

1  
2 An act relating to the protection of victims of  
3 sexual battery and lewd or lascivious offenses;  
4 providing a short title; creating s. 921.244,  
5 F.S.; requiring the court to prohibit certain  
6 offenders from having direct or indirect  
7 contact with the victim of the offense;  
8 authorizing the court to reconsider orders  
9 prohibiting the contact in certain  
10 circumstances; providing that it is a felony of  
11 the third degree to violate the order;  
12 providing for a consecutive sentence to  
13 previous sentences imposed for convictions of  
14 certain offenses; amending s. 784.048, F.S.;  
15 providing that it is a felony of the third  
16 degree to willfully, maliciously, and  
17 repeatedly follow, harass, or cyberstalk the  
18 victim in violation of an order prohibiting  
19 contact; providing applicability; providing for  
20 a consecutive sentence to previous sentences  
21 imposed for convictions of certain offenses;  
22 amending s. 921.0022, F.S.; providing for  
23 placement of the offense of "aggravated  
24 stalking" on the offense severity ranking  
25 chart; providing an effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. This act may be cited as the "Lauren Book  
30 Protection Act."

31

1           Section 2. Section 921.244, Florida Statutes, is  
2 created to read:

3           921.244 Order of no contact; penalties.--

4           (1) At the time of sentencing an offender convicted of  
5 a violation of s. 794.011 or s. 800.04, the court shall order  
6 that the offender be prohibited from having any contact with  
7 the victim, directly or indirectly, including through a third  
8 person, for the duration of the sentence imposed. The court  
9 may reconsider the order upon the request of the victim if the  
10 request is made at any time after the victim has attained 18  
11 years of age. In considering the request, the court shall  
12 conduct an evidentiary hearing to determine whether a change  
13 of circumstances has occurred which warrants a change in the  
14 court order prohibiting contact and whether it is in the best  
15 interest of the victim that the court order be modified or  
16 rescinded.

17           (2) Any offender who violates a court order issued  
18 under this section commits a felony of the third degree,  
19 punishable as provided in s. 775.082, s. 775.083, or s.  
20 775.084.

21           (3) The punishment imposed under this section shall  
22 run consecutive to any former sentence imposed for a  
23 conviction for any offense under s. 794.011 or s. 800.04.

24           Section 3. Subsections (7) and (8) are added to  
25 section 784.048, Florida Statutes, to read:

26           784.048 Stalking; definitions; penalties.--

27           (7) Any person who, after having been sentenced for a  
28 violation of s. 794.011 or s. 800.04, and prohibited from  
29 contacting the victim of the offense under s. 921.244,  
30 willfully, maliciously, and repeatedly follows, harasses, or  
31 cyberstalks the victim commits the offense of aggravated

1 stalking, a felony of the third degree, punishable as provided  
 2 in s. 775.082, s. 775.083, or s. 775.084.

3 (8) The punishment imposed under this section shall  
 4 run consecutive to any former sentence imposed for a  
 5 conviction for any offense under s. 794.011 or s. 800.04.

6 Section 4. Paragraph (g) of subsection (3) of section  
 7 921.0022, Florida Statutes, is amended to read:

8 921.0022 Criminal Punishment Code; offense severity  
 9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

12 Florida	Felony	
13 Statute	Degree	Description
		(g) LEVEL 7
17 316.027(1)(b)	2nd	Accident involving death, failure 18 to stop; leaving scene.
19 316.193(3)(c)2.	3rd	DUI resulting in serious bodily 20 injury.
21 327.35(3)(c)2.	3rd	Vessel BUI resulting in serious 22 bodily injury.
23 402.319(2)	2nd	Misrepresentation and negligence 24 or intentional act resulting in 25 great bodily harm, permanent 26 disfiguration, permanent 27 disability, or death.
28 409.920(2)	3rd	Medicaid provider fraud.
29 456.065(2)	3rd	Practicing a health care 30 profession without a license.

ENROLLED

2004 Legislature

CS for SB 1118, 1st Engrossed

1	456.065(2)	2nd	Practicing a health care
2			profession without a license
3			which results in serious bodily
4			injury.
5	458.327(1)	3rd	Practicing medicine without a
6			license.
7	459.013(1)	3rd	Practicing osteopathic medicine
8			without a license.
9	460.411(1)	3rd	Practicing chiropractic medicine
10			without a license.
11	461.012(1)	3rd	Practicing podiatric medicine
12			without a license.
13	462.17	3rd	Practicing naturopathy without a
14			license.
15	463.015(1)	3rd	Practicing optometry without a
16			license.
17	464.016(1)	3rd	Practicing nursing without a
18			license.
19	465.015(2)	3rd	Practicing pharmacy without a
20			license.
21	466.026(1)	3rd	Practicing dentistry or dental
22			hygiene without a license.
23	467.201	3rd	Practicing midwifery without a
24			license.
25	468.366	3rd	Delivering respiratory care
26			services without a license.
27	483.828(1)	3rd	Practicing as clinical laboratory
28			personnel without a license.
29	483.901(9)	3rd	Practicing medical physics
30			without a license.
31			

ENROLLED

2004 Legislature

CS for SB 1118, 1st Engrossed

1	484.013(1)(c)	3rd	Preparing or dispensing optical
2			devices without a prescription.
3	484.053	3rd	Dispensing hearing aids without a
4			license.
5	494.0018(2)	1st	Conviction of any violation of
6			ss. 494.001-494.0077 in which the
7			total money and property
8			unlawfully obtained exceeded
9			\$50,000 and there were five or
10			more victims.
11	560.123(8)(b)1.	3rd	Failure to report currency or
12			payment instruments exceeding
13			\$300 but less than \$20,000 by
14			money transmitter.
15	560.125(5)(a)	3rd	Money transmitter business by
16			unauthorized person, currency or
17			payment instruments exceeding
18			\$300 but less than \$20,000.
19	655.50(10)(b)1.	3rd	Failure to report financial
20			transactions exceeding \$300 but
21			less than \$20,000 by financial
22			institution.
23	782.051(3)	2nd	Attempted felony murder of a
24			person by a person other than the
25			perpetrator or the perpetrator of
26			an attempted felony.
27	782.07(1)	2nd	Killing of a human being by the
28			act, procurement, or culpable
29			negligence of another
30			(manslaughter).
31			

1	782.071	2nd	Killing of human being or viable
2			fetus by the operation of a motor
3			vehicle in a reckless manner
4			(vehicular homicide).
5	782.072	2nd	Killing of a human being by the
6			operation of a vessel in a
7			reckless manner (vessel
8			homicide).
9	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
10			causing great bodily harm or
11			disfigurement.
12	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
13			weapon.
14	784.045(1)(b)	2nd	Aggravated battery; perpetrator
15			aware victim pregnant.
16	784.048(4)	3rd	Aggravated stalking; violation of
17			injunction or court order.
18	<u>784.048(7)</u>	<u>3rd</u>	<u>Aggravated stalking; violation of</u>
19			<u>court order.</u>
20	784.07(2)(d)	1st	Aggravated battery on law
21			enforcement officer.
22	784.074(1)(a)	1st	Aggravated battery on sexually
23			violent predators facility staff.
24	784.08(2)(a)	1st	Aggravated battery on a person 65
25			years of age or older.
26	784.081(1)	1st	Aggravated battery on specified
27			official or employee.
28	784.082(1)	1st	Aggravated battery by detained
29			person on visitor or other
30			detainee.
31			

ENROLLED

2004 Legislature

CS for SB 1118, 1st Engrossed

1	784.083(1)	1st	Aggravated battery on code
2			inspector.
3	790.07(4)	1st	Specified weapons violation
4			subsequent to previous conviction
5			of s. 790.07(1) or (2).
6	790.16(1)	1st	Discharge of a machine gun under
7			specified circumstances.
8	790.165(2)	2nd	Manufacture, sell, possess, or
9			deliver hoax bomb.
10	790.165(3)	2nd	Possessing, displaying, or
11			threatening to use any hoax bomb
12			while committing or attempting to
13			commit a felony.
14	790.166(3)	2nd	Possessing, selling, using, or
15			attempting to use a hoax weapon
16			of mass destruction.
17	790.166(4)	2nd	Possessing, displaying, or
18			threatening to use a hoax weapon
19			of mass destruction while
20			committing or attempting to
21			commit a felony.
22	796.03	2nd	Procuring any person under 16
23			years for prostitution.
24	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
25			victim less than 12 years of age;
26			offender less than 18 years.
27	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
28			victim 12 years of age or older
29			but less than 16 years; offender
30			18 years or older.
31			

1	806.01(2)	2nd	Maliciously damage structure by
2			fire or explosive.
3	810.02(3)(a)	2nd	Burglary of occupied dwelling;
4			unarmed; no assault or battery.
5	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
6			unarmed; no assault or battery.
7	810.02(3)(d)	2nd	Burglary of occupied conveyance;
8			unarmed; no assault or battery.
9	812.014(2)(a)	1st	Property stolen, valued at
10			\$100,000 or more; cargo stolen
11			valued at \$50,000 or more;
12			property stolen while causing
13			other property damage; 1st degree
14			grand theft.
15	812.014(2)(b)3.	2nd	Property stolen, emergency
16			medical equipment; 2nd degree
17			grand theft.
18	812.0145(2)(a)	1st	Theft from person 65 years of age
19			or older; \$50,000 or more.
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	817.234(8)(a)	2nd	Solicitation of motor vehicle
28			accident victims with intent to
29			defraud.
30			
31			



ENROLLED

2004 Legislature

CS for SB 1118, 1st Engrossed

1	817.234(9)	2nd	Organizing, planning, or
2			participating in an intentional
3			motor vehicle collision.
4	817.234(11)(c)	1st	Insurance fraud; property value
5			\$100,000 or more.
6	817.2341(2)(b)&		
7	(3)(b)	1st	Making false entries of material
8			fact or false statements
9			regarding property values
10			relating to the solvency of an
11			insuring entity which are a
12			significant cause of the
13			insolvency of that entity.
14	825.102(3)(b)	2nd	Neglecting an elderly person or
15			disabled adult causing great
16			bodily harm, disability, or
17			disfigurement.
18	825.103(2)(b)	2nd	Exploiting an elderly person or
19			disabled adult and property is
20			valued at \$20,000 or more, but
21			less than \$100,000.
22	827.03(3)(b)	2nd	Neglect of a child causing great
23			bodily harm, disability, or
24			disfigurement.
25	827.04(3)	3rd	Impregnation of a child under 16
26			years of age by person 21 years
27			of age or older.
28	837.05(2)	3rd	Giving false information about
29			alleged capital felony to a law
30			enforcement officer.
31	838.015	2nd	Bribery.

1	838.016	2nd	Unlawful compensation or reward
2			for official behavior.
3	838.021(3)(a)	2nd	Unlawful harm to a public
4			servant.
5	838.22	2nd	Bid tampering.
6	872.06	2nd	Abuse of a dead human body.
7	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
8			cocaine (or other drug prohibited
9			under s. 893.03(1)(a), (1)(b),
10			(1)(d), (2)(a), (2)(b), or
11			(2)(c)4.) within 1,000 feet of a
12			child care facility, school, or
13			state, county, or municipal park
14			or publicly owned recreational
15			facility or community center.
16	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
17			cocaine or other drug prohibited
18			under s. 893.03(1)(a), (1)(b),
19			(1)(d), (2)(a), (2)(b), or
20			(2)(c)4., within 1,000 feet of
21			property used for religious
22			services or a specified business
23			site.
24	893.13(4)(a)	1st	Deliver to minor cocaine (or
25			other s. 893.03(1)(a), (1)(b),
26			(1)(d), (2)(a), (2)(b), or
27			(2)(c)4. drugs).
28	893.135(1)(a)1.	1st	Trafficking in cannabis, more
29			than 25 lbs., less than 2,000
30			lbs.
31			

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

1 893.135  
2 (1)(k)2.a. 1st Trafficking in Phenethylamines,  
3 10 grams or more, less than 200  
4 grams.  
5 896.101(5)(a) 3rd Money laundering, financial  
6 transactions exceeding \$300 but  
7 less than \$20,000.  
8 896.104(4)(a)1. 3rd Structuring transactions to evade  
9 reporting or registration  
10 requirements, financial  
11 transactions exceeding \$300 but  
12 less than \$20,000.  
13 Section 5. This act shall take effect on July 1, 2004,  
14 and shall apply to offenses committed on or after that date.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31