

By Senator Aronberg

27-1732A-07

See HB 1169

1 A bill to be entitled

2 An act relating to criminal conduct; amending

3 s. 827.03, F.S.; defining the term "mental

4 injury"; exempting constitutionally protected

5 acts from prohibitions on child abuse,

6 aggravated child abuse, and neglect; amending

7 ss. 775.084, 775.0877, 782.07, 921.0022,

8 943.325, and 948.062, F.S.; conforming

9 cross-references; amending s. 960.03, F.S.;

10 redefining the term "crime" for purposes of

11 crime victims compensation to include

12 additional forms of injury to a victim or

13 intervenor; providing an effective date.

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

16

17 Section 1. Section 827.03, Florida Statutes, is

18 amended to read:

19 827.03 Abuse, aggravated abuse, and neglect of a

20 child; penalties.--

21 (1) DEFINITIONS.--For purposes of this section:

22 (a) "Aggravated child abuse" occurs when a person:

23 1. Commits aggravated battery on a child;

24 2. Willfully tortures, maliciously punishes, or

25 willfully and unlawfully cages a child; or

26 3. Knowingly or willfully abuses a child and in so

27 doing causes great bodily harm, permanent disability, or

28 permanent disfigurement to the child.

29 (b) "Child abuse" means:

30 1. (a) Intentional infliction of physical or mental

31 injury upon a child;

1 ~~2.(b)~~ An intentional act that could reasonably be
2 expected to result in physical or mental injury to a child; or

3 ~~3.(c)~~ Active encouragement of any person to commit an
4 act that results or could reasonably be expected to result in
5 physical or mental injury to a child.

6
7 ~~A person who knowingly or willfully abuses a child without~~
8 ~~causing great bodily harm, permanent disability, or permanent~~
9 ~~disfigurement to the child commits a felony of the third~~
10 ~~degree, punishable as provided in s. 775.082, s. 775.083, or~~
11 ~~s. 775.084.~~

12 ~~(2) "Aggravated child abuse" occurs when a person:~~

13 ~~(a) Commits aggravated battery on a child;~~

14 ~~(b) Willfully tortures, maliciously punishes, or~~
15 ~~willfully and unlawfully cages a child; or~~

16 ~~(c) Knowingly or willfully abuses a child and in so~~
17 ~~doing causes great bodily harm, permanent disability, or~~
18 ~~permanent disfigurement to the child.~~

19
20 ~~A person who commits aggravated child abuse commits a felony~~
21 ~~of the first degree, punishable as provided in s. 775.082, s.~~
22 ~~775.083, or s. 775.084.~~

23 ~~(c) "Maliciously" means wrongfully, intentionally, and~~
24 ~~without legal justification or excuse. Maliciousness may be~~
25 ~~established by circumstances from which one could conclude~~
26 ~~that a reasonable parent would not have engaged in the~~
27 ~~damaging acts toward the child for any valid reason and that~~
28 ~~the primary purpose of the acts was to cause the victim~~
29 ~~unjustifiable pain or injury.~~

30 ~~(d) "Mental injury" has the same meaning as in s.~~
31 ~~39.01.~~

1 | ~~(e)(3)(a)~~ "Neglect of a child" means:

2 | 1. A caregiver's failure or omission to provide a
3 | child with the care, supervision, and services necessary to
4 | maintain the child's physical and mental health, including,
5 | but not limited to, food, nutrition, clothing, shelter,
6 | supervision, medicine, and medical services that a prudent
7 | person would consider essential for the well-being of the
8 | child; or

9 | 2. A caregiver's failure to make a reasonable effort
10 | to protect a child from abuse, neglect, or exploitation by
11 | another person.

12 |
13 | Neglect of a child may be based on repeated conduct or on a
14 | single incident or omission that results in, or could
15 | reasonably be expected to result in, serious physical or
16 | mental injury, or a substantial risk of death, to a child.

17 | (2) OFFENSES.--

18 | (a) A person who commits aggravated child abuse
19 | commits a felony of the first degree, punishable as provided
20 | in s. 775.082, s. 775.083, or s. 775.084.

21 | (b) A person who willfully or by culpable negligence
22 | neglects a child and in so doing causes great bodily harm,
23 | permanent disability, or permanent disfigurement to the child
24 | commits a felony of the second degree, punishable as provided
25 | in s. 775.082, s. 775.083, or s. 775.084.

26 | (c) A person who knowingly or willfully abuses a child
27 | without causing great bodily harm, permanent disability, or
28 | permanent disfigurement to the child commits a felony of the
29 | third degree, punishable as provided in s. 775.082, s.
30 | 775.083, or s. 775.084.

31 |

1 ~~(d)(e)~~ A person who willfully or by culpable
2 negligence neglects a child without causing great bodily harm,
3 permanent disability, or permanent disfigurement to the child
4 commits a felony of the third degree, punishable as provided
5 in s. 775.082, s. 775.083, or s. 775.084.

6 (3) EXCEPTION.--An act does not violate this section
7 if it is protected by the First Amendment to the United States
8 Constitution or s. 4, Art. I of the State Constitution.

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

16 Section 2. Paragraph (d) of subsection (1) of section
17 775.084, Florida Statutes, is amended to read:

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

22 (1) As used in this act:

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

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

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

30 b. Aggravated stalking, as described in s. 784.048(3)

31 and (4);

1 c. Aggravated child abuse, as described in s.
2 827.03(2)(a);
3 d. Aggravated abuse of an elderly person or disabled
4 adult, as described in s. 825.102(2);
5 e. Lewd or lascivious battery, lewd or lascivious
6 molestation, lewd or lascivious conduct, or lewd or lascivious
7 exhibition, as described in s. 800.04;
8 f. Escape, as described in s. 944.40; or
9 g. A felony violation of chapter 790 involving the use
10 or possession of a firearm.
11 2. The defendant has been incarcerated in a state
12 prison or a federal prison.
13 3. The primary felony offense for which the defendant
14 is to be sentenced is a felony enumerated in subparagraph 1.
15 and was committed on or after October 1, 1995, and:
16 a. While the defendant was serving a prison sentence
17 or other sentence, or court-ordered or lawfully imposed
18 supervision that is imposed as a result of a prior conviction
19 for an enumerated felony; or
20 b. Within 5 years after the conviction of the last
21 prior enumerated felony, or within 5 years after the
22 defendant's release from a prison sentence, probation,
23 community control, control release, conditional release,
24 parole, or court-ordered or lawfully imposed supervision or
25 other sentence that is imposed as a result of a prior
26 conviction for an enumerated felony, whichever is later.
27 4. The defendant has not received a pardon for any
28 felony or other qualified offense that is necessary for the
29 operation of this paragraph.
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1 5. A conviction of a felony or other qualified offense
2 necessary to the operation of this paragraph has not been set
3 aside in any postconviction proceeding.

4 Section 3. Paragraphs (h) and (i) of subsection (1) of
5 section 775.0877, Florida Statutes, are amended to read:

6 775.0877 Criminal transmission of HIV; procedures;
7 penalties.--

8 (1) In any case in which a person has been convicted
9 of or has pled nolo contendere or guilty to, regardless of
10 whether adjudication is withheld, any of the following
11 offenses, or the attempt thereof, which offense or attempted
12 offense involves the transmission of body fluids from one
13 person to another:

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

15 (i) Section 827.03(2)(a), relating to aggravated child
16 abuse,

17
18 the court shall order the offender to undergo HIV testing, to
19 be performed under the direction of the Department of Health
20 in accordance with s. 381.004, unless the offender has
21 undergone HIV testing voluntarily or pursuant to procedures
22 established in s. 381.004(3)(h)6. or s. 951.27, or any other
23 applicable law or rule providing for HIV testing of criminal
24 offenders or inmates, subsequent to her or his arrest for an
25 offense enumerated in paragraphs (a)-(n) for which she or he
26 was convicted or to which she or he pled nolo contendere or
27 guilty. The results of an HIV test performed on an offender
28 pursuant to this subsection are not admissible in any criminal
29 proceeding arising out of the alleged offense.

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

1 782.07 Manslaughter; aggravated manslaughter of an
2 elderly person or disabled adult; aggravated manslaughter of a
3 child; aggravated manslaughter of an officer, a firefighter,
4 an emergency medical technician, or a paramedic.--

5 (3) A person who causes the death of any person under
6 the age of 18 by culpable negligence under s. 827.03(2)(b)~~(3)~~
7 commits aggravated manslaughter of a child, a felony of the
8 first degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084.

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

13 921.0022 Criminal Punishment Code; offense severity
14 ranking chart.--

15 (3) OFFENSE SEVERITY RANKING CHART

16 Florida Statute	Felony Degree	Description
		(f) LEVEL 6
19 316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
21 499.0051(3)	2nd	Forgery of pedigree papers.
22 499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
24 499.0051(5)	2nd	Sale of legend drug to unauthorized person.
26 775.0875(1)	3rd	Taking firearm from law enforcement officer.
28 784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
30 784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.

1	784.041	3rd	Felony battery.
2	784.048(3)	3rd	Aggravated stalking; credible
3			threat.
4	784.048(5)	3rd	Aggravated stalking of person
5			under 16.
6	784.07(2)(c)	2nd	Aggravated assault on law
7			enforcement officer.
8	784.074(1)(b)	2nd	Aggravated assault on sexually
9			violent predators facility staff.
10	784.08(2)(b)	2nd	Aggravated assault on a person 65
11			years of age or older.
12	784.081(2)	2nd	Aggravated assault on specified
13			official or employee.
14	784.082(2)	2nd	Aggravated assault by detained
15			person on visitor or other
16			detainee.
17	784.083(2)	2nd	Aggravated assault on code
18			inspector.
19	787.02(2)	3rd	False imprisonment; restraining
20			with purpose other than those in
21			s. 787.01.
22	790.115(2)(d)	2nd	Discharging firearm or weapon on
23			school property.
24	790.161(2)	2nd	Make, possess, or throw
25			destructive device with intent to
26			do bodily harm or damage
27			property.
28	790.164(1)	2nd	False report of deadly explosive,
29			weapon of mass destruction, or
30			act of arson or violence to state
31			property.

1	790.19	2nd	Shooting or throwing deadly
2			missiles into dwellings, vessels,
3			or vehicles.
4	794.011(8)(a)	3rd	Solicitation of minor to
5			participate in sexual activity by
6			custodial adult.
7	794.05(1)	2nd	Unlawful sexual activity with
8			specified minor.
9	800.04(5)(d)	3rd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			less than 18 years.
13	800.04(6)(b)	2nd	Lewd or lascivious conduct;
14			offender 18 years of age or
15			older.
16	806.031(2)	2nd	Arson resulting in great bodily
17			harm to firefighter or any other
18			person.
19	810.02(3)(c)	2nd	Burglary of occupied structure;
20			unarmed; no assault or battery.
21	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more,
22			but less than \$100,000, grand
23			theft in 2nd degree.
24	812.015(9)	2nd	Retail theft; property stolen
25			\$300 or more; second or
26			subsequent conviction.
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.
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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(2)(c) (1)	3rd	Abuse of a child.
15	827.03(2)(d) (3) (e)	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(2)	3rd	Facilitates sexual conduct of or
24			with a minor or the visual
25			depiction of such conduct.
26	914.23	2nd	Retaliation against a witness,
27			victim, or informant, with bodily
28			injury.
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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	316.027(1)(b)	1st	Accident involving death, failure
18			to stop; leaving scene.
19	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
20			injury.
21	316.1935(3)(b)	1st	Causing serious bodily injury or
22			death to another person; driving
23			at high speed or with wanton
24			disregard for safety while
25			fleeing or attempting to elude
26			law enforcement officer who is in
27			a patrol vehicle with siren and
28			lights activated.
29	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
30			bodily injury.
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1	402.319(2)	2nd	Misrepresentation and negligence
2			or intentional act resulting in
3			great bodily harm, permanent
4			disfiguration, permanent
5			disability, or death.
6	409.920(2)	3rd	Medicaid provider fraud.
7	456.065(2)	3rd	Practicing a health care
8			profession without a license.
9	456.065(2)	2nd	Practicing a health care
10			profession without a license
11			which results in serious bodily
12			injury.
13	458.327(1)	3rd	Practicing medicine without a
14			license.
15	459.013(1)	3rd	Practicing osteopathic medicine
16			without a license.
17	460.411(1)	3rd	Practicing chiropractic medicine
18			without a license.
19	461.012(1)	3rd	Practicing podiatric medicine
20			without a license.
21	462.17	3rd	Practicing naturopathy without a
22			license.
23	463.015(1)	3rd	Practicing optometry without a
24			license.
25	464.016(1)	3rd	Practicing nursing without a
26			license.
27	465.015(2)	3rd	Practicing pharmacy without a
28			license.
29	466.026(1)	3rd	Practicing dentistry or dental
30			hygiene without a license.
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1	467.201	3rd	Practicing midwifery without a
2			license.
3	468.366	3rd	Delivering respiratory care
4			services without a license.
5	483.828(1)	3rd	Practicing as clinical laboratory
6			personnel without a license.
7	483.901(9)	3rd	Practicing medical physics
8			without a license.
9	484.013(1)(c)	3rd	Preparing or dispensing optical
10			devices without a prescription.
11	484.053	3rd	Dispensing hearing aids without a
12			license.
13	494.0018(2)	1st	Conviction of any violation of
14			ss. 494.001-494.0077 in which the
15			total money and property
16			unlawfully obtained exceeded
17			\$50,000 and there were five or
18			more victims.
19	560.123(8)(b)1.	3rd	Failure to report currency or
20			payment instruments exceeding
21			\$300 but less than \$20,000 by
22			money transmitter.
23	560.125(5)(a)	3rd	Money transmitter business by
24			unauthorized person, currency or
25			payment instruments exceeding
26			\$300 but less than \$20,000.
27	655.50(10)(b)1.	3rd	Failure to report financial
28			transactions exceeding \$300 but
29			less than \$20,000 by financial
30			institution.
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1	775.21(10)(a)	3rd	Sexual predator; failure to
2			register; failure to renew
3			driver's license or
4			identification card; other
5			registration violations.
6	775.21(10)(b)	3rd	Sexual predator working where
7			children regularly congregate.
8	775.21(10)(g)	3rd	Failure to report or providing
9			false information about a sexual
10			predator; harbor or conceal a
11			sexual predator.
12	782.051(3)	2nd	Attempted felony murder of a
13			person by a person other than the
14			perpetrator or the perpetrator of
15			an attempted felony.
16	782.07(1)	2nd	Killing of a human being by the
17			act, procurement, or culpable
18			negligence of another
19			(manslaughter).
20	782.071	2nd	Killing of human being or viable
21			fetus by the operation of a motor
22			vehicle in a reckless manner
23			(vehicular homicide).
24	782.072	2nd	Killing of a human being by the
25			operation of a vessel in a
26			reckless manner (vessel
27			homicide).
28	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
29			causing great bodily harm or
30			disfigurement.
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1	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
2			weapon.
3	784.045(1)(b)	2nd	Aggravated battery; perpetrator
4			aware victim pregnant.
5	784.048(4)	3rd	Aggravated stalking; violation of
6			injunction or court order.
7	784.048(7)	3rd	Aggravated stalking; violation of
8			court order.
9	784.07(2)(d)	1st	Aggravated battery on law
10			enforcement officer.
11	784.074(1)(a)	1st	Aggravated battery on sexually
12			violent predators facility staff.
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	790.165(2)	2nd	Manufacture, sell, possess, or
28			deliver hoax bomb.
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1	790.165(3)	2nd	Possessing, displaying, or
2			threatening to use any hoax bomb
3			while committing or attempting to
4			commit a felony.
5	790.166(3)	2nd	Possessing, selling, using, or
6			attempting to use a hoax weapon
7			of mass destruction.
8	790.166(4)	2nd	Possessing, displaying, or
9			threatening to use a hoax weapon
10			of mass destruction while
11			committing or attempting to
12			commit a felony.
13	796.03	2nd	Procuring any person under 16
14			years for prostitution.
15	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
16			victim less than 12 years of age;
17			offender less than 18 years.
18	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
19			victim 12 years of age or older
20			but less than 16 years; offender
21			18 years or older.
22	806.01(2)	2nd	Maliciously damage structure by
23			fire or explosive.
24	810.02(3)(a)	2nd	Burglary of occupied dwelling;
25			unarmed; no assault or battery.
26	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
27			unarmed; no assault or battery.
28	810.02(3)(d)	2nd	Burglary of occupied conveyance;
29			unarmed; no assault or battery.
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1	812.014(2)(a)1.	1st	Property stolen, valued at
2			\$100,000 or more or a semitrailer
3			deployed by a law enforcement
4			officer; property stolen while
5			causing other property damage;
6			1st degree grand theft.
7	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
8			less than \$50,000, grand theft in
9			2nd degree.
10	812.014(2)(b)3.	2nd	Property stolen, emergency
11			medical equipment; 2nd degree
12			grand theft.
13	812.0145(2)(a)	1st	Theft from person 65 years of age
14			or older; \$50,000 or more.
15	812.019(2)	1st	Stolen property; initiates,
16			organizes, plans, etc., the theft
17			of property and traffics in
18			stolen property.
19	812.131(2)(a)	2nd	Robbery by sudden snatching.
20	812.133(2)(b)	1st	Carjacking; no firearm, deadly
21			weapon, or other weapon.
22	817.234(8)(a)	2nd	Solicitation of motor vehicle
23			accident victims with intent to
24			defraud.
25	817.234(9)	2nd	Organizing, planning, or
26			participating in an intentional
27			motor vehicle collision.
28	817.234(11)(c)	1st	Insurance fraud; property value
29			\$100,000 or more.
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1	817.2341(2)(b) & (3)(b)1st		Making false entries of material
2			fact or false statements
3			regarding property values
4			relating to the solvency of an
5			insuring entity which are a
6			significant cause of the
7			insolvency of that entity.
8	825.102(3)(b)	2nd	Neglecting an elderly person or
9			disabled adult causing great
10			bodily harm, disability, or
11			disfigurement.
12	825.103(2)(b)	2nd	Exploiting an elderly person or
13			disabled adult and property is
14			valued at \$20,000 or more, but
15			less than \$100,000.
16	827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great
17			bodily harm, disability, or
18			disfigurement.
19	827.04(3)	3rd	Impregnation of a child under 16
20			years of age by person 21 years
21			of age or older.
22	837.05(2)	3rd	Giving false information about
23			alleged capital felony to a law
24			enforcement officer.
25	838.015	2nd	Bribery.
26	838.016	2nd	Unlawful compensation or reward
27			for official behavior.
28	838.021(3)(a)	2nd	Unlawful harm to a public
29			servant.
30	838.22	2nd	Bid tampering.
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1	847.0135(3)	3rd	Solicitation of a child, via a
2			computer service, to commit an
3			unlawful sex act.
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, school, or
11			state, county, or municipal park
12			or publicly owned recreational
13			facility or community center.
14	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
15			cocaine or other drug prohibited
16			under s. 893.03(1)(a), (1)(b),
17			(1)(d), (2)(a), (2)(b), or
18			(2)(c)4., within 1,000 feet of
19			property used for religious
20			services or a specified business
21			site.
22	893.13(4)(a)	1st	Deliver to minor cocaine (or
23			other s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4. drugs).
26	893.135(1)(a)1.	1st	Trafficking in cannabis, more
27			than 25 lbs., less than 2,000
28			lbs.
29	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
30			28 grams, less than 200 grams.
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1	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
2			more than 4 grams, less than 14
3			grams.
4	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
5			more than 28 grams, less than 200
6			grams.
7	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
8			than 200 grams, less than 5
9			kilograms.
10	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
11			than 14 grams, less than 28
12			grams.
13	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
14			grams or more, less than 14
15			grams.
16	893.135(1)(h)1.a.	1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			1 kilogram or more, less than 5
19			kilograms.
20	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
21			kilogram or more, less than 5
22			kilograms.
23	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines,
24			10 grams or more, less than 200
25			grams.
26	896.101(5)(a)	3rd	Money laundering, financial
27			transactions exceeding \$300 but
28			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	943.0435(4)(c)	2nd	Sexual offender vacating
7			permanent residence; failure to
8			comply with reporting
9			requirements.
10	943.0435(8)	2nd	Sexual offender; remains in state
11			after indicating intent to leave;
12			failure to comply with reporting
13			requirements.
14	943.0435(9)(a)	3rd	Sexual offender; failure to
15			comply with reporting
16			requirements.
17	943.0435(13)	3rd	Failure to report or providing
18			false information about a sexual
19			offender; harbor or conceal a
20			sexual offender.
21	943.0435(14)	3rd	Sexual offender; failure to
22			report and reregister; failure to
23			respond to address verification.
24	944.607(9)	3rd	Sexual offender; failure to
25			comply with reporting
26			requirements.
27	944.607(10)(a)	3rd	Sexual offender; failure to
28			submit to the taking of a
29			digitized photograph.
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1	944.607(12)	3rd	Failure to report or providing
2			false information about a sexual
3			offender; harbor or conceal a
4			sexual offender.
5	944.607(13)	3rd	Sexual offender; failure to
6			report and reregister; failure to
7			respond to address verification.
8			(i) LEVEL 9
9	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to
10			render aid or give information.
11	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
12			render aid or give information.
13	499.00535	1st	Sale or purchase of contraband
14			legend drugs resulting in great
15			bodily harm.
16	560.123(8)(b)3.	1st	Failure to report currency or
17			payment instruments totaling or
18			exceeding \$100,000 by money
19			transmitter.
20	560.125(5)(c)	1st	Money transmitter business by
21			unauthorized person, currency, or
22			payment instruments totaling or
23			exceeding \$100,000.
24	655.50(10)(b)3.	1st	Failure to report financial
25			transactions totaling or
26			exceeding \$100,000 by financial
27			institution.
28	775.0844	1st	Aggravated white collar crime.
29	782.04(1)	1st	Attempt, conspire, or solicit to
30			commit premeditated murder.
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1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	790.166(2)	1st,PBL	Possessing, selling, using, or
29			attempting to use a weapon of
30			mass destruction.
31			

1	794.011(2)	1st	Attempted sexual battery; victim
2			less than 12 years of age.
3	794.011(2)	Life	Sexual battery; offender younger
4			than 18 years and commits sexual
5			battery on a person less than 12
6			years.
7	794.011(4)	1st	Sexual battery; victim 12 years
8			or older, certain circumstances.
9	794.011(8)(b)	1st	Sexual battery; engage in sexual
10			conduct with minor 12 to 18 years
11			by person in familial or
12			custodial authority.
13	800.04(5)(b)	Life	Lewd or lascivious molestation;
14			victim less than 12 years;
15			offender 18 years or older.
16	812.13(2)(a)	1st,PBL	Robbery with firearm or other
17			deadly weapon.
18	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
19			deadly weapon.
20	812.135(2)(b)	1st	Home-invasion robbery with
21			weapon.
22	817.568(7)	2nd,PBL	Fraudulent use of personal
23			identification information of an
24			individual under the age of 18 by
25			his or her parent, legal
26			guardian, or person exercising
27			custodial authority.
28	827.03(2)(<u>a</u>)	1st	Aggravated child abuse.
29	847.0145(1)	1st	Selling, or otherwise
30			transferring custody or control,
31			of a minor.

1	847.0145(2)	1st	Purchasing, or otherwise
2			obtaining custody or control, of
3			a minor.
4	859.01	1st	Poisoning or introducing
5			bacteria, radioactive materials,
6			viruses, or chemical compounds
7			into food, drink, medicine, or
8			water with intent to kill or
9			injure another person.
10	893.135	1st	Attempted capital trafficking
11			offense.
12	893.135(1)(a)3.	1st	Trafficking in cannabis, more
13			than 10,000 lbs.
14	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than
15			400 grams, less than 150
16			kilograms.
17	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs,
18			more than 28 grams, less than 30
19			kilograms.
20	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine,
21			more than 400 grams.
22	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more
23			than 25 kilograms.
24	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more
25			than 200 grams.
26	893.135(1)(h)1.c.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			10 kilograms or more.
29	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
30			kilograms or more.
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1 | 893.135(1)(k)2.c. 1st Trafficking in Phenethylamines,
2 | 400 grams or more.
3 | 896.101(5)(c) 1st Money laundering, financial
4 | instruments totaling or exceeding
5 | \$100,000.
6 | 896.104(4)(a)3. 1st Structuring transactions to evade
7 | reporting or registration
8 | requirements, financial
9 | transactions totaling or
10 | exceeding \$100,000.

11 | Section 6. Paragraph (b) of subsection (1) of section
12 | 943.325, Florida Statutes, is amended to read:

13 | 943.325 Blood or other biological specimen testing for
14 | DNA analysis.--

15 | (1)

16 | (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045,
17 | s. 810.02, s. 812.133, or s. 812.135.

18 | 2. Effective July 1, 2002, and contingent upon
19 | specific appropriation, s. 812.13 or s. 812.131.

20 | 3. Effective July 1, 2003, and contingent upon
21 | specific appropriation, chapter 787 or s. 782.07.

22 | 4. Effective July 1, 2004, and contingent upon
23 | specific appropriation, any forcible felony, as described in
24 | s. 776.08, aggravated child abuse, as described in s.
25 | 827.03(2)(a), aggravated abuse of an elderly person or a
26 | disabled adult, as described in s. 825.102(2), or any felony
27 | violation of chapter 790 involving the use or possession of a
28 | firearm.

29 | 5. Effective July 1, 2005, and contingent upon
30 | specific appropriation, any felony offense.

31 |

1 Section 7. Paragraph (f) of subsection (1) of section
2 948.062, Florida Statutes, is amended to read:

3 948.062 Reviewing and reporting serious offenses
4 committed by offenders placed on probation or community
5 control.--

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

10 (f) Any aggravated child abuse as provided in s.
11 827.03(2)(a);

12 Section 8. Paragraph (a) of subsection (3) of section
13 960.03, Florida Statutes, is amended to read:

14 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
15 960.01-960.28, unless the context otherwise requires, the
16 term:

17 (3) "Crime" means:

18 (a) A felony or misdemeanor offense committed by
19 either an adult or a juvenile which results in personal,
20 psychiatric, or psychological ~~physical~~ injury to, or death of,
21 the victim or intervenor. The term also includes any such
22 criminal act which is committed within this state but which
23 falls exclusively within federal jurisdiction.

24 Section 9. This act shall take effect July 1, 2007.
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