

1 A bill to be entitled
 2 An act relating to criminal conduct; amending s. 827.03,
 3 F.S.; defining the term "mental injury"; exempting
 4 constitutionally protected acts from prohibitions on child
 5 abuse, aggravated child abuse, and neglect; amending ss.
 6 775.084, 775.0877, 782.07, 921.0022, 943.325, and 948.062,
 7 F.S.; conforming cross-references; amending s. 960.03,
 8 F.S.; redefining the term "crime" for purposes of crime
 9 victims compensation to include additional forms of
 10 injury; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 827.03, Florida Statutes, is amended to
 15 read:

16 827.03 Abuse, aggravated abuse, and neglect of a child;
 17 penalties.--

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

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

20 1. Commits aggravated battery on a child;

21 2. Willfully tortures, maliciously punishes, or willfully
 22 and unlawfully cages a child; or

23 3. Knowingly or willfully abuses a child and in so doing
 24 causes great bodily harm, permanent disability, or permanent
 25 disfigurement to the child.

26 (b) "Child abuse" means:

27 1.-(a) Intentional infliction of physical or mental injury
 28 upon a child;

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

31 3.(e) Active encouragement of any person to commit an act
 32 that results or could reasonably be expected to result in
 33 physical or mental injury to a child.

34
 35 ~~A person who knowingly or willfully abuses a child without~~
 36 ~~causing great bodily harm, permanent disability, or permanent~~
 37 ~~disfigurement to the child commits a felony of the third degree,~~
 38 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

46
 47 ~~A person who commits aggravated child abuse commits a felony of~~
 48 ~~the first degree, punishable as provided in s. 775.082, s.~~
 49 ~~775.083, or s. 775.084.~~

50 (c) "Maliciously" means wrongfully, intentionally, and
 51 without legal justification or excuse. Maliciousness may be
 52 established by circumstances from which one could conclude that
 53 a reasonable parent would not have engaged in the damaging acts
 54 toward the child for any valid reason and that the primary
 55 purpose of the acts was to cause the victim unjustifiable pain
 56 or injury.

57 (d) "Mental injury" shall have the same meaning as
 58 provided in s. 39.01.

59 (e)(3)(a) "Neglect of a child" means:

60 1. A caregiver's failure or omission to provide a child
 61 with the care, supervision, and services necessary to maintain
 62 the child's physical and mental health, including, but not
 63 limited to, food, nutrition, clothing, shelter, supervision,
 64 medicine, and medical services that a prudent person would
 65 consider essential for the well-being of the child; or

66 2. A caregiver's failure to make a reasonable effort to
 67 protect a child from abuse, neglect, or exploitation by another
 68 person.

69
 70 Neglect of a child may be based on repeated conduct or on a
 71 single incident or omission that results in, or could reasonably
 72 be expected to result in, serious physical or mental injury, or
 73 a substantial risk of death, to a child.

74 (2) OFFENSES.--

75 (a) A person who commits aggravated child abuse commits a
 76 felony of the first degree, punishable as provided in s.
 77 775.082, s. 775.083, or s. 775.084.

78 (b) A person who willfully or by culpable negligence
 79 neglects a child and in so doing causes great bodily harm,
 80 permanent disability, or permanent disfigurement to the child
 81 commits a felony of the second degree, punishable as provided in
 82 s. 775.082, s. 775.083, or s. 775.084.

83 (c) A person who knowingly or willfully abuses a child
 84 without causing great bodily harm, permanent disability, or

85 permanent disfigurement to the child commits a felony of the
 86 third degree, punishable as provided in s. 775.082, s. 775.083,
 87 or s. 775.084.

88 ~~(d)(e)~~ A person who willfully or by culpable negligence
 89 neglects a child without causing great bodily harm, permanent
 90 disability, or permanent disfigurement to the child commits a
 91 felony of the third degree, punishable as provided in s.
 92 775.082, s. 775.083, or s. 775.084.

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

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

103 Section 2. Paragraph (d) of subsection (1) of section
 104 775.084, Florida Statutes, is amended to read:

105 775.084 Violent career criminals; habitual felony
 106 offenders and habitual violent felony offenders; three-time
 107 violent felony offenders; definitions; procedure; enhanced
 108 penalties or mandatory minimum prison terms.--

109 (1) As used in this act:

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

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

- 116 a. Any forcible felony, as described in s. 776.08;
- 117 b. Aggravated stalking, as described in s. 784.048(3) and
 118 (4);
- 119 c. Aggravated child abuse, as described in s.
 120 827.03(2) (a);
- 121 d. Aggravated abuse of an elderly person or disabled
 122 adult, as described in s. 825.102(2);
- 123 e. Lewd or lascivious battery, lewd or lascivious
 124 molestation, lewd or lascivious conduct, or lewd or lascivious
 125 exhibition, as described in s. 800.04;
- 126 f. Escape, as described in s. 944.40; or
- 127 g. A felony violation of chapter 790 involving the use or
 128 possession of a firearm.

129 2. The defendant has been incarcerated in a state prison
 130 or a federal prison.

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

- 134 a. While the defendant was serving a prison sentence or
 135 other sentence, or court-ordered or lawfully imposed supervision
 136 that is imposed as a result of a prior conviction for an
 137 enumerated felony; or
- 138 b. Within 5 years after the conviction of the last prior
 139 enumerated felony, or within 5 years after the defendant's
 140 release from a prison sentence, probation, community control,

141 control release, conditional release, parole, or court-ordered
 142 or lawfully imposed supervision or other sentence that is
 143 imposed as a result of a prior conviction for an enumerated
 144 felony, whichever is later.

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

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

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

153 775.0877 Criminal transmission of HIV; procedures;
 154 penalties.--

155 (1) In any case in which a person has been convicted of or
 156 has pled nolo contendere or guilty to, regardless of whether
 157 adjudication is withheld, any of the following offenses, or the
 158 attempt thereof, which offense or attempted offense involves the
 159 transmission of body fluids from one person to another:

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

161 (i) Section 827.03(2) (a), relating to aggravated child
 162 abuse,

163

164 the court shall order the offender to undergo HIV testing, to be
 165 performed under the direction of the Department of Health in
 166 accordance with s. 381.004, unless the offender has undergone
 167 HIV testing voluntarily or pursuant to procedures established in
 168 s. 381.004(3) (h)6. or s. 951.27, or any other applicable law or

169 rule providing for HIV testing of criminal offenders or inmates,
 170 subsequent to her or his arrest for an offense enumerated in
 171 paragraphs (a)-(n) for which she or he was convicted or to which
 172 she or he pled nolo contendere or guilty. The results of an HIV
 173 test performed on an offender pursuant to this subsection are
 174 not admissible in any criminal proceeding arising out of the
 175 alleged offense.

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

178 782.07 Manslaughter; aggravated manslaughter of an elderly
 179 person or disabled adult; aggravated manslaughter of a child;
 180 aggravated manslaughter of an officer, a firefighter, an
 181 emergency medical technician, or a paramedic.--

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

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

189 921.0022 Criminal Punishment Code; offense severity
 190 ranking chart.--

191 (3) OFFENSE SEVERITY RANKING CHART

192 (f) LEVEL 6

193

Florida	Felony	Description
Statute	Degree	

194

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195	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
196	499.0051 (3)	2nd	Forgery of pedigree papers.
197	499.0051 (4)	2nd	Purchase or receipt of legend drug from unauthorized person.
198	499.0051 (5)	2nd	Sale of legend drug to unauthorized person.
199	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
200	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
201	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
202	784.041	3rd	Felony battery; domestic battery by strangulation.
203	784.048 (3)	3rd	Aggravated stalking; credible threat.
204	784.048 (5)	3rd	Aggravated stalking of person under 16.
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement

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officer.

205

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

206

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

207

784.081 (2) 2nd Aggravated assault on specified official or employee.

208

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

209

784.083 (2) 2nd Aggravated assault on code inspector.

210

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

211

790.115 (2) (d) 2nd Discharging firearm or weapon on school property.

212

790.161 (2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

213

790.164 (1) 2nd False report of deadly explosive, weapon of mass destruction, or act of

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arson or violence to state property.

214

790.19 2nd Shooting or throwing deadly missiles
into dwellings, vessels, or vehicles.

215

794.011(8) (a) 3rd Solicitation of minor to participate in
sexual activity by custodial adult.

216

794.05(1) 2nd Unlawful sexual activity with specified
minor.

217

800.04(5) (d) 3rd Lewd or lascivious molestation; victim
12 years of age or older but less than
16 years; offender less than 18 years.

218

800.04(6) (b) 2nd Lewd or lascivious conduct; offender 18
years of age or older.

219

806.031(2) 2nd Arson resulting in great bodily harm to
firefighter or any other person.

220

810.02(3) (c) 2nd Burglary of occupied structure;
unarmed; no assault or battery.

221

812.014(2) (b) 1. 2nd Property stolen \$20,000 or more, but
less than \$100,000, grand theft in 2nd
degree.

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223	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
224	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
225	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
226	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
227	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
228	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
229	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
230	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
231	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.

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232	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
233	827.03 <u>(2) (c)</u> (1)	3rd	Abuse of a child.
234	827.03 <u>(2) (d)</u> (3) (e)	3rd	Neglect of a child.
235	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
236	836.05	2nd	Threats; extortion.
237	836.10	2nd	Written threats to kill or do bodily injury.
238	843.12	3rd	Aids or assists person to escape.
239	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
240	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or

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inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

241

944.40 2nd Escapes.

242

944.46 3rd Harboring, concealing, aiding escaped prisoners.

243

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

244

951.22(1) 3rd Intoxicating drug, firearm, or weapon introduced into county facility.

245

246 (g) LEVEL 7

247

Florida	Felony	Description
Statute	Degree	

248

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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249

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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250

316.1935(3)(b)	1st	Causing serious bodily injury or death
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to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

251

327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

252

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

253

409.920(2) 3rd Medicaid provider fraud.

254

456.065(2) 3rd Practicing a health care profession without a license.

255

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

256

458.327(1) 3rd Practicing medicine without a license.

257

459.013(1) 3rd Practicing osteopathic medicine without a license.

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258	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
259	461.012 (1)	3rd	Practicing podiatric medicine without a license.
260	462.17	3rd	Practicing naturopathy without a license.
261	463.015 (1)	3rd	Practicing optometry without a license.
262	464.016 (1)	3rd	Practicing nursing without a license.
263	465.015 (2)	3rd	Practicing pharmacy without a license.
264	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
265	467.201	3rd	Practicing midwifery without a license.
266	468.366	3rd	Delivering respiratory care services without a license.
267	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
268	483.901 (9)	3rd	Practicing medical physics without a

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license.

269

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

270

484.053 3rd Dispensing hearing aids without a license.

271

494.0018 (2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

272

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

273

560.125 (5) (a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

274

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

275

775.21 (10) (a) 3rd Sexual predator; failure to register;

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failure to renew driver's license or identification card; other registration violations.

276

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

277

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

278

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

279

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

280

782.071 2nd Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

281

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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283

784.045 (1) (a) 1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

284

784.045 (1) (a) 2. 2nd Aggravated battery; using deadly weapon.

285

784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.

286

784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

287

784.048 (7) 3rd Aggravated stalking; violation of court order.

288

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

289

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

290

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

291

784.081 (1) 1st Aggravated battery on specified official or employee.

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292	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
293	784.083 (1)	1st	Aggravated battery on code inspector.
294	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
295	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
296	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
297	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
298	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
299	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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300	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
301	796.03	2nd	Procuring any person under 16 years for prostitution.
302	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
303	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
304	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
305	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
306	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
307	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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308	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
309	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
310	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
311	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
312	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
313	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
314	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
	812.131(2)(a)	2nd	Robbery by sudden snatching.

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315	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
316	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
317	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
318	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
319	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
320	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
321	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

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322	827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
323	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
324	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
325	838.015	2nd	Bribery.
326	838.016	2nd	Unlawful compensation or reward for official behavior.
327	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
328	838.22	2nd	Bid tampering.
329	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
330	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
331	872.06	2nd	Abuse of a dead human body.

332 | 893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine
 (or other drug prohibited under s.
 893.03(1)(a), (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)4.) within 1,000 feet
 of a child care facility, school, or
 state, county, or municipal park or
 publicly owned recreational facility or
 community center.

333 | 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine
 or other drug prohibited under s.
 893.03(1)(a), (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)4., within 1,000 feet
 of property used for religious services
 or a specified business site.

334 | 893.13(4)(a) 1st Deliver to minor cocaine (or other s.
 893.03(1)(a), (1)(b), (1)(d), (2)(a),
 (2)(b), or (2)(c)4. drugs).

335 | 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
 lbs., less than 2,000 lbs.

336 | 893.135(1)(b)1. 1st Trafficking in cocaine, more than 28
 a. grams, less than 200 grams.

337 | 893.135(1)(c)1. 1st Trafficking in illegal drugs, more than

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338	a.		4 grams, less than 14 grams.
	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
339			
	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
340			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
341			
	893.135(1)(g)1.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
342	a.		
	893.135(1)(h)1.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
343	a.		
	893.135(1)(j)1.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
344	a.		
	893.135(1)(k)2.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
345	a.		
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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346	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
347	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
348	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
349	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
350	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
351	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
352	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
353			

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354

944.607(10) (a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

355

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

356

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

357

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

358

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

359

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

360

(i) LEVEL 9

361

Florida	Felon	Description
Statute	y	
	Degree	
	e	

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362	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
363	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
364	499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
365	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
366	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
367	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
368	775.0844	1st	Aggravated white collar crime.
369	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
370			

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371	782.04(3)	1st,P BL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
372	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
373	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
374	787.01(1)(a)1.	1st,P BL	Kidnapping; hold for ransom or reward or as a shield or hostage.
375	787.01(1)(a)2.	1st,P BL	Kidnapping with intent to commit or facilitate commission of any felony.
376	787.01(1)(a)4.	1st,P BL	Kidnapping with intent to interfere with performance of any governmental or political function.
	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or

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exhibition.

377

790.161 1st Attempted capital destructive device offense.

378

790.166(2) 1st,P Possessing, selling, using, or
BL attempting to use a weapon of mass destruction.

379

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

380

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

381

794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

382

794.011(8)(b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

383

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

384

800.04(5)(b) Life Lewd or lascivious molestation; victim

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less than 12 years; offender 18 years
or older.

385

812.13 (2) (a) 1st,P Robbery with firearm or other deadly
BL weapon.

386

812.133 (2) (a) 1st,P Carjacking; firearm or other deadly
BL weapon.

387

812.135 (2) (b) 1st Home-invasion robbery with weapon.

388

817.568 (7) 2nd,P Fraudulent use of personal
BL identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

389

827.03 (2) (a) 1st Aggravated child abuse.

390

847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

391

847.0145 (2) 1st Purchasing, or otherwise obtaining
custody or control, of a minor.

392

859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or
chemical compounds into food, drink,

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medicine, or water with intent to kill
or injure another person.

393

893.135 1st Attempted capital trafficking offense.

394

893.135(1)(a)3. 1st Trafficking in cannabis, more than
10,000 lbs.

395

893.135(1)(b)1.c. 1st Trafficking in cocaine, more than 400
grams, less than 150 kilograms.

396

893.135(1)(c)1.c. 1st Trafficking in illegal drugs, more
than 28 grams, less than 30 kilograms.

397

893.135(1)(d)1.c. 1st Trafficking in phencyclidine, more
than 400 grams.

398

893.135(1)(e)1.c. 1st Trafficking in methaqualone, more than
25 kilograms.

399

893.135(1)(f)1.c. 1st Trafficking in amphetamine, more than
200 grams.

400

893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 10 kilograms or more.

401

893.135(1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10
kilograms or more.

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402 893.135(1)(k)2.c. 1st Trafficking in Phenethylamines, 400
grams or more.

403 896.101(5)(c) 1st Money laundering, financial
instruments totaling or exceeding
\$100,000.

404 896.104(4)(a)3. 1st Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

405
406 Section 6. Paragraph (b) of subsection (1) of section
407 943.325, Florida Statutes, is amended to read:

408 943.325 Blood or other biological specimen testing for DNA
409 analysis.--

410 (1)

411 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
412 810.02, s. 812.133, or s. 812.135.

413 2. Effective July 1, 2002, and contingent upon specific
414 appropriation, s. 812.13 or s. 812.131.

415 3. Effective July 1, 2003, and contingent upon specific
416 appropriation, chapter 787 or s. 782.07.

417 4. Effective July 1, 2004, and contingent upon specific
418 appropriation, any forcible felony, as described in s. 776.08,
419 aggravated child abuse, as described in s. 827.03(2) (a),
420 aggravated abuse of an elderly person or a disabled adult, as

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421 described in s. 825.102(2), or any felony violation of chapter
 422 790 involving the use or possession of a firearm.

423 5. Effective July 1, 2005, and contingent upon specific
 424 appropriation, any felony offense.

425 Section 7. Paragraph (f) of subsection (1) of section
 426 948.062, Florida Statutes, is amended to read:

427 948.062 Reviewing and reporting serious offenses committed
 428 by offenders placed on probation or community control.--

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

432 (f) Any aggravated child abuse as provided in s.
 433 827.03(2) (a);

434 Section 8. Paragraph (a) of subsection (3) of section
 435 960.03, Florida Statutes, is amended to read:

436 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
 437 960.01-960.28, unless the context otherwise requires, the term:

438 (3) "Crime" means:

439 (a) A felony or misdemeanor offense committed by either an
 440 adult or a juvenile which results in physical injury or death,
 441 including a felony or misdemeanor offense committed by either an
 442 adult or a juvenile which results in psychiatric or
 443 psychological injury to a person less than 18 years of age who
 444 was not physically injured by the criminal act. The term also
 445 includes any such criminal act which is committed within this
 446 state but which falls exclusively within federal jurisdiction.

447 Section 9. This act shall take effect July 1, 2008.