

By Senator Altman

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

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

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

21 827.03 Abuse, aggravated abuse, and neglect of a child;
22 penalties.—

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

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

25 1. Commits aggravated battery on a child;

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

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

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30 disfigurement to the child.

31 (b) "Child abuse" means:

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

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

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

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

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

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

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

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

51
52 ~~A person who commits aggravated child abuse commits a felony of~~
53 ~~the first degree, punishable as provided in s. 775.082, s.~~
54 ~~775.083, or s. 775.084.~~

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

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

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

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

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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 charged under this section is based
112 solely on oral statements of the defendant, it shall be an
113 affirmative defense to prosecution of that offense that the
114 conduct giving rise to the offense was solely speech protected
115 by the First Amendment to the United States Constitution. This
116 affirmative defense shall not apply to speech that was directed

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117 to inciting or producing imminent lawless action and that was
118 likely to incite or produce such action.

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

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

142 Section 2. Paragraph (d) of subsection (1) of section
143 775.084, Florida Statutes, is amended to read:

144 775.084 Violent career criminals; habitual felony offenders
145 and habitual violent felony offenders; three-time violent felony

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146 offenders; definitions; procedure; enhanced penalties or
147 mandatory minimum prison terms.-

148 (1) As used in this act:

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

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

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

156 b. Aggravated stalking, as described in s. 784.048(3) and
157 (4);

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

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

161 e. Lewd or lascivious battery, lewd or lascivious
162 molestation, lewd or lascivious conduct, or lewd or lascivious
163 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

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

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

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

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

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175 enumerated felony; or

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

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

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

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

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

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

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

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

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202 the court shall order the offender to undergo HIV testing, to be
203 performed under the direction of the Department of Health in

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

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

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

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

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

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

229 (3) OFFENSE SEVERITY RANKING CHART

230 (f) LEVEL 6

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	Florida Statute	Felony Degree	Description
232	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
233	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
234	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
235	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
236	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
237	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
238	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
239	784.041	3rd	Felony battery; domestic battery by strangulation.
240	784.048 (3)	3rd	Aggravated stalking; credible threat.
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242	784.048 (5)	3rd	Aggravated stalking of person under 16.
243	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
244	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
245	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
246	784.081 (2)	2nd	Aggravated assault on specified official or employee.
247	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
248	784.083 (2)	2nd	Aggravated assault on code inspector.
249	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
250	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
251	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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252	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
253	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
254	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
255	794.05(1)	2nd	Unlawful sexual activity with specified minor.
256	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
257	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
258	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
259	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

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812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
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.

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270	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
271	827.03(2)(c)(1)	3rd	Abuse of a child.
272	<u>827.03(2)(d)</u> (3)(e)	3rd	Neglect of a child.
273	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
274	836.05	2nd	Threats; extortion.
275	836.10	2nd	Written threats to kill or do bodily injury.
276	843.12	3rd	Aids or assists person to escape.
277	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
278	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135(2)	3rd	Facilitates sexual conduct of or with a

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minor or the visual depiction of such conduct.

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

280

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.

281

944.40 2nd Escapes.

282

944.46 3rd Harboring, concealing, aiding escaped prisoners.

283

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

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

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286 (g) LEVEL 7

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Florida	Felony	
Statute	Degree	Description

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289	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
290	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
291	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.
292	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
293	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
294	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
295	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
	456.065(2)	3rd	Practicing a health care profession without a license.

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456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
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.

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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.
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.
560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments

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exceeding \$300 but less than \$20,000.

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655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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

317

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

318

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

319

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

320

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

321

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

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homicide).

322

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

323

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

324

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

325

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

326

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

327

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

328

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

329

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

330

784.08 (2) (a) 1st Aggravated battery on a person 65 years

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of age or older.

331

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

332

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

333

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

334

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

335

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

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

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

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

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790.166 (4) 2nd Possessing, displaying, or threatening

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to use a hoax weapon of mass
destruction while committing or
attempting to commit a felony.

340

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

341

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.

342

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

343

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

344

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.

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

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

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- 810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.
- 810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.
- 810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.
- 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.
- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd
degree.
- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or
older; \$50,000 or more.

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- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.
- 817.2341 1st Making false entries of material fact (2) (b) & (3) (b) 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.
- 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.
827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021 (3) (a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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373 847.0135(4) 2nd Traveling to meet a minor to commit an
unlawful sex act.

374 872.06 2nd Abuse of a dead human body.

375 874.10 1st,PBL Knowingly initiates, organizes, plans,
finances, directs, manages, or
supervises criminal gang-related
activity.

376 893.13(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.

377 893.13(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.

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).

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378

893.135 (1) (a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

379

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

380

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

381

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

382

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

383

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

384

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

385

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

386

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

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387	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
388	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
389	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
390	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
391	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
392	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
393	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
394	943.0435(13)	3rd	Failure to report or providing false

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information about a sexual offender;
harbor or conceal a sexual offender.

395

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

396

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

397

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

398

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

399

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

400

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

401

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

402

985.4815(13) 3rd Sexual offender; failure to report and

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reregister; failure to respond to
address verification.

403

404 (i) LEVEL 9

405

Florida	Felony	
Statute	Degree	Description

406

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

407

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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408

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

409

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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410

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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411

560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
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655.50(10)(b)3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

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.

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421	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
422	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.
423	790.161	1st	Attempted capital destructive device offense.
424	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
425	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
426	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
427	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
427	794.011(8)(b)	1st	Sexual battery; engage in sexual

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conduct with minor 12 to 18 years by
 person in familial or custodial
 authority.

428

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

429

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

430

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

431

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

432

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

433

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.

434

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

435

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

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436

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

437

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.

438

893.135 1st Attempted capital trafficking offense.

439

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

440

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

441

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

442

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

443

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

444

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

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445

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

446

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

447

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

448

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

449

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

450

451 Section 6. Paragraph (f) of subsection (1) of section
 452 948.062, Florida Statutes, is amended to read:

453 948.062 Reviewing and reporting serious offenses committed
 454 by offenders placed on probation or community control.—

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

458 (f) Any aggravated child abuse as provided in s.

459 827.03 (2) (a);

460 Section 7. Paragraph (a) of subsection (3) and subsection

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461 (14) of section 960.03, Florida Statutes, are amended to read:

462 960.03 Definitions; ss. 960.01-960.28.-As used in ss.
463 960.01-960.28, unless the context otherwise requires, the term:

464 (3) "Crime" means:

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

473 (14) "Victim" means:

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

476 (b) Except as otherwise set forth in paragraph (3) (a)
477 concerning injuries to minors, a person younger than 18 years of
478 age who was present at the scene of a crime, saw or heard the
479 crime, and suffered a psychiatric or psychological injury
480 because of the crime, but who was not physically injured; or

481 (c) A person against whom a forcible felony was committed
482 and who suffers a psychiatric or psychological injury as a
483 direct result of that crime but who does not otherwise sustain a
484 personal physical injury or death.

485 Section 8. This act shall take effect July 1, 2011.