

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

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

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

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

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

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

24           1.   Commits aggravated battery on a child;

25           2.   Willfully tortures, maliciously punishes, or willfully

26           and unlawfully cages a child; or

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

30 (b) "Child abuse" means:

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

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

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

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

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

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

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

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

50  
 51 ~~A person who commits aggravated child abuse commits a felony of~~  
 52 ~~the first degree, punishable as provided in s. 775.082, s.~~  
 53 ~~775.083, or s. 775.084.~~

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

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

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

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

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

84  
 85 Except as otherwise provided in this section, neglect of a child  
 86 may be based on repeated conduct or on a single incident or  
 87 omission that results in, or could reasonably be expected to  
 88 result in, serious physical or mental injury, or a substantial  
 89 risk of death, to a child.

90 (2) OFFENSES.—

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

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

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

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

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109 (3) AFFIRMATIVE DEFENSES.—

110 (a) If the offense charged under this section is based  
111 solely on oral statements of the defendant, it shall be an  
112 affirmative defense to prosecution of that offense that the  
113 conduct giving rise to the offense was solely speech protected  
114 by the First Amendment to the United States Constitution. This  
115 affirmative defense shall not apply to speech that was directed  
116 to inciting or producing imminent lawless action and that was  
117 likely to incite or produce such action.

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

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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.  
 158 827.03(2) (a);
- 159 d. Aggravated abuse of an elderly person or disabled  
 160 adult, 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  
 168 or a federal prison.

169 3. The primary felony offense for which the defendant is  
 170 to be sentenced is a felony enumerated in subparagraph 1. and  
 171 was 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  
 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.—

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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;

201  
 202 the court shall order the offender to undergo HIV testing, to be  
 203 performed under the direction of the Department of Health in  
 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



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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  
 228 ranking chart.—

229 (3) OFFENSE SEVERITY RANKING CHART

230 (f) LEVEL 6

231

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

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237	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
238	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
239	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
240	784.041	3rd	Felony battery; domestic battery by strangulation.
241	784.048 (3)	3rd	Aggravated stalking; credible threat.
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.

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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.
252	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

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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.

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260	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
261	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
262	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
263	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
264	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
265	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
266	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly person or

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disabled adult.

267

825.102 (3) (c) 3rd Neglect of an elderly person or disabled adult.

268

825.1025 (3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

269

825.103 (2) (c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.

270

827.03 (2) (c) ~~(1)~~ 3rd Abuse of a child.

271

827.03 (2) (d) ~~(3) (e)~~ 3rd Neglect of a child.

272

827.071 (2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

273

836.05 2nd Threats; extortion.

274

836.10 2nd Written threats to kill or do bodily injury.

275

843.12 3rd Aids or assists person to

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escape.

276

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

277

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

278

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

279

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.

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283	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
284	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
285	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
286	(g) LEVEL 7		
287	Florida Statute	Felony Degree	Description
288	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
289	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
290	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



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elude law enforcement officer  
 who is in a patrol vehicle with  
 siren and lights activated.

291 327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious  
 bodily injury.

292 402.319 (2) 2nd Misrepresentation and  
 negligence or intentional act  
 resulting in great bodily harm,  
 permanent disfiguration,  
 permanent disability, or death.

293 409.920 3rd Medicaid provider fraud;  
 (2) (b) 1.a. \$10,000 or less.

294 409.920 2nd Medicaid provider fraud; more  
 (2) (b) 1.b. than \$10,000, but less than  
 \$50,000.

295 456.065 (2) 3rd Practicing a health care  
 profession without a license.

296 456.065 (2) 2nd Practicing a health care  
 profession without a license  
 which results in serious bodily  
 injury.

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298	458.327 (1)	3rd	Practicing medicine without a license.
299	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
300	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
301	461.012 (1)	3rd	Practicing podiatric medicine without a license.
302	462.17	3rd	Practicing naturopathy without a license.
303	463.015 (1)	3rd	Practicing optometry without a license.
304	464.016 (1)	3rd	Practicing nursing without a license.
305	465.015 (2)	3rd	Practicing pharmacy without a license.
306	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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307	467.201	3rd	Practicing midwifery without a license.
308	468.366	3rd	Delivering respiratory care services without a license.
309	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
310	483.901 (9)	3rd	Practicing medical physics without a license.
311	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
312	484.053	3rd	Dispensing hearing aids without a license.
313	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

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payment instruments exceeding \$300 but less than \$20,000 by a money services business.

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560.125 (5) (a) 3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

315

655.50 (10) (b) 1. 3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

316

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

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conceal a sexual predator.

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782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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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 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.

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325	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
326	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
327	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
328	784.048 (7)	3rd	Aggravated stalking; violation of court order.
329	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
330	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
331	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
332	784.081 (1)	1st	Aggravated battery on specified official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other

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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.

336

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 to use a hoax

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

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

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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.

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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.

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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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346	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
347	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
348	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
349	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
350	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
351	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

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theft in 2nd degree.

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- 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.
- 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.

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360	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
361	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
362	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.
363	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
364	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> <del>(3)</del> (b)	2nd	Neglect of a child causing great bodily harm, disability,

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or disfigurement.

365

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

366

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

367

838.015 2nd Bribery.

368

838.016 2nd Unlawful compensation or reward  
for official behavior.

369

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

370

838.22 2nd Bid tampering.

371

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

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

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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.

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378	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).
379	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
380	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
381	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
382	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
383	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than

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28 grams.

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

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

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

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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

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

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391	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
392	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
393	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
394	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
395	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure



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to respond to address  
verification.

396

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

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

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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

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sexual offender; harbor or  
conceal a sexual offender.

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985.4815(13)                      3rd      Sexual offender; failure to  
report and 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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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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560.123(8) (b) 3.	1st	Failure to report currency or
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payment instruments totaling or exceeding \$100,000 by money transmitter.

411 560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

412 655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

413 775.0844 1st Aggravated white collar crime.

414 782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

415 782.04 (3) 1st, PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

416 782.051 (1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated

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in s. 782.04(3).

417

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

418

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

419

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

420

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

421

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.

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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.
428	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of

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age.

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

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

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

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

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.

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

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

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437	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
438	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.
439	893.135	1st	Attempted capital trafficking offense.
440	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
441	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
442	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
	893.135	1st	Trafficking in phencyclidine,

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443	(1) (d) 1.c.		more than 400 grams.
444	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
445	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
446	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
447	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
448	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
449	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
450	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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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  
 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

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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.