

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 child abuse and aggravated child abuse;
 5 requiring an expert witness who testifies regarding a
 6 child's mental injury to have certain credentials;
 7 providing affirmative defenses to the offenses of child
 8 abuse, aggravated child abuse, and neglect; amending ss.
 9 775.084, 775.0877, 782.07, 921.0022, and 948.062, F.S.;
 10 conforming cross-references; amending s. 960.03, F.S.;
 11 redefining the term "crime" for purposes of crime victim
 12 compensation to include additional forms of injury;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 827.03, Florida Statutes, is amended to
 18 read:

19 827.03 Abuse, aggravated abuse, and neglect of a child;
 20 penalties.—

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

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

23 1. Commits aggravated battery on a child;

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

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

29 (b) "Child abuse" means:

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

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

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

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

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

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

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

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

49
 50 ~~A person who commits aggravated child abuse commits a felony of~~
 51 ~~the first degree, punishable as provided in s. 775.082, s.~~
 52 ~~775.083, or s. 775.084.~~

53 (c) "Maliciously" means wrongfully, intentionally, and
 54 without legal justification or excuse. Maliciousness may be
 55 established by circumstances from which one could conclude that
 56 a reasonable parent would not have engaged in the damaging acts

HB 397

2010

57 toward the child for any valid reason and that the primary
58 purpose of the acts was to cause the victim unjustifiable pain
59 or injury.

60 (d) "Mental injury" means injury to the intellectual or
61 psychological capacity of a child as evidenced by a discernible
62 and substantial impairment in the ability of the child to
63 function within the normal range of performance and behavior as
64 supported by expert testimony. A person may not give expert
65 testimony regarding mental injury unless that person is a
66 physician licensed under chapter 458 or chapter 459, board-
67 certified in psychiatry, or a psychologist licensed under
68 chapter 490, and, during the 3 years immediately preceding the
69 date of the alleged injury, has devoted professional time to the
70 active clinical practice of, or consulting with respect to, a
71 specialty that includes the evaluation, diagnosis, or treatment
72 of the condition that is the subject of the offense. The expert
73 testimony requirements apply only to criminal court cases, not
74 to family court or dependency court cases.

75 (e)-(3)-(a) "Neglect of a child" means:

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

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

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

91 (2) OFFENSES.—

92 (a) A person who commits aggravated child abuse commits a
 93 felony of the first degree, punishable as provided in s.
 94 775.082, s. 775.083, or s. 775.084.

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

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

105 (d) ~~(e)~~ A person who willfully or by culpable negligence
 106 neglects a child without causing great bodily harm, permanent
 107 disability, or permanent disfigurement to the child commits a
 108 felony of the third degree, punishable as provided in s.
 109 775.082, s. 775.083, or s. 775.084.

110 (3) AFFIRMATIVE DEFENSES.—

111 (a) If the offense is based solely on oral statements of
 112 the defendant, it is an affirmative defense to a prosecution

HB 397

2010

113 under this section that the conduct giving rise to the offense
114 was solely speech protected by the First Amendment to the United
115 States Constitution. This affirmative defense does not apply to
116 speech that was directed to inciting or producing imminent
117 lawless action and that was likely to incite or produce such
118 action.

119 (b) If the offense is based solely on a claim of mental
120 injury because of a caregiver's failure to make a reasonable
121 effort to protect a child from an abuser other than the
122 defendant, it is an affirmative defense to a prosecution under
123 this section that the defendant was a victim of an act of
124 domestic violence or had reasonable cause to believe that he or
125 she was about to become a victim of an act of domestic violence
126 as defined in s. 741.28, and the defendant had reasonable cause
127 to believe that the action or failure to act was necessary in
128 order for the defendant to escape from, or protect himself or
129 herself from, the domestic violence or to preserve the minor or
130 incompetent person from exposure to domestic violence. However,
131 this affirmative defense is not available to any person in
132 relation to instances of child abuse arising after the defense
133 has been previously 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. 827.03~~(2)~~;
- 158 d. Aggravated abuse of an elderly person or disabled
 159 adult, as described in s. 825.102(2);
- 160 e. Lewd or lascivious battery, lewd or lascivious
 161 molestation, lewd or lascivious conduct, or lewd or lascivious
 162 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 163 f. Escape, as described in s. 944.40; or
- 164 g. A felony violation of chapter 790 involving the use or
 165 possession of a firearm.

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

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

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

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

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

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

188 Section 3. Subsection (1) of section 775.0877, Florida
 189 Statutes, is amended to read:

190 775.0877 Criminal transmission of HIV; procedures;
 191 penalties.—

192 (1) In any case in which a person has been convicted of or
 193 has pled nolo contendere or guilty to, regardless of whether
 194 adjudication is withheld, any of the following offenses, or the

195 attempt thereof, which offense or attempted offense involves the
 196 transmission of body fluids from one person to another:

- 197 (a) Section 794.011, relating to sexual battery,
- 198 (b) Section 826.04, relating to incest,
- 199 (c) Section 800.04(1), (2), and (3), relating to lewd,
 200 lascivious, or indecent assault or act upon any person less than
 201 16 years of age,
- 202 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
 203 relating to assault,
- 204 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
 205 relating to aggravated assault,
- 206 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 207 relating to battery,
- 208 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 209 relating to aggravated battery,
- 210 (h) Section 827.03~~(1)~~, relating to child abuse,
- 211 (i) Section 827.03~~(2)~~, relating to aggravated child abuse,
- 212 (j) Section 825.102(1), relating to abuse of an elderly
 213 person or disabled adult,
- 214 (k) Section 825.102(2), relating to aggravated abuse of an
 215 elderly person or disabled adult,
- 216 (l) Section 827.071, relating to sexual performance by
 217 person less than 18 years of age,
- 218 (m) Sections 796.03, 796.07, and 796.08, relating to
 219 prostitution, or
- 220 (n) Section 381.0041(11)(b), relating to donation of
 221 blood, plasma, organs, skin, or other human tissue,
- 222

HB 397

2010

223 the court shall order the offender to undergo HIV testing, to be
 224 performed under the direction of the Department of Health in
 225 accordance with s. 381.004, unless the offender has undergone
 226 HIV testing voluntarily or pursuant to procedures established in
 227 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
 228 rule providing for HIV testing of criminal offenders or inmates,
 229 subsequent to her or his arrest for an offense enumerated in
 230 paragraphs (a)-(n) for which she or he was convicted or to which
 231 she or he pled nolo contendere or guilty. The results of an HIV
 232 test performed on an offender pursuant to this subsection are
 233 not admissible in any criminal proceeding arising out of the
 234 alleged offense.

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

237 782.07 Manslaughter; aggravated manslaughter of an elderly
 238 person or disabled adult; aggravated manslaughter of a child;
 239 aggravated manslaughter of an officer, a firefighter, an
 240 emergency medical technician, or a paramedic.—

241 (3) A person who causes the death of any person under the
 242 age of 18 by culpable negligence under s. 827.03(1)(e)~~(3)~~
 243 commits aggravated manslaughter of a child, a felony of the
 244 first degree, punishable as provided in s. 775.082, s. 775.083,
 245 or s. 775.084.

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

248 921.0022 Criminal Punishment Code; offense severity
 249 ranking chart.—

250 (3) OFFENSE SEVERITY RANKING CHART

HB 397

2010

251	(f)	LEVEL 6	
252			
	Florida	Felony	Description
	Statute	Degree	
253			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
254			
	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
255			
	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
256			
	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
257			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
258			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
259			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
260			
	784.041	3rd	Felony battery; domestic battery by

HB 397

2010

			strangulation.
261	784.048 (3)	3rd	Aggravated stalking; credible threat.
262	784.048 (5)	3rd	Aggravated stalking of person under 16.
263	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
264	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
265	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
266	784.081 (2)	2nd	Aggravated assault on specified official or employee.
267	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
268	784.083 (2)	2nd	Aggravated assault on code inspector.
269	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
270	790.115 (2) (d)	2nd	Discharging firearm or weapon on school

HB 397

2010

271			property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
272			
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
273			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
274			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
275			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
276			
	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.
277			
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
278			
	806.031 (2)	2nd	Arson resulting in great bodily harm to

HB 397

2010

279			firefighter or any other person.
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
280			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
281			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
282			
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
283			
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
284			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
285			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
286			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
287			

HB 397

2010

288	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
289	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
290	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
291	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
292	827.03 <u>(2) (c)</u> (1)	3rd	Abuse of a child.
293	827.03 <u>(2) (d)</u> (3) (e)	3rd	Neglect of a child.
294	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
295	836.05	2nd	Threats; extortion.
296	836.10	2nd	Written threats to kill or do bodily injury.

HB 397

2010

297	843.12	3rd	Aids or assists person to escape.
298	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
299	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
300	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
301	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
302	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.
303	944.40	2nd	Escapes.
304	944.46	3rd	Harboring, concealing, aiding escaped prisoners.

HB 397

2010

305

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

306

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

307

(g) LEVEL 7

308

Florida	Felony	Description
Statute	Degree	

309

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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310

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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311

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.
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312

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
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HB 397

2010

bodily injury.

313

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

314

409.920 (2) (b) 1.a. 3rd Medicaid provider fraud; \$10,000 or less.

315

409.920 (2) (b) 1.b. 2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

316

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

317

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

318

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

319

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

320

460.411 (1) 3rd Practicing chiropractic medicine

HB 397

2010

without a license.

321 461.012 (1) 3rd Practicing podiatric medicine without
a license.

322 462.17 3rd Practicing naturopathy without a
license.

323 463.015 (1) 3rd Practicing optometry without a
license.

324 464.016 (1) 3rd Practicing nursing without a license.

325 465.015 (2) 3rd Practicing pharmacy without a
license.

326 466.026 (1) 3rd Practicing dentistry or dental
hygiene without a license.

327 467.201 3rd Practicing midwifery without a
license.

328 468.366 3rd Delivering respiratory care services
without a license.

329 483.828 (1) 3rd Practicing as clinical laboratory
personnel without a license.

330

HB 397

2010

331	483.901 (9)	3rd	Practicing medical physics without a license.
332	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
333	484.053	3rd	Dispensing hearing aids without a license.
334	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.
335	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.
336	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less

HB 397

2010

than \$20,000 by financial
institution.

337 775.21 (10) (a) 3rd Sexual predator; failure to register;
failure to renew driver's license or
identification card; other
registration violations.

338 775.21 (10) (b) 3rd Sexual predator working where
children regularly congregate.

339 775.21 (10) (g) 3rd Failure to report or providing false
information about a sexual predator;
harbor or conceal a sexual predator.

340 782.051 (3) 2nd Attempted felony murder of a person
by a person other than the
perpetrator or the perpetrator of an
attempted felony.

341 782.07 (1) 2nd Killing of a human being by the act,
procurement, or culpable negligence
of another (manslaughter).

342 782.071 2nd Killing of a human being or viable
fetus by the operation of a motor
vehicle in a reckless manner

HB 397

2010

(vehicular homicide).

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782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048 (7)	3rd	Aggravated stalking; violation of court order.
784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

HB 397

2010

352	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
353	784.081 (1)	1st	Aggravated battery on specified official or employee.
354	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
355	784.083 (1)	1st	Aggravated battery on code inspector.
356	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
357	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
358	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
359	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

HB 397

2010

attempting to use a hoax weapon of mass destruction.

360

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

361

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

362

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.

363

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

364

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

365

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but

HB 397

2010

less than 16 years; offender 18 years or older.

366

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

367

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

368

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

369

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

370

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

371

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.

372

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

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HB 397

2010

374	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
375	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
376	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
377	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
378	812.131 (2) (a)	2nd	Robbery by sudden snatching.
379	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
380	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
381	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.

HB 397

2010

382	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
383	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.
384	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
385	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.
386	827.03 <u>(2)(b)</u> (3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
387	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

HB 397

2010

388	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
389	838.015	2nd	Bribery.
390	838.016	2nd	Unlawful compensation or reward for official behavior.
391	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
392	838.22	2nd	Bid tampering.
393	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
394	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
395	872.06	2nd	Abuse of a dead human body.
396	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

HB 397

2010

	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.
397	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.
398	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).
399	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
400	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
401			

HB 397

2010

402	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
403	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
404	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
405	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
406	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
407	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
408	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
409	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

HB 397

2010

410	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
411	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
412	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
413	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
414	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
415	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender;

HB 397

2010

harbor or conceal a sexual offender.

416

943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

417

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

418

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

419

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

420

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

421

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

422

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

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HB 397

2010

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

424

425 (i) LEVEL 9

426

Florida	Felony	Description
Statute	Degree	

427

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

428

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

429

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

430

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

431

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

432

560.125(5)(c) 1st Money transmitter business by

HB 397

2010

unauthorized person, currency, or
 payment instruments totaling or
 exceeding \$100,000.

433

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

434

775.0844 1st Aggravated white collar crime.

435

782.04(1) 1st Attempt, conspire, or solicit to
 commit premeditated murder.

436

782.04(3) 1st,PBL Accomplice to murder in connection
 with arson, sexual battery, robbery,
 burglary, and other specified
 felonies.

437

782.051(1) 1st Attempted felony murder while
 perpetrating or attempting to
 perpetrate a felony enumerated in s.
 782.04(3).

438

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

439

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

HB 397

2010

or as a shield or hostage.

440

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

441

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

442

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.

443

790.161 1st Attempted capital destructive device
offense.

444

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

445

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

446

794.011(2) Life Sexual battery; offender younger than

HB 397

2010

18 years and commits sexual battery
on a person less than 12 years.

447

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

448

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

449

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

450

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

451

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

452

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

453

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

454

817.568(7) 2nd,PBL Fraudulent use of personal

HB 397

2010

identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

455

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

456

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

457

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

458

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.

459

893.135 1st Attempted capital trafficking offense.

460

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

461

893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400

HB 397

2010

grams, less than 150 kilograms.

462

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

463

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

464

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

465

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

466

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

467

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

468

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

469

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

470

HB 397

2010

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

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

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

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

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

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

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

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

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

(f) Any aggravated child abuse as provided in s. 827.03~~(2)~~;

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

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

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

498 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
 499 or vehicular or vessel homicide as provided in s. 782.071 or s.
 500 782.072, committed by any person who is on probation or
 501 community control for an offense involving death or injury
 502 resulting from a driving incident.

503 Section 7. Paragraph (a) of subsection (3) of section
 504 960.03, Florida Statutes, is amended to read:

505 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 506 960.01-960.28, unless the context otherwise requires, the term:

507 (3) "Crime" means:

508 (a) A felony or misdemeanor offense committed by either an
 509 adult or a juvenile which results in:

- 510 1. Physical injury or death; or
- 511 2. Psychiatric or psychological injury to a person younger
 512 than 18 years of age who was not physically injured by the
 513 criminal act.

514

515 The term also includes any such criminal act which is committed
 516 within this state but which falls exclusively within federal
 517 jurisdiction.

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