

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, and 948.062, F.S.;
 7 conforming cross-references; amending s. 960.03, F.S.;
 8 redefining the term "crime" for purposes of crime victim
 9 compensation to include additional forms of injury;
 10 providing an effective date.

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

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

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

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

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

20 1. Commits aggravated battery on a child;

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

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

26 (b) "Child abuse" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

74 (2) OFFENSES.—

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

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

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

HB 769

2010

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

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

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

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

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

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

109 (1) As used in this act:

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

HB 769

2010

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

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

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

119 c. Aggravated child abuse, as described in s.
120 827.03(2) (a);

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

123 e. Lewd or lascivious battery, lewd or lascivious
124 molestation, lewd or lascivious conduct, or lewd or lascivious
125 exhibition, as described in s. 800.04 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
130 or a federal prison.

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

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

138 b. Within 5 years after the conviction of the last prior
139 enumerated felony, or within 5 years after the defendant's
140 release from a prison sentence, probation, community control,

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

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

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

151 Section 3. 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;IT

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

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;IT

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

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

HB 769

2010

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

HB 769

2010

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
 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
 213 ranking 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.

HB 769

2010

219	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
220	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
221	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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.
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent

HB 769

2010

228	784.08 (2) (b)	2nd	predators facility staff.
229	784.081 (2)	2nd	Aggravated assault on a person 65 years of age or older.
230	784.082 (2)	2nd	Aggravated assault on specified official or employee.
231	784.083 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
232	787.02 (2)	3rd	Aggravated assault on code inspector.
233	790.115 (2) (d)	2nd	False imprisonment; restraining with purpose other than those in s. 787.01.
234	790.161 (2)	2nd	Discharging firearm or weapon on school property.
235	790.164 (1)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
236			False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

HB 769

2010

237	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
238	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
239	794.05(1)	2nd	Unlawful sexual activity with specified minor.
240	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.
241	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
242	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
243	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
244	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
	812.014(6)	2nd	Theft; property stolen \$3,000 or more;

HB 769

2010

			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.
250	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
251	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
252	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
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HB 769

2010

254	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
255	827.03 <u>(2) (c)</u> (1)	3rd	Abuse of a child.
256	827.03 <u>(2) (d)</u> (3) (e)	3rd	Neglect of a child.
257	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
258	836.05	2nd	Threats; extortion.
259	836.10	2nd	Written threats to kill or do bodily injury.
260	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.
	847.012	3rd	Knowingly using a minor in the production of materials harmful to

HB 769

2010

			minors.
262	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
263	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
264	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.
265	944.40	2nd	Escapes.
266	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
267	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
268	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
269			
270	(g)	LEVEL 7	

HB 769

2010

	Florida Statute	Felony Degree	Description
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 disfiguration, permanent disability, or death.
276	409.920(2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
277	409.920(2)(b)1.b.	2nd	Medicaid provider fraud; more than

HB 769

2010

\$10,000, but less than \$50,000.

278

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

279

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

280

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

281

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

282

460.411 (1) 3rd Practicing chiropractic medicine without
a license.

283

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

284

462.17 3rd Practicing naturopathy without a
license.

285

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

286

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

287

HB 769

2010

288	465.015 (2)	3rd	Practicing pharmacy without a license.
289	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
290	467.201	3rd	Practicing midwifery without a license.
291	468.366	3rd	Delivering respiratory care services without a license.
292	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
293	483.901 (9)	3rd	Practicing medical physics without a license.
294	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
295	484.053	3rd	Dispensing hearing aids without a license.
296	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.

HB 769

2010

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.

HB 769

2010

304	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
305	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
306	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
307	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
308	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
309	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
310	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
311	784.048(7)	3rd	Aggravated stalking; violation of court order.

HB 769

2010

312	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
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.

HB 769

2010

321	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
322	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
323	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
324	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
325	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.
326	796.03	2nd	Procuring any person under 16 years for prostitution.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less

HB 769

2010

327	800.04 (5) (c) 2.	2nd	than 18 years.
328	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
329	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
330	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
331	810.02 (3) (c)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
332	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
333	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
334	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.

HB 769

2010

335	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
336	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
337	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
338	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
339	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
340	812.131(2)(a)	2nd	Robbery by sudden snatching.
341	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
342	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

HB 769

2010

			collision.
343	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
344	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.
345	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
346	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 <u>(2)</u> (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

HB 769

2010

			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.
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.

HB 769

2010

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
 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

HB 769

2010

- 365 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.
- 366 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.
- 367 893.135(1)(f)1. 1st Trafficking in amphetamine, more than 14
grams, less than 28 grams.
- 368 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4 grams
or more, less than 14 grams.
- 369 893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 1 kilogram or more, less
than 5 kilograms.
- 370 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5
kilograms.
- 371 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines, 10
grams or more, less than 200 grams.
- 372 893.1351(2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

HB 769

2010

373	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
374	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
375	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
376	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
377	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
378	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
379	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

HB 769

2010

380 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

381 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

382 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

383 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

384 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

385 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

386 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

387 (i) LEVEL 9

HB 769

2010

388	Florida Statute	Felony Degree	Description
	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

HB 769

2010

financial institution.

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

HB 769

2010

404	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.
405	790.161	1st	Attempted capital destructive device offense.
406	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
407	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
408	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
409	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
410	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

HB 769

2010

411	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
412	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
413	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
414	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
415	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
416	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.
417	827.03 (2) <u>(a)</u>	1st	Aggravated child abuse.
418	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
	847.0145 (2)	1st	Purchasing, or otherwise obtaining

HB 769

2010

419			custody or control, of a minor.
420	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.
421	893.135	1st	Attempted capital trafficking offense.
422	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
423	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
424	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
425	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
426	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
427	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.

HB 769

2010

- 428 893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
- 429 893.135(1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.
- 430 893.135(1)(k)2.c. 1st Trafficking in Phenethylamines, 400 grams or more.
- 431 896.101(5)(c) 1st Money laundering, financial instruments totaling or exceeding \$100,000.
- 432 896.104(4)(a)3. 1st Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

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.

HB 769

2010

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,
452 home invasion robbery, or carjacking as provided in s.
453 812.13(2) (a), 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,
457 committed 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

HB 769

2010

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.