

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 amending ss. 775.084, 775.0877, 782.07, 921.0022, and
 8 948.062, F.S.; conforming cross-references; amending
 9 s. 960.03, F.S.; redefining the term "crime" for
 10 purposes of crime victims compensation to include
 11 additional forms of injury; redefining the term
 12 "victim" to conform with the modified definition of
 13 the term "crime"; providing an effective date.

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

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

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

21 (1) DEFINITIONS.—As used in this section, the term:

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

23 1. Commits aggravated battery on a child;

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

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

29 (b) "Child abuse" means:

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

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

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

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

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

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

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

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

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

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

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

60 (d) "Mental injury" means injury to the intellectual or
61 psychological capacity of a child as evidenced by a discernible
62 and substantial impairment in the ability of the child to
63 function within the normal range of performance and behavior as
64 supported by expert testimony. A person may not give expert
65 testimony regarding mental injury unless that person is a
66 physician licensed under chapter 458 or chapter 459, board
67 certified in psychiatry, or a psychologist licensed under
68 chapter 490. The expert testimony requirements apply only to
69 criminal court cases, not to family court or dependency court
70 cases.

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

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

78 2. A caregiver's failure to make a reasonable effort to
79 protect a child from abuse, neglect, or exploitation by another
80 person.

81
82 Except as otherwise provided in this section, neglect of a child
83 may be based on repeated conduct or on a single incident or
84 omission that results in, or could reasonably be expected to

85 result in, serious physical or mental injury, or a substantial
 86 risk of death, to a child.

87 (2) OFFENSES.—

88 (a) A person who commits aggravated child abuse commits a
 89 felony of the first degree, punishable as provided in s.
 90 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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113 Section 2. Paragraph (d) of subsection (1) of section
 114 775.084, Florida Statutes, is amended to read:

115 775.084 Violent career criminals; habitual felony
 116 offenders and habitual violent felony offenders; three-time
 117 violent felony offenders; definitions; procedure; enhanced
 118 penalties or mandatory minimum prison terms.—

119 (1) As used in this act:

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

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

- 126 a. Any forcible felony, as described in s. 776.08;
- 127 b. Aggravated stalking, as described in s. 784.048(3) and
 128 (4);
- 129 c. Aggravated child abuse, as described in s.
 130 827.03(2) (a);
- 131 d. Aggravated abuse of an elderly person or disabled
 132 adult, as described in s. 825.102(2);
- 133 e. Lewd or lascivious battery, lewd or lascivious
 134 molestation, lewd or lascivious conduct, or lewd or lascivious
 135 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 136 f. Escape, as described in s. 944.40; or
- 137 g. A felony violation of chapter 790 involving the use or
 138 possession of a firearm.

139 2. The defendant has been incarcerated in a state prison
 140 or a federal prison.

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

144 a. While the defendant was serving a prison sentence or
145 other sentence, or court-ordered or lawfully imposed supervision
146 that is imposed as a result of a prior conviction for an
147 enumerated felony; or

148 b. Within 5 years after the conviction of the last prior
149 enumerated felony, or within 5 years after the defendant's
150 release from a prison sentence, probation, community control,
151 control release, conditional release, parole, or court-ordered
152 or lawfully imposed supervision or other sentence that is
153 imposed as a result of a prior conviction for an enumerated
154 felony, whichever is later.

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

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

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

163 775.0877 Criminal transmission of HIV; procedures;
164 penalties.—

165 (1) In any case in which a person has been convicted of or
166 has pled nolo contendere or guilty to, regardless of whether
167 adjudication is withheld, any of the following offenses, or the
168 attempt thereof, which offense or attempted offense involves the

169 transmission of body fluids from one person to another:
 170 (a) Section 794.011, relating to sexual battery;
 171 (b) Section 826.04, relating to incest;
 172 (c) Section 800.04, relating to lewd or lascivious
 173 offenses committed upon or in the presence of persons less than
 174 16 years of age;
 175 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
 176 relating to assault;
 177 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
 178 relating to aggravated assault;
 179 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 180 relating to battery;
 181 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 182 relating to aggravated battery;
 183 (h) Section 827.03(2)(c)~~(1)~~, relating to child abuse;
 184 (i) Section 827.03(2)(a), relating to aggravated child
 185 abuse;
 186 (j) Section 825.102(1), relating to abuse of an elderly
 187 person or disabled adult;
 188 (k) Section 825.102(2), relating to aggravated abuse of an
 189 elderly person or disabled adult;
 190 (l) Section 827.071, relating to sexual performance by
 191 person less than 18 years of age;
 192 (m) Sections 796.03, 796.07, and 796.08, relating to
 193 prostitution; or
 194 (n) Section 381.0041(11)(b), relating to donation of
 195 blood, plasma, organs, skin, or other human tissue,
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197 the court shall order the offender to undergo HIV testing, to be
 198 performed under the direction of the Department of Health in
 199 accordance with s. 381.004, unless the offender has undergone
 200 HIV testing voluntarily or pursuant to procedures established in
 201 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
 202 rule providing for HIV testing of criminal offenders or inmates,
 203 subsequent to her or his arrest for an offense enumerated in
 204 paragraphs (a)-(n) for which she or he was convicted or to which
 205 she or he pled nolo contendere or guilty. The results of an HIV
 206 test performed on an offender pursuant to this subsection are
 207 not admissible in any criminal proceeding arising out of the
 208 alleged offense.

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

211 782.07 Manslaughter; aggravated manslaughter of an elderly
 212 person or disabled adult; aggravated manslaughter of a child;
 213 aggravated manslaughter of an officer, a firefighter, an
 214 emergency medical technician, or a paramedic.—

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

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

222 921.0022 Criminal Punishment Code; offense severity
 223 ranking chart.—

224 (3) OFFENSE SEVERITY RANKING CHART

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225	(f)	LEVEL 6		
226				
	Florida	Felony		
	Statute	Degree		Description
227				
	316.193 (2) (b)	3rd		Felony DUI, 4th or subsequent conviction.
228				
	499.0051 (3)	2nd		Knowing forgery of pedigree papers.
229				
	499.0051 (4)	2nd		Knowing purchase or receipt of prescription drug from unauthorized person.
230				
	499.0051 (5)	2nd		Knowing sale or transfer of prescription drug to unauthorized person.
231				
	775.0875 (1)	3rd		Taking firearm from law enforcement officer.
232				
	784.021 (1) (a)	3rd		Aggravated assault; deadly weapon without intent to kill.
233				
	784.021 (1) (b)	3rd		Aggravated assault; intent to commit felony.
234				
	784.041	3rd		Felony battery; domestic battery by

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			strangulation.
235			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
236			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
237			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
238			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
239			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
240			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
241			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
242			
	784.083 (2)	2nd	Aggravated assault on code inspector.
243			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
244			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school

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			property.
245	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
246	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
247	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
248	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
249	794.05(1)	2nd	Unlawful sexual activity with specified minor.
250	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.
251	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
252	806.031(2)	2nd	Arson resulting in great bodily harm to

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253			firefighter or any other person.
254	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
255	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
256	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
257	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
258	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
259	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
260	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
261	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

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262	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
263	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
264	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
265	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
266	<u>827.03 (2) (c)</u> 827.03 (1)	3rd	Abuse of a child.
267	<u>827.03 (2) (d)</u> 827.03 (3) (c)	3rd	Neglect of a child.
268	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
269	836.05	2nd	Threats; extortion.
270	836.10	2nd	Written threats to kill or do bodily injury.

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271	843.12	3rd	Aids or assists person to escape.
272	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
273	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
274	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
275	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
276	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.
277	944.40	2nd	Escapes.
278	944.46	3rd	Harboring, concealing, aiding escaped prisoners.

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

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

(g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

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

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

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.

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

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288	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
289	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
290	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
291	456.065 (2)	3rd	Practicing a health care profession without a license.
292	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
293	458.327 (1)	3rd	Practicing medicine without a license.
294	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
295	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a

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license.

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462.17 3rd Practicing naturopathy without a license.

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

298

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

299

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

300

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

301

467.201 3rd Practicing midwifery without a license.

302

468.366 3rd Delivering respiratory care services without a license.

303

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

304

483.901 (9) 3rd Practicing medical physics without a license.

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484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

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307	484.053	3rd	Dispensing hearing aids without a license.
308	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.
309	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.
310	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
311	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
312	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

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313	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
314	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
315	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
316	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
317	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
318	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
319	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.

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320	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
321	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
322	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
323	784.048 (7)	3rd	Aggravated stalking; violation of court order.
324	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
325	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
326	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
327	784.081 (1)	1st	Aggravated battery on specified official or employee.
328	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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329	784.083 (1)	1st	Aggravated battery on code inspector.
330	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
331	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
332	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
333	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
334	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
335	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements

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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.

337

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

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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.

340

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

341

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.

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344	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
345	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
346	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.
347	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
348	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
349	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
350	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,

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plans, etc., the theft of property and traffics in stolen property.

351

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

352

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

353

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

354

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

355

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

356

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

357

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

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359	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.
360	<u>827.03 (2)</u> 827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
361	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
362	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
363	838.015	2nd	Bribery.
364	838.016	2nd	Unlawful compensation or reward for official behavior.
365	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
366	838.22	2nd	Bid tampering.
367	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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368	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
369	872.06	2nd	Abuse of a dead human body.
370	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
371	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.
372	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.

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893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4. drugs).

373 893.135(1)(a)1. 1st Trafficking in cannabis, more than 25
lbs., less than 2,000 lbs.

374 893.135 1st Trafficking in cocaine, more than 28
(1)(b)1.a. grams, less than 200 grams.

375 893.135 1st Trafficking in illegal drugs, more than
(1)(c)1.a. 4 grams, less than 14 grams.

376 893.135(1)(d)1. 1st Trafficking in phencyclidine, more than
28 grams, less than 200 grams.

377 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.

378 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.

379 893.135 1st Trafficking in flunitrazepam, 4 grams
(1)(g)1.a. or more, less than 14 grams.

380 893.135 1st Trafficking in gamma-hydroxybutyric
(1)(h)1.a. acid (GHB), 1 kilogram or more, less
than 5 kilograms.

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382	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
383	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
384	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
385	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
386	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
387	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
388	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

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389	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
390	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
391	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
392	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
393	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
394	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
395	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
396	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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397	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
398	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
399	(i) LEVEL 9		
400	Florida Statute	Felony Degree	Description
401	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
402	327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
403	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
404	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
405	560.123(8) (b) 3.	1st	Failure to report currency or payment

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instruments totaling or exceeding
\$100,000 by money transmitter.

406

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.

408

775.0844 1st Aggravated white collar crime.

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

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

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

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- 413 782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.
- 414 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.
- 415 787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.
- 416 787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere with performance of any governmental or political function.
- 417 787.02(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.
- 418 790.161 1st Attempted capital destructive device offense.
- 419 790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

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420	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
421	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
422	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
423	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
424	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
425	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
426	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
427	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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428	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
429	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.
430	<u>827.03 (2) (a)</u> 827.03 (2)	1st	Aggravated child abuse.
431	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
432	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
433	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.
434	893.135	1st	Attempted capital trafficking offense.
435	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.

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436	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
437	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
438	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
439	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
440	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
441	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
442	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
443	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
444	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

472 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
 473 or vehicular or vessel homicide as provided in s. 782.071 or s.
 474 782.072, committed by a ~~any~~ person who is on probation or
 475 community control for an offense involving death or injury
 476 resulting from a driving incident.

477 Section 7. Paragraph (a) of subsection (3) and subsection
 478 (14) of section 960.03, Florida Statutes, are amended to read:

479 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 480 960.01-960.28, unless the context otherwise requires, the term:

481 (3) "Crime" means:

482 (a) A felony or misdemeanor offense committed by either an
 483 adult or a juvenile which results in physical injury or death,
 484 including a felony or misdemeanor offense committed by either an
 485 adult or a juvenile which results in psychiatric or
 486 psychological injury to a person younger than 18 years of age
 487 who was not physically injured by the criminal act. The term
 488 also includes any ~~such~~ criminal act that ~~which~~ is committed
 489 within this state but that ~~which~~ falls exclusively within
 490 federal jurisdiction.

491 (14) "Victim" means:

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

494 (b) A person younger than 18 years of age who was present
 495 at the scene of a crime, saw or heard the crime, and suffered a
 496 psychiatric or psychological injury because of the crime, but

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497 | who was not physically injured; ~~or~~

498 | (c) A person younger than 18 years of age who was the
499 | victim of a felony or misdemeanor offense that resulted in a
500 | psychiatric or psychological injury, but who was not physically
501 | injured; or

502 | (d)~~(e)~~ A person against whom a forcible felony was
503 | committed and who suffers a psychiatric or psychological injury
504 | as a direct result of that crime but who does not otherwise
505 | sustain a personal physical injury or death.

506 | Section 8. This act shall take effect October 1, 2012.