting in
19			great bodily harm, permanent
20			disfiguration, permanent
21			disability, or death.
22	409.920(2)	3rd	Medicaid provider fraud.
23	456.065(2)	3rd	Practicing a health care
24			profession without a license.
25	456.065(2)	2nd	Practicing a health care
26			profession without a license
27			which results in serious bodily
28			injury.
29	458.327(1)	3rd	Practicing medicine without a
30			license.
31			

1	459.013(1)	3rd	Practicing osteopathic medicine
2			without a license.
3	460.411(1)	3rd	Practicing chiropractic medicine
4			without a license.
5	461.012(1)	3rd	Practicing podiatric medicine
6			without a license.
7	462.17	3rd	Practicing naturopathy without a
8			license.
9	463.015(1)	3rd	Practicing optometry without a
10			license.
11	464.016(1)	3rd	Practicing nursing without a
12			license.
13	465.015(2)	3rd	Practicing pharmacy without a
14			license.
15	466.026(1)	3rd	Practicing dentistry or dental
16			hygiene without a license.
17	467.201	3rd	Practicing midwifery without a
18			license.
19	468.366	3rd	Delivering respiratory care
20			services without a license.
21	483.828(1)	3rd	Practicing as clinical laboratory
22			personnel without a license.
23	483.901(9)	3rd	Practicing medical physics
24			without a license.
25	484.013(1)(c)	3rd	Preparing or dispensing optical
26			devices without a prescription.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
29			
30			
31			

1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
31			

1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4) <u>or (5)</u>	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.074(1)(a)	1st	Aggravated battery on sexually
17			violent predators facility staff.
18	784.08(2)(a)	1st	Aggravated battery on a person 65
19			years of age or older.
20	784.081(1)	1st	Aggravated battery on specified
21			official or employee.
22	784.082(1)	1st	Aggravated battery by detained
23			person on visitor or other
24			detainee.
25	784.083(1)	1st	Aggravated battery on code
26			inspector.
27	790.07(4)	1st	Specified weapons violation
28			subsequent to previous conviction
29			of s. 790.07(1) or (2).
30	790.16(1)	1st	Discharge of a machine gun under
31			specified circumstances.

1	790.165(2)	2nd	Manufacture, sell, possess, or
2			deliver hoax bomb.
3	790.165(3)	2nd	Possessing, displaying, or
4			threatening to use any hoax bomb
5			while committing or attempting to
6			commit a felony.
7	790.166(3)	2nd	Possessing, selling, using, or
8			attempting to use a hoax weapon
9			of mass destruction.
10	790.166(4)	2nd	Possessing, displaying, or
11			threatening to use a hoax weapon
12			of mass destruction while
13			committing or attempting to
14			commit a felony.
15	796.03	2nd	Procuring any person under 16
16			years for prostitution.
17	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
18			victim less than 12 years of age;
19			offender less than 18 years.
20	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
21			victim 12 years of age or older
22			but less than 16 years; offender
23			18 years or older.
24	806.01(2)	2nd	Maliciously damage structure by
25			fire or explosive.
26	810.02(3)(a)	2nd	Burglary of occupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(d)	2nd	Burglary of occupied conveyance;
31			unarmed; no assault or battery.

1	812.014(2)(a)	1st	Property stolen, valued at
2			\$100,000 or more; cargo stolen
3			valued at \$50,000 or more;
4			property stolen while causing
5			other property damage; 1st degree
6			grand theft.
7	812.014(2)(b)3.	2nd	Property stolen, emergency
8			medical equipment; 2nd degree
9			grand theft.
10	812.0145(2)(a)	1st	Theft from person 65 years of age
11			or older; \$50,000 or more.
12	812.019(2)	1st	Stolen property; initiates,
13			organizes, plans, etc., the theft
14			of property and traffics in
15			stolen property.
16	812.131(2)(a)	2nd	Robbery by sudden snatching.
17	812.133(2)(b)	1st	Carjacking; no firearm, deadly
18			weapon, or other weapon.
19	817.234(8)(a)	2nd	Solicitation of motor vehicle
20			accident victims with intent to
21			defraud.
22	817.234(9)	2nd	Organizing, planning, or
23			participating in an intentional
24			motor vehicle collision.
25	817.234(11)(c)	1st	Insurance fraud; property value
26			\$100,000 or more.
27			
28			
29			
30			
31			

1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

1	872.06	2nd	Abuse of a dead human body.
2	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
3			cocaine (or other drug prohibited
4			under s. 893.03(1)(a), (1)(b),
5			(1)(d), (2)(a), (2)(b), or
6			(2)(c)4.) within 1,000 feet of a
7			child care facility, school, or
8			state, county, or municipal park
9			or publicly owned recreational
10			facility or community center.
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 25 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			
30			
31			

1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1 896.101(5)(a) 3rd Money laundering, financial
2 transactions exceeding \$300 but
3 less than \$20,000.
4 896.104(4)(a)1. 3rd Structuring transactions to evade
5 reporting or registration
6 requirements, financial
7 transactions exceeding \$300 but
8 less than \$20,000.

9 Section 3. This act shall take effect July 1, 2004.

10 *****

11 *****
12 SENATE SUMMARY

13 Provides that an offender commits aggravated stalking
14 when he or she violates a probation order that prohibits
15 contact with the victim. Specifies that such offense is a
16 third-degree felony.
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31