

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" with respect to  
 4           the offenses of abuse, aggravated abuse, and neglect of a  
 5           child; requiring that a person acting as an expert witness  
 6           have certain credentials; providing affirmative defenses  
 7           to the offenses of child abuse, aggravated child abuse,  
 8           and neglect; amending ss. 775.084, 775.0877, 782.07,  
 9           921.0022, 943.325, and 948.062, F.S.; conforming cross-  
 10          references; amending s. 960.03, F.S.; redefining the term  
 11          "crime" for purposes of crime victims compensation to  
 12          include additional forms of injury; redefining the term  
 13          "victim" to conform with the modified definition of the  
 14          term "crime"; providing an effective date.

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

17  
 18           Section 1.   Section 827.03, Florida Statutes, is amended to  
 19   read:

20           827.03   Abuse, aggravated abuse, and neglect of a child;  
 21   penalties.--

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

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

24           1.   Commits aggravated battery on a child;

25           2.   Willfully tortures, maliciously punishes, or willfully  
 26   and unlawfully cages a child; or

27 3. Knowingly or willfully abuses a child and in so doing  
 28 causes great bodily harm, permanent disability, or permanent  
 29 disfigurement to the child.

30 (b) "Child abuse" means:

31 1.(a) Intentional infliction of physical or mental injury  
 32 upon a child;

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

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

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

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

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

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

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

50  
 51 ~~A person who commits aggravated child abuse commits a felony of~~  
 52 ~~the first degree, punishable as provided in s. 775.082, s.~~  
 53 ~~775.083, or s. 775.084.~~

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

61        (d) "Mental injury" shall mean multiple instances of  
62 injury caused by the same abuser to the intellectual or  
63 psychological capacity of a child as evidenced by a discernible  
64 and substantial impairment in the ability of the child to  
65 function within the normal range of performance and behavior as  
66 supported by expert testimony. A person may not give expert  
67 testimony regarding mental injury unless that person is a  
68 physician licensed under chapter 458 or chapter 459 who is board  
69 certified in psychiatry and has devoted professional time during  
70 the 3 years immediately preceding the date of the occurrence to  
71 the active clinical practice of, or consulting with respect to,  
72 a specialty that includes the evaluation, diagnosis, or  
73 treatment of the condition that is the subject of the offense.

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

75            1. A caregiver's failure or omission to provide a child  
76 with the care, supervision, and services necessary to maintain  
77 the child's physical and mental health, including, but not  
78 limited to, food, nutrition, clothing, shelter, supervision,  
79 medicine, and medical services that a prudent person would  
80 consider essential for the well-being of the child; or

81           2. A caregiver's failure to make a reasonable effort to  
 82 protect a child from abuse, neglect, or exploitation by another  
 83 person.

84  
 85 Except as otherwise provided in this section, neglect of a child  
 86 may be based on repeated conduct or on a single incident or  
 87 omission that results in, or could reasonably be expected to  
 88 result in, serious physical or mental injury, or a substantial  
 89 risk of death, to a child.

90           (2) OFFENSES.--

91           (a) A person who commits aggravated child abuse commits a  
 92 felony of the first degree, punishable as provided in s.  
 93 775.082, s. 775.083, or s. 775.084.

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

99           (c) A person who knowingly or willfully abuses a child  
 100 without causing great bodily harm, permanent disability, or  
 101 permanent disfigurement to the child commits a felony of the  
 102 third degree, punishable as provided in s. 775.082, s. 775.083,  
 103 or s. 775.084.

104           (d)~~(e)~~ A person who willfully or by culpable negligence  
 105 neglects a child without causing great bodily harm, permanent  
 106 disability, or permanent disfigurement to the child commits a  
 107 felony of the third degree, punishable as provided in s.  
 108 775.082, s. 775.083, or s. 775.084.

109 (3) AFFIRMATIVE DEFENSES.--

110 (a) If the offense charged under this section is based  
 111 solely on oral statements of the defendant, it shall be an  
 112 affirmative defense to prosecution of that offense that the  
 113 conduct giving rise to the offense was solely speech protected  
 114 by the First Amendment to the United States Constitution. This  
 115 affirmative defense shall not apply to speech that was directed  
 116 to inciting or producing imminent lawless action and that was  
 117 likely to incite or produce such action.

118 (b) If the offense charged under this section is based  
 119 solely on a claim of mental injury because of a caregiver's  
 120 failure to make a reasonable effort to protect a child from an  
 121 abuser other than the defendant, it shall be an affirmative  
 122 defense to a prosecution of that offense that the defendant was  
 123 a victim of an act of domestic violence as defined in s. 741.28  
 124 or had reasonable cause to believe that he or she was about to  
 125 become a victim of an act of domestic violence, and the  
 126 defendant had reasonable cause to believe that the action or  
 127 failure to act was necessary in order for the defendant to  
 128 escape from, or protect himself or herself from, the domestic  
 129 violence or to preserve the minor or incompetent person from  
 130 exposure to domestic violence. However, this affirmative defense  
 131 shall not be available to any person in relation to instances of  
 132 child abuse arising after the defense has been previously  
 133 asserted with respect to the same abuser.

134 ~~(4) For purposes of this section, "maliciously" means~~  
 135 ~~wrongfully, intentionally, and without legal justification or~~  
 136 ~~excuse. Maliciousness may be established by circumstances from~~

137 ~~which one could conclude that a reasonable parent would not have~~  
 138 ~~engaged in the damaging acts toward the child for any valid~~  
 139 ~~reason and that the primary purpose of the acts was to cause the~~  
 140 ~~victim unjustifiable pain or injury.~~

141 Section 2. Paragraph (d) of subsection (1) of section  
 142 775.084, Florida Statutes, is amended to read:

143 775.084 Violent career criminals; habitual felony  
 144 offenders and habitual violent felony offenders; three-time  
 145 violent felony offenders; definitions; procedure; enhanced  
 146 penalties or mandatory minimum prison terms.--

147 (1) As used in this act:

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

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

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

155 b. Aggravated stalking, as described in s. 784.048(3) and  
 156 (4);

157 c. Aggravated child abuse, as described in s.  
 158 827.03(2) (a);

159 d. Aggravated abuse of an elderly person or disabled  
 160 adult, as described in s. 825.102(2);

161 e. Lewd or lascivious battery, lewd or lascivious  
 162 molestation, lewd or lascivious conduct, or lewd or lascivious  
 163 exhibition, as described in s. 800.04;

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

165 g. A felony violation of chapter 790 involving the use or  
 166 possession of a firearm.

167 2. The defendant has been incarcerated in a state prison  
 168 or a federal prison.

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

172 a. While the defendant was serving a prison sentence or  
 173 other sentence, or court-ordered or lawfully imposed supervision  
 174 that is imposed as a result of a prior conviction for an  
 175 enumerated felony; or

176 b. Within 5 years after the conviction of the last prior  
 177 enumerated felony, or within 5 years after the defendant's  
 178 release from a prison sentence, probation, community control,  
 179 control release, conditional release, parole, or court-ordered  
 180 or lawfully imposed supervision or other sentence that is  
 181 imposed as a result of a prior conviction for an enumerated  
 182 felony, whichever is later.

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

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

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

191 775.0877 Criminal transmission of HIV; procedures;  
 192 penalties.--

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

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

199 (i) Section 827.03(2)(a), relating to aggravated child  
 200 abuse,

201  
 202 the court shall order the offender to undergo HIV testing, to be  
 203 performed under the direction of the Department of Health in  
 204 accordance with s. 381.004, unless the offender has undergone  
 205 HIV testing voluntarily or pursuant to procedures established in  
 206 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
 207 rule providing for HIV testing of criminal offenders or inmates,  
 208 subsequent to her or his arrest for an offense enumerated in  
 209 paragraphs (a)-(n) for which she or he was convicted or to which  
 210 she or he pled nolo contendere or guilty. The results of an HIV  
 211 test performed on an offender pursuant to this subsection are  
 212 not admissible in any criminal proceeding arising out of the  
 213 alleged offense.

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

216 782.07 Manslaughter; aggravated manslaughter of an elderly  
 217 person or disabled adult; aggravated manslaughter of a child;  
 218 aggravated manslaughter of an officer, a firefighter, an  
 219 emergency medical technician, or a paramedic.--



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

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

227 921.0022 Criminal Punishment Code; offense severity  
 228 ranking chart.--

229 (3) OFFENSE SEVERITY RANKING CHART

230 (f) LEVEL 6

231

Florida Statute	Felony Degree	Description
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232

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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233

499.0051(3)	2nd	Forgery of pedigree papers.
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234

499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
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235

499.0051(5)	2nd	Sale of legend drug to unauthorized person.
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236

775.0875(1)	3rd	Taking firearm from law enforcement
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			officer.
237	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
238	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
239	784.041	3rd	Felony battery; domestic battery by strangulation.
240	784.048 (3)	3rd	Aggravated stalking; credible threat.
241	784.048 (5)	3rd	Aggravated stalking of person under 16.
242	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
243	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
244	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
245	784.081 (2)	2nd	Aggravated assault on specified official or employee.
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247	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
248	784.083 (2)	2nd	Aggravated assault on code inspector.
249	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
250	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
251	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
252	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
253	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
254	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
255	794.05 (1)	2nd	Unlawful sexual activity with specified minor.

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256	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.
257	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
258	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
259	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
260	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
261	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
262	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
263	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon

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(strong-arm robbery).

264

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

265

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

266

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

267

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

268

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

269

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

270

827.03 (2) (c) ~~(1)~~ 3rd Abuse of a child.

271

827.03 (2) (d) ~~(3)~~ 3rd Neglect of a child.  
~~(e)~~

272

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273	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
274	836.05	2nd	Threats; extortion.
275	836.10	2nd	Written threats to kill or do bodily injury.
276	843.12	3rd	Aids or assists person to escape.
277	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
278	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
279	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
280	944.40	2nd	Escapes.
	944.46	3rd	Harboring, concealing, aiding escaped

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281			prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
282			
	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
283			
284	(g)	LEVEL 7	
285			
	Florida Statute	Felony Degree	Description
286			
	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
287			
	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
288			
	316.1935(3)(b)	1st	Causing serious bodily injury or death 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

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lights activated.

289

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

290

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

291

409.920 (2) 3rd Medicaid provider fraud.

292

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

293

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

294

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

295

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

296

460.411 (1) 3rd Practicing chiropractic medicine



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without a license.

297

461.012 (1) 3rd Practicing podiatric medicine  
without a license.

298

462.17 3rd Practicing naturopathy without a  
license.

299

463.015 (1) 3rd Practicing optometry without a  
license.

300

464.016 (1) 3rd Practicing nursing without a  
license.

301

465.015 (2) 3rd Practicing pharmacy without a  
license.

302

466.026 (1) 3rd Practicing dentistry or dental  
hygiene without a license.

303

467.201 3rd Practicing midwifery without a  
license.

304

468.366 3rd Delivering respiratory care  
services without a license.

305

483.828 (1) 3rd Practicing as clinical laboratory

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personnel without a license.

306

483.901(9) 3rd Practicing medical physics without a license.

307

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

308

484.053 3rd Dispensing hearing aids without a license.

309

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.

310

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

311

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

312

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313	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
314	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
315	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
316	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
317	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another

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(manslaughter).

318

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

319

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

320

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

321

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

322

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

323

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

324

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

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326	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
327	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
328	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
329	784.081(1)	1st	Aggravated battery on specified official or employee.
330	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
331	784.083(1)	1st	Aggravated battery on code inspector.
332	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
333	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
	790.165(2)	2nd	Manufacture, sell, possess, or

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deliver hoax bomb.

334

790.165 (3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

335

790.166 (3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

336

790.166 (4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

337

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.

338

796.03 2nd Procuring any person under 16 years for prostitution.

339

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age;

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offender less than 18 years.

340

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.

341

806.01 (2)                                2nd      Maliciously damage structure by  
fire or explosive.

342

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

343

810.02 (3) (b)                          2nd      Burglary of unoccupied dwelling;  
unarmed; no assault or battery.

344

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

345

810.02 (3) (e)                          2nd      Burglary of authorized emergency  
vehicle.

346

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

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degree grand theft.

347

812.014 (2) (b) 2.                      2nd      Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

348

812.014 (2) (b) 3.                      2nd      Property stolen, emergency medical equipment; 2nd degree grand theft.

349

812.014 (2) (b) 4.                      2nd      Property stolen, law enforcement equipment from authorized emergency vehicle.

350

812.0145 (2) (a)                      1st      Theft from person 65 years of age or older; \$50,000 or more.

351

812.019 (2)                              1st      Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

352

812.131 (2) (a)                      2nd      Robbery by sudden snatching.

353

812.133 (2) (b)                      1st      Carjacking; no firearm, deadly weapon, or other weapon.

354

817.234 (8) (a)                      2nd      Solicitation of motor vehicle



accident victims with intent to defraud.

355

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

356

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

357

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.

358

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

359

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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361	827.03 <u>(2)</u> <del>(3)</del> (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
362	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
363	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
364	838.015	2nd	Bribery.
365	838.016	2nd	Unlawful compensation or reward for official behavior.
366	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
367	838.22	2nd	Bid tampering.
368	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
369	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.

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370	872.06	2nd	Abuse of a dead human body.
371	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.
372	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.
373	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).
	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than

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25 lbs., less than 2,000 lbs.

374

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

375

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

376

893.135 (1) (d) 1. 1st Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

377

893.135 (1) (e) 1. 1st Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

378

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 14 grams, less than 28 grams.

379

893.135 (1) (g) 1.a. 1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

380

893.135 (1) (h) 1.a. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

381

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382	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
383	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
384	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
385	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
386	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
387	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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388	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
389	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
390	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
391	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
392	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
393	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
394	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

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395

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

396

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

397

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

398

(i) LEVEL 9

399

Florida Statute	Felony Degree	Description
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400

316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
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401

327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
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402

499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
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404	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
405	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
406	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
407	775.0844	1st	Aggravated white collar crime.
408	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
409	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
410	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3) .



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411	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
412	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
413	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
414	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
415	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 exhibition.
416	790.161	1st	Attempted capital destructive device offense.
417	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.

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418	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
419	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
420	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
421	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
422	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
423	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
424	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
425	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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426	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
427	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
428	827.03 (2) <u>(a)</u>	1st	Aggravated child abuse.
429	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
430	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
431	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
432	893.135	1st	Attempted capital trafficking offense.
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than

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10,000 lbs.

433

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

434

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

435

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

436

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

437

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

438

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

439

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

440

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

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

442

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

443

444 Section 6. Paragraph (b) of subsection (1) of section  
445 943.325, Florida Statutes, is amended to read:

446 943.325 Blood or other biological specimen testing for DNA  
447 analysis.--

448 (1)

449 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.  
450 810.02, s. 812.133, or s. 812.135.

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

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

455 4. Effective July 1, 2004, and contingent upon specific  
456 appropriation, any forcible felony, as described in s. 776.08,  
457 aggravated child abuse, as described in s. 827.03(2) (a),  
458 aggravated abuse of an elderly person or a disabled adult, as  
459 described in s. 825.102(2), or any felony violation of chapter  
460 790 involving the use or possession of a firearm.

461 5. Effective July 1, 2005, and contingent upon specific  
462 appropriation, any felony offense.

463 Section 7. Paragraph (f) of subsection (1) of section  
 464 948.062, Florida Statutes, is amended to read:

465 948.062 Reviewing and reporting serious offenses committed  
 466 by offenders placed on probation or community control.--

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

470 (f) Any aggravated child abuse as provided in s.  
 471 827.03(2) (a);

472 Section 8. Paragraph (a) of subsection (3) and subsection  
 473 (13) of section 960.03, Florida Statutes, are amended to read:

474 960.03 Definitions; ss. 960.01-960.28.--As used in ss.  
 475 960.01-960.28, unless the context otherwise requires, the term:

476 (3) "Crime" means:

477 (a) A felony or misdemeanor offense committed by either an  
 478 adult or a juvenile which results in physical injury or death,  
 479 including a felony or misdemeanor offense committed by either an  
 480 adult or a juvenile which results in psychiatric or  
 481 psychological injury to a person less than 18 years of age who  
 482 was not physically injured by the criminal act. The term also  
 483 includes any such criminal act which is committed within this  
 484 state but which falls exclusively within federal jurisdiction.

485 (13) "Victim" means:

486 (a) A person who suffers personal physical injury or death  
 487 as a direct result of a crime;

488 (b) Except as otherwise set forth in paragraph (3)(a)  
 489 concerning injuries to minors, a person less than 16 years of  
 490 age who was present at the scene of a crime, saw or heard the

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491 crime, and suffered a psychiatric or psychological injury  
492 because of the crime, but who was not physically injured; or  
493 (c) A person against whom a forcible felony was committed  
494 and who suffers a psychiatric or psychological injury as a  
495 direct result of that crime but who does not otherwise sustain a  
496 personal physical injury or death.

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