

By Senator Deutch

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

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

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

17           827.03 Abuse, aggravated abuse, and neglect of a child;  
18          penalties.—

19           (1) DEFINITIONS.—For purposes of this section:

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

21           1. Commits aggravated battery on a child;

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

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

27           (b) "Child abuse" means:

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

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

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

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

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

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

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

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

47  
48 ~~A person who commits aggravated child abuse commits a felony of  
49 the first degree, punishable as provided in s. 775.082, s.  
50 775.083, or s. 775.084.~~

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

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

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59 39.01.60 ~~(e)(3)(a)~~ "Neglect of a child" means:

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

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

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

75 (2) OFFENSES.—

76 (a) A person who commits aggravated child abuse commits a  
77 felony of the first degree, punishable as provided in s.  
78 775.082, s. 775.083, or s. 775.084.

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

84 (c) A person who knowingly or willfully abuses a child  
85 without causing great bodily harm, permanent disability, or  
86 permanent disfigurement to the child commits a felony of the  
87 third degree, punishable as provided in s. 775.082, s. 775.083,

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88 or s. 775.084.

89 ~~(d)(e)~~ A person who willfully or by culpable negligence  
90 neglects a child without causing great bodily harm, permanent  
91 disability, or permanent disfigurement to the child commits a  
92 felony of the third degree, punishable as provided in s.  
93 775.082, s. 775.083, or s. 775.084.

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

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

104 Section 2. Paragraph (d) of subsection (1) of section  
105 775.084, Florida Statutes, is amended to read:

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

110 (1) As used in this act:

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

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

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- 117 a. Any forcible felony, as described in s. 776.08;
- 118 b. Aggravated stalking, as described in s. 784.048(3) and  
119 (4);
- 120 c. Aggravated child abuse, as described in s. 827.03(2) (a);
- 121 d. Aggravated abuse of an elderly person or disabled adult,  
122 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 or s. 847.0135(5);
- 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 or  
130 a federal prison.
- 131 3. The primary felony offense for which the defendant is to  
132 be sentenced is a felony enumerated in subparagraph 1. and was  
133 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

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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. Subsection (1) of section 775.0877, Florida  
152 Statutes, is 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 (a) Section 794.011, relating to sexual battery;τ

161 (b) Section 826.04, relating to incest;τ

162 (c) Section 800.04(1), (2), and (3), relating to lewd,  
163 lascivious, or indecent assault or act upon any person less than  
164 16 years of age;τ

165 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
166 relating to assault;τ

167 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
168 relating to aggravated assault;τ

169 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
170 relating to battery;τ

171 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
172 relating to aggravated battery;τ

173 (h) Section 827.03(2)(c)~~(1)~~, relating to child abuse;τ

174 (i) Section 827.03(2)(a), relating to aggravated child

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175 abuse;i~~r~~176 (j) Section 825.102(1), relating to abuse of an elderly  
177 person or disabled adult;i~~r~~178 (k) Section 825.102(2), relating to aggravated abuse of an  
179 elderly person or disabled adult;i~~r~~180 (l) Section 827.071, relating to sexual performance by  
181 person less than 18 years of age;i~~r~~182 (m) Sections 796.03, 796.07, and 796.08, relating to  
183 prostitution;i~~r~~ or184 (n) Section 381.0041(11)(b), relating to donation of blood,  
185 plasma, organs, skin, or other human tissue,

186

187 the court shall order the offender to undergo HIV testing, to be  
188 performed under the direction of the Department of Health in  
189 accordance with s. 381.004, unless the offender has undergone  
190 HIV testing voluntarily or pursuant to procedures established in  
191 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
192 rule providing for HIV testing of criminal offenders or inmates,  
193 subsequent to her or his arrest for an offense enumerated in  
194 paragraphs (a)-(n) for which she or he was convicted or to which  
195 she or he pled nolo contendere or guilty. The results of an HIV  
196 test performed on an offender pursuant to this subsection are  
197 not admissible in any criminal proceeding arising out of the  
198 alleged offense.

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

201 782.07 Manslaughter; aggravated manslaughter of an elderly  
202 person or disabled adult; aggravated manslaughter of a child;  
203 aggravated manslaughter of an officer, a firefighter, an

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204 emergency medical technician, or a paramedic.—

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

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

212 921.0022 Criminal Punishment Code; offense severity ranking  
 213 chart.—

214 (3) OFFENSE SEVERITY RANKING CHART

215 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.



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222	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.	
223	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.	
224	784.041	3rd	Felony battery; domestic battery by strangulation.	
225	784.048 (3)	3rd	Aggravated stalking; credible threat.	
226	784.048 (5)	3rd	Aggravated stalking of person under 16.	
227	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.	
228	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.	
229	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.	
230	784.081 (2)	2nd	Aggravated assault on specified official or employee.	
231	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.	
	784.083 (2)	2nd	Aggravated assault on code inspector.	

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787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05 (1)	2nd	Unlawful sexual activity with specified minor.
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.
800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18

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years of age or older.

241

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

242

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

243

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

244

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

245

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

246

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

247

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

248

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

249

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

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

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843.12 3rd Aids or assists person to escape.

261

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

262

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

263

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

264

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

265

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.

266

944.40 2nd Escapes.

267

944.46 3rd Harboring, concealing, aiding escaped prisoners.

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

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facility.

268

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

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270 (g) LEVEL 7

Florida	Felony	Description
Statute	Degree	

271

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

272

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

273

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.

274

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

275

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

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277	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
278	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
279	456.065 (2)	3rd	Practicing a health care profession without a license.
280	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
281	458.327 (1)	3rd	Practicing medicine without a license.
282	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
283	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
284	461.012 (1)	3rd	Practicing podiatric medicine without a license.
285	462.17	3rd	Practicing naturopathy without a license.
286	463.015 (1)	3rd	Practicing optometry without a license.
	464.016 (1)	3rd	Practicing nursing without a license.

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



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297	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
298	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
299	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
300	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
301	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
302	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
303	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,

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procurement, or culpable negligence of another (manslaughter).

304

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

305

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

306

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

307

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

308

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

309

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

310

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

311

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

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313 784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

314 784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

315 784.081(1) 1st Aggravated battery on specified official or employee.

316 784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.

317 784.083(1) 1st Aggravated battery on code inspector.

318 790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

319 790.16(1) 1st Discharge of a machine gun under specified circumstances.

320 790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

321 790.165(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

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to use a hoax weapon of mass destruction.

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

323

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

324

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.

325

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

326

800.04(5)(c)1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

327

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.

328

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

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329

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

330

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

331

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

332

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

333

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.

334

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

335

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

336

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

337

812.0145 (2) (a) 1st Theft from person 65 years of age or

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older; \$50,000 or more.

338

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

339

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

340

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

341

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

342

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

343

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

344

817.2341 (2) (b) 1st Making false entries of material fact or & (3) (b) false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

345

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

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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.

347

827.03 (2) ~~(3)~~ (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

348

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

349

837.05 (2) 3rd Giving false information about alleged capital felony to a law enforcement officer.

350

838.015 2nd Bribery.

351

838.016 2nd Unlawful compensation or reward for official behavior.

352

838.021 (3) (a) 2nd Unlawful harm to a public servant.

353

838.22 2nd Bid tampering.

354

847.0135 (3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

355

847.0135 (4) 2nd Traveling to meet a minor to commit an unlawful sex act.

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356

872.06 2nd Abuse of a dead human body.

357

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

358

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.

359

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.

360

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).

361

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25



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lbs., less than 2,000 lbs.

362

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

363

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

364

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

365

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

366

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

367

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

368

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

369

893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

370

893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10

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grams or more, less than 200 grams.

371

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

372

896.101(5)(a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

373

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

374

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

375

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

376

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

377

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

378

943.0435(14) 3rd Sexual offender; failure to report and

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reregister; failure to respond to address verification.

379

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

380

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

381

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

382

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

383

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

384

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

385

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

386

387

(i) LEVEL 9

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Florida	Felony	Description
Statute	Degree	

388

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

389

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

390

409.920(2)(b)1.c. 1st Medicaid provider fraud; \$50,000 or more.

391

499.0051(9) 1st Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

392

560.123(8)(b)3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

393

560.125(5)(c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

394

655.50(10)(b)3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

395

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- 396 775.0844 1st Aggravated white collar crime.
- 397 782.04(1) 1st Attempt, conspire, or solicit to commit premeditated murder.
- 398 782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
- 399 782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
- 400 782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.
- 401 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.
- 402 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.
- 403 787.01(1)(a)4. 1st,PBL 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

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lascivious battery, molestation, conduct,  
or exhibition.

404

790.161            1st      Attempted capital destructive device  
                         offense.

405

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

406

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

407

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

408

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

409

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

410

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

411

800.04(5)(b)     Life     Lewd or lascivious molestation; victim  
                         less than 12 years; offender 18 years or

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older.

412

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

413

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

414

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

415

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.

416

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

417

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

418

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

419

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.

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420  
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429

- 893.135 1st Attempted capital trafficking offense.
- 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.
- 893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
- 893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
- 893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.
- 893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than 25 kilograms.
- 893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than 200 grams.
- 893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
- 893.135 (1) (j) 1.c. 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.
- 893.135 (1) (k) 2.c. 1st Trafficking in Phenethylamines, 400 grams or more.



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430

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

431

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

432

433 Section 6. Subsection (1) of section 948.062, Florida  
434 Statutes, is amended to read:

435 948.062 Reviewing and reporting serious offenses committed  
436 by offenders placed on probation or community control.—

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

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

441 (b) Any sexual battery as provided in s. 794.011 or s.  
442 794.023;

443 (c) Any sexual performance by a child as provided in s.  
444 827.071;

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

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

449 (f) Any aggravated child abuse as provided in s.  
450 827.03(2) (a);

451 (g) Any robbery with a firearm or other deadly weapon, home  
452 invasion robbery, or carjacking as provided in s. 812.13(2)(a),

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453 s. 812.135, or s. 812.133;

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

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

459 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),  
460 or vehicular or vessel homicide as provided in s. 782.071 or s.  
461 782.072, committed by any person who is on probation or  
462 community control for an offense involving death or injury  
463 resulting from a driving incident.

464 Section 7. Paragraph (a) of subsection (3) of section  
465 960.03, Florida Statutes, is amended to read:

466 960.03 Definitions; ss. 960.01-960.28.-As used in ss.  
467 960.01-960.28, unless the context otherwise requires, the term:

468 (3) "Crime" means:

469 (a) A felony or misdemeanor offense committed by ~~either~~ an  
470 adult or a juvenile which results in physical injury or death,  
471 including a felony or misdemeanor offense committed by an adult  
472 or a juvenile which results in psychiatric or psychological  
473 injury to a person younger than 18 years of age who was not  
474 physically injured by the criminal act. The term also includes  
475 any such criminal act that ~~which~~ is committed within this state  
476 but that ~~which~~ falls exclusively within federal jurisdiction.

477 Section 8. This act shall take effect July 1, 2010.