

By Senator Aronberg

27-00302-08

20081280__

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

27-00302-08

20081280__

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 a
53 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 or
56 injury.

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

27-00302-08

20081280__

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 a
73 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. 775.082,
77 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.

27-00302-08

20081280__

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. 775.082,
92 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 offenders
106 and habitual violent felony offenders; three-time violent felony
107 offenders; definitions; procedure; enhanced penalties or
108 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;

27-00302-08

20081280__

117 b. Aggravated stalking, as described in s. 784.048(3) and
118 (4);

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

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

122 e. Lewd or lascivious battery, lewd or lascivious
123 molestation, lewd or lascivious conduct, or lewd or lascivious
124 exhibition, as described in s. 800.04;

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

126 g. A felony violation of chapter 790 involving the use or
127 possession of a firearm.

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

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

133 a. While the defendant was serving a prison sentence or
134 other sentence, or court-ordered or lawfully imposed supervision
135 that is imposed as a result of a prior conviction for an
136 enumerated felony; or

137 b. Within 5 years after the conviction of the last prior
138 enumerated felony, or within 5 years after the defendant's
139 release from a prison sentence, probation, community control,
140 control release, conditional release, parole, or court-ordered or
141 lawfully imposed supervision or other sentence that is imposed as
142 a result of a prior conviction for an enumerated felony,
143 whichever is later.

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

27-00302-08

20081280__

146 | this paragraph.

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

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

152 | 775.0877 Criminal transmission of HIV; procedures;
153 | penalties.--

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

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

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

162 |
163 | the court shall order the offender to undergo HIV testing, to be
164 | performed under the direction of the Department of Health in
165 | accordance with s. 381.004, unless the offender has undergone HIV
166 | testing voluntarily or pursuant to procedures established in s.
167 | 381.004(3)(h)6. or s. 951.27, or any other applicable law or rule
168 | providing for HIV testing of criminal offenders or inmates,
169 | subsequent to her or his arrest for an offense enumerated in
170 | paragraphs (a)-(n) for which she or he was convicted or to which
171 | she or he pled nolo contendere or guilty. The results of an HIV
172 | test performed on an offender pursuant to this subsection are not
173 | admissible in any criminal proceeding arising out of the alleged
174 | offense.

27-00302-08

20081280__

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

177 782.07 Manslaughter; aggravated manslaughter of an elderly
 178 person or disabled adult; aggravated manslaughter of a child;
 179 aggravated manslaughter of an officer, a firefighter, an
 180 emergency medical technician, or a paramedic.--

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

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

187 921.0022 Criminal Punishment Code; offense severity ranking
 188 chart.--

189 (3) OFFENSE SEVERITY RANKING CHART

190 (f) LEVEL 6

191

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to

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27-00302-08

20081280__

196			unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
197			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
198			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
199			
	784.041	3rd	Felony battery; domestic battery by strangulation.
200			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
201			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
202			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
203			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
204			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

27-00302-08

20081280__

205	784.081 (2)	2nd	Aggravated assault on specified official or employee.
206	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
207	784.083 (2)	2nd	Aggravated assault on code inspector.
208	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
209	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
210	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
211	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
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27-00302-08

20081280__

213	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
214	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
215	794.05(1)	2nd	Unlawful sexual activity with specified minor.
216	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.
217	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
218	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
219	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

27-00302-08

20081280__

220	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
221	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
222	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
223	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
224	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
225	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
226	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
227	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.

27-00302-08

20081280__

228	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
229	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
230	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
231	827.03 <u>(2) (c)</u> (1)	3rd	Abuse of a child.
232	827.03 <u>(2) (d)</u> (3) (e)	3rd	Neglect of a child.
233	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
234	836.05	2nd	Threats; extortion.
235	836.10	2nd	Written threats to kill or do bodily injury.
236	843.12	3rd	Aids or assists person to escape.
	847.0135 (2)	3rd	Facilitates sexual conduct of

27-00302-08

20081280__

			or with a minor or the visual depiction of such conduct.
237	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
238	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.
239	944.40	2nd	Escapes.
240	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
241	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
242	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
243			
244	(g) LEVEL 7		

27-00302-08

20081280__

245	Florida	Felony	Description
	Statute	Degree	
246	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
247	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
248	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 lights activated.
249	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
250	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or

27-00302-08

20081280__

			death.
251	409.920 (2)	3rd	Medicaid provider fraud.
252	456.065 (2)	3rd	Practicing a health care profession without a license.
253	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
254	458.327 (1)	3rd	Practicing medicine without a license.
255	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
256	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
257	461.012 (1)	3rd	Practicing podiatric medicine without a license.
258	462.17	3rd	Practicing naturopathy without a license.
259	463.015 (1)	3rd	Practicing optometry without a license.

27-00302-08

20081280__

260	464.016 (1)	3rd	Practicing nursing without a license.
261	465.015 (2)	3rd	Practicing pharmacy without a license.
262	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
263	467.201	3rd	Practicing midwifery without a license.
264	468.366	3rd	Delivering respiratory care services without a license.
265	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
266	483.901 (9)	3rd	Practicing medical physics without a license.
267	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
268	484.053	3rd	Dispensing hearing aids without a license.

27-00302-08

20081280__

269	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.
270	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
271	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
272	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
273	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

27-00302-08

20081280__

274	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
275	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
276	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
277	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
278	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
279	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel

27-00302-08

20081280__

			homicide).
280	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
281	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
282	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
283	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
284	784.048 (7)	3rd	Aggravated stalking; violation of court order.
285	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
286	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
287	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
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27-00302-08

20081280__

289	784.081 (1)	1st	Aggravated battery on specified official or employee.
290	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
291	784.083 (1)	1st	Aggravated battery on code inspector.
292	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
293	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
294	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
295	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax

27-00302-08

20081280__

296			weapon of mass destruction.
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
297			
	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.
298			
	796.03	2nd	Procuring any person under 16 years for prostitution.
299			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
300			
	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.
301			
	806.01 (2)	2nd	Maliciously damage structure

27-00302-08

20081280__

			by fire or explosive.
302	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
303	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
304	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
305	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
306	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.
307	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
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27-00302-08

20081280__

309	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
310	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
311	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
312	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
313	812.131 (2) (a)	2nd	Robbery by sudden snatching.
314	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
315	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

27-00302-08

20081280__

316	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
317	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.
318	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
319	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.
320	827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
321	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21

27-00302-08

20081280__

			years of age or older.
322	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
323	838.015	2nd	Bribery.
324	838.016	2nd	Unlawful compensation or reward for official behavior.
325	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
326	838.22	2nd	Bid tampering.
327	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
328	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
329	872.06	2nd	Abuse of a dead human body.
330	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),

27-00302-08

20081280__

(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.

331

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.

332

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).

333

893.135 (1) (a) 1.

1st

Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.

334

893.135 (1) (b) 1.a.

1st

Trafficking in cocaine, more
 than 28 grams, less than 200
 grams.

27-00302-08

20081280__

335	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
336	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
337	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
338	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
339	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
340	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
341	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

27-00302-08

20081280__

342	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
343	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
344	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
345	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
346	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
347	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.

27-00302-08

20081280__

348	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
349	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
350	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
351	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
352	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
353	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
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27-00302-08

20081280__

355	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
356	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
357	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
358	(i) LEVEL 9		
359	Florida Statute	Felony Degree	Description
360	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
361	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
362	499.00535	1st	Sale or purchase of contraband legend drugs resulting in

27-00302-08

20081280__

			great bodily harm.
363	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
364	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
365	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
366	775.0844	1st	Aggravated white collar crime.
367	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
368	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
369	782.051 (1)	1st	Attempted felony murder while

27-00302-08

20081280__

perpetrating or attempting to
perpetrate a felony enumerated
in s. 782.04(3).

370

782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.

371

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.

372

787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate
commission of any felony.

373

787.01(1)(a)4. 1st,PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.

374

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.

375

27-00302-08

20081280__

376	790.161	1st	Attempted capital destructive device offense.
377	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
378	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
379	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
380	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
381	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.

27-00302-08

20081280__

382	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
383	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
384	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
385	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
386	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.
387	827.03 (2) <u>(a)</u>	1st	Aggravated child abuse.
388	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
389	847.0145 (2)	1st	Purchasing, or otherwise

27-00302-08

20081280__

			more than 25 kilograms.
397	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
398	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
399	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
400	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
401	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
402	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
403			
404	Section 6. Paragraph (b) of subsection (1) of section		
405	943.325, Florida Statutes, is amended to read:		

27-00302-08

20081280__

406 943.325 Blood or other biological specimen testing for DNA
407 analysis.--

408 (1)

409 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
410 810.02, s. 812.133, or s. 812.135.

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

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

415 4. Effective July 1, 2004, and contingent upon specific
416 appropriation, any forcible felony, as described in s. 776.08,
417 aggravated child abuse, as described in s. 827.03(2) (a),
418 aggravated abuse of an elderly person or a disabled adult, as
419 described in s. 825.102(2), or any felony violation of chapter
420 790 involving the use or possession of a firearm.

421 5. Effective July 1, 2005, and contingent upon specific
422 appropriation, any felony offense.

423 Section 7. Subsection (1) of section 948.062, Florida
424 Statutes, is amended to read:

425 948.062 Reviewing and reporting serious offenses committed
426 by offenders placed on probation or community control.--

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

430 (a) Any murder as provided in s. 782.04;

431 (b) Any sexual battery as provided in s. 794.011 or s.
432 794.023;

433 (c) Any sexual performance by a child as provided in s.
434 827.071;

27-00302-08

20081280__

435 (d) Any kidnapping, false imprisonment, or luring of a
436 child as provided in s. 787.01, s. 787.02, or s. 787.025;

437 (e) Any lewd and lascivious battery or lewd and lascivious
438 molestation as provided in s. 800.04(4) or (5);

439 (f) Any aggravated child abuse as provided in s.
440 827.03(2) (a);

441 (g) Any robbery with a firearm or other deadly weapon, home
442 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
443 s. 812.135, or s. 812.133;

444 (h) Any aggravated stalking as provided in s. 784.048(3),
445 (4), or (5);

446 (i) Any forcible felony as provided in s. 776.08, committed
447 by any person on probation or community control who is designated
448 as a sexual predator; or

449 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
450 or vehicular or vessel homicide as provided in s. 782.071 or s.
451 782.072, committed by any person who is on probation or community
452 control for an offense involving death or injury resulting from a
453 driving incident.

454 Section 8. Paragraph (a) of subsection (3) of section
455 960.03, Florida Statutes, is amended to read:

456 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
457 960.01-960.28, unless the context otherwise requires, the term:

458 (3) "Crime" means:

459 (a) A felony or misdemeanor offense committed by either an
460 adult or a juvenile which results in physical injury or death,
461 including a felony or misdemeanor offense committed by either an
462 adult or a juvenile which results in psychiatric or psychological
463 injury to a person less than 18 years of age who was not

27-00302-08

20081280__

464 physically injured by the criminal act. The term also includes
465 any such criminal act which is committed within this state but
466 which falls exclusively within federal jurisdiction.

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