

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 physician or
 6 psychologist acting as an expert witness in certain
 7 proceedings have certain credentials; amending ss.
 8 775.084, 775.0877, 782.07, 921.0022, and 948.062,
 9 F.S.; conforming cross-references; amending s. 960.03,
 10 F.S.; redefining the term "crime" for purposes of
 11 crime victims compensation to include additional forms
 12 of injury; redefining the term "victim" to conform
 13 with the modified definition of the term "crime";
 14 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.—As used in this section, the term:

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.~~

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

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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" means injury to the intellectual or
62 psychological capacity of a child as evidenced by a discernible
63 and substantial impairment in the ability of the child to
64 function within the normal range of performance and behavior as
65 supported by expert testimony.

66 (e)(3)(a) "Neglect of a child" means:

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

73 2. A caregiver's failure to make a reasonable effort to
74 protect a child from abuse, neglect, or exploitation by another
75 person.

76
77 Except as otherwise provided in this section, neglect of a child
78 may be based on repeated conduct or on a single incident or
79 omission that results in, or could reasonably be expected to
80 result in, serious physical or mental injury, or a substantial
81 risk of death, to a child.

82 (2) OFFENSES.—

83 (a) A person who commits aggravated child abuse commits a
84 felony of the first degree, punishable as provided in s.

85 775.082, s. 775.083, or s. 775.084.

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

91 (c) A person who knowingly or willfully abuses a child
 92 without causing great bodily harm, permanent disability, or
 93 permanent disfigurement to the child commits a felony of the
 94 third degree, punishable as provided in s. 775.082, s. 775.083,
 95 or s. 775.084.

96 (d)~~(e)~~ A person who willfully or by culpable negligence
 97 neglects a child without causing great bodily harm, permanent
 98 disability, or permanent disfigurement to the child commits a
 99 felony of the third degree, punishable as provided in s.
 100 775.082, s. 775.083, or s. 775.084.

101 (3) EXPERT TESTIMONY.—

102 (a) Except as provided in paragraph (b), a physician may
 103 not provide expert testimony in a criminal child abuse case
 104 unless the physician is a physician licensed under chapter 458
 105 or chapter 459 or has obtained certification as an expert
 106 witness pursuant to s. 458.3175.

107 (b) A physician may not provide expert testimony in a
 108 criminal child abuse case regarding mental injury unless the
 109 physician is a physician licensed under chapter 458 or chapter
 110 459 who is board certified in psychiatry or has obtained
 111 certification as an expert witness pursuant to s. 458.3175.

112 (c) A psychologist may not give expert testimony in a

113 criminal child abuse case regarding mental injury unless the
 114 psychologist is licensed under chapter 490.

115 (d) The expert testimony requirements of this subsection
 116 apply only to criminal child abuse cases and not to family court
 117 or dependency court cases.

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

125 Section 2. Paragraph (d) of subsection (1) of section
 126 775.084, Florida Statutes, is amended to read:

127 775.084 Violent career criminals; habitual felony
 128 offenders and habitual violent felony offenders; three-time
 129 violent felony offenders; definitions; procedure; enhanced
 130 penalties or mandatory minimum prison terms.—

131 (1) As used in this act:

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

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

- 138 a. Any forcible felony, as described in s. 776.08;
- 139 b. Aggravated stalking, as described in s. 784.048(3) and
- 140 (4);

- 141 c. Aggravated child abuse, as described in s.
 142 827.03(2) (a);
- 143 d. Aggravated abuse of an elderly person or disabled
 144 adult, as described in s. 825.102(2);
- 145 e. Lewd or lascivious battery, lewd or lascivious
 146 molestation, lewd or lascivious conduct, or lewd or lascivious
 147 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 148 f. Escape, as described in s. 944.40; or
- 149 g. A felony violation of chapter 790 involving the use or
 150 possession of a firearm.
- 151 2. The defendant has been incarcerated in a state prison
 152 or a federal prison.
- 153 3. The primary felony offense for which the defendant is
 154 to be sentenced is a felony enumerated in subparagraph 1. and
 155 was committed on or after October 1, 1995, and:
- 156 a. While the defendant was serving a prison sentence or
 157 other sentence, or court-ordered or lawfully imposed supervision
 158 that is imposed as a result of a prior conviction for an
 159 enumerated felony; or
- 160 b. Within 5 years after the conviction of the last prior
 161 enumerated felony, or within 5 years after the defendant's
 162 release from a prison sentence, probation, community control,
 163 control release, conditional release, parole, or court-ordered
 164 or lawfully imposed supervision or other sentence that is
 165 imposed as a result of a prior conviction for an enumerated
 166 felony, whichever is later.
- 167 4. The defendant has not received a pardon for any felony
 168 or other qualified offense that is necessary for the operation

169 of this paragraph.

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

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

175 775.0877 Criminal transmission of HIV; procedures;
 176 penalties.—

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

182 (a) Section 794.011, relating to sexual battery;

183 (b) Section 826.04, relating to incest;

184 (c) Section 800.04, relating to lewd or lascivious
 185 offenses committed upon or in the presence of persons less than
 186 16 years of age;

187 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
 188 relating to assault;

189 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
 190 relating to aggravated assault;

191 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 192 relating to battery;

193 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 194 relating to aggravated battery;

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

196 (i) Section 827.03(2)(a), relating to aggravated child

197 | abuse;

198 | (j) Section 825.102(1), relating to abuse of an elderly

199 | person or disabled adult;

200 | (k) Section 825.102(2), relating to aggravated abuse of an

201 | elderly person or disabled adult;

202 | (l) Section 827.071, relating to sexual performance by

203 | person less than 18 years of age;

204 | (m) Sections 796.03, 796.07, and 796.08, relating to

205 | prostitution; or

206 | (n) Section 381.0041(11)(b), relating to donation of

207 | blood, plasma, organs, skin, or other human tissue,

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209 | the court shall order the offender to undergo HIV testing, to be

210 | performed under the direction of the Department of Health in

211 | accordance with s. 381.004, unless the offender has undergone

212 | HIV testing voluntarily or pursuant to procedures established in

213 | s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or

214 | rule providing for HIV testing of criminal offenders or inmates,

215 | subsequent to her or his arrest for an offense enumerated in

216 | paragraphs (a)-(n) for which she or he was convicted or to which

217 | she or he pled nolo contendere or guilty. The results of an HIV

218 | test performed on an offender pursuant to this subsection are

219 | not admissible in any criminal proceeding arising out of the

220 | alleged offense.

221 | Section 4. Subsection (3) of section 782.07, Florida

222 | Statutes, is amended to read:

223 | 782.07 Manslaughter; aggravated manslaughter of an elderly

224 | person or disabled adult; aggravated manslaughter of a child;

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225 aggravated manslaughter of an officer, a firefighter, an
 226 emergency medical technician, or a paramedic.—

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

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

234 921.0022 Criminal Punishment Code; offense severity
 235 ranking chart.—

236 (3) OFFENSE SEVERITY RANKING CHART

237 (f) LEVEL 6

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

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| 243 | | | drug to unauthorized person. |
| | 775.0875 (1) | 3rd | Taking firearm from law enforcement officer. |
| 244 | | | |
| | 784.021 (1) (a) | 3rd | Aggravated assault; deadly weapon without intent to kill. |
| 245 | | | |
| | 784.021 (1) (b) | 3rd | Aggravated assault; intent to commit felony. |
| 246 | | | |
| | 784.041 | 3rd | Felony battery; domestic battery by strangulation. |
| 247 | | | |
| | 784.048 (3) | 3rd | Aggravated stalking; credible threat. |
| 248 | | | |
| | 784.048 (5) | 3rd | Aggravated stalking of person under 16. |
| 249 | | | |
| | 784.07 (2) (c) | 2nd | Aggravated assault on law enforcement officer. |
| 250 | | | |
| | 784.074 (1) (b) | 2nd | Aggravated assault on sexually violent predators facility staff. |
| 251 | | | |
| | 784.08 (2) (b) | 2nd | Aggravated assault on a person 65 years of age or older. |
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| 253 | 784.081 (2) | 2nd | Aggravated assault on specified official or employee. |
| 254 | 784.082 (2) | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 255 | 784.083 (2) | 2nd | Aggravated assault on code inspector. |
| 256 | 787.02 (2) | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01. |
| 257 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property. |
| 258 | 790.161 (2) | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property. |
| 259 | 790.164 (1) | 2nd | False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property. |
| 260 | 790.19 | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles. |
| 261 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult. |

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| 262 | 794.05 (1) | 2nd | Unlawful sexual activity with specified minor. |
| 263 | 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. |
| 264 | 800.04 (6) (b) | 2nd | Lewd or lascivious conduct; offender 18 years of age or older. |
| 265 | 806.031 (2) | 2nd | Arson resulting in great bodily harm to firefighter or any other person. |
| 266 | 810.02 (3) (c) | 2nd | Burglary of occupied structure; unarmed; no assault or battery. |
| 267 | 812.014 (2) (b) 1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 268 | 812.014 (6) | 2nd | Theft; property stolen \$3,000 or more; coordination of others. |
| 269 | 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 |

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| 270 | | | more; coordination of others. |
| | 812.13 (2) (c) | 2nd | Robbery, no firearm or other weapon (strong-arm robbery). |
| 271 | | | |
| | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| 272 | | | |
| | 817.4821 (5) | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones. |
| 273 | | | |
| | 825.102 (1) | 3rd | Abuse of an elderly person or disabled adult. |
| 274 | | | |
| | 825.102 (3) (c) | 3rd | Neglect of an elderly person or disabled adult. |
| 275 | | | |
| | 825.1025 (3) | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult. |
| 276 | | | |
| | 825.103 (2) (c) | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$20,000. |
| 277 | | | |
| | <u>827.03 (2) (c)</u> | 3rd | Abuse of a child. |
| | 827.03 (1) | | |
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| 279 | <u>827.03(2)(d)</u> | 3rd | Neglect of a child. |
| | 827.03(3)(e) | | |
| 280 | 827.071(2) & (3) | 2nd | Use or induce a child in a sexual performance, or promote or direct such performance. |
| 281 | 836.05 | 2nd | Threats; extortion. |
| 282 | 836.10 | 2nd | Written threats to kill or do bodily injury. |
| 283 | 843.12 | 3rd | Aids or assists person to escape. |
| 284 | 847.011 | 3rd | Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors. |
| 285 | 847.012 | 3rd | Knowingly using a minor in the production of materials harmful to minors. |
| 286 | 847.0135(2) | 3rd | Facilitates sexual conduct of or with a minor or the visual depiction of such conduct. |
| | 914.23 | 2nd | Retaliation against a witness, victim, |

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| 287 | | | or informant, with bodily injury. |
| | 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. |
| 288 | | | |
| | 944.40 | 2nd | Escapes. |
| 289 | | | |
| | 944.46 | 3rd | Harboring, concealing, aiding escaped prisoners. |
| 290 | | | |
| | 944.47 (1) (a) 5. | 2nd | Introduction of contraband (firearm, weapon, or explosive) into correctional facility. |
| 291 | | | |
| | 951.22 (1) | 3rd | Intoxicating drug, firearm, or weapon introduced into county facility. |
| 292 | | | |
| 293 | (g) | LEVEL 7 | |
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| | Florida | Felony | |
| | Statute | Degree | Description |
| 295 | | | |
| | 316.027 (1) (b) | 1st | Accident involving death, failure to stop; leaving scene. |
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| 297 | 316.193 (3) (c) 2. | 3rd | DUI resulting in serious bodily injury. |
| 298 | 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. |
| 299 | 327.35 (3) (c) 2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 300 | 402.319 (2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death. |
| 301 | 409.920 (2) (b) 1.a. | 3rd | Medicaid provider fraud; \$10,000 or less. |
| 302 | 409.920 (2) (b) 1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. |
| 303 | 456.065 (2) | 3rd | Practicing a health care profession without a license. |

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| 304 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 305 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 306 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 307 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 308 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 309 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 310 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 311 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 312 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 313 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |

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| 314 | 467.201 | 3rd | Practicing midwifery without a license. |
| 315 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 316 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 317 | 483.901 (9) | 3rd | Practicing medical physics without a license. |
| 318 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 319 | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 320 | 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. |
| 321 | 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. |

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| 322 | 560.125 (5) (a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 323 | 655.50 (10) (b) 1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| 324 | 775.21 (10) (a) | 3rd | Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations. |
| 325 | 775.21 (10) (b) | 3rd | Sexual predator working where children regularly congregate. |
| 326 | 775.21 (10) (g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 327 | 782.051 (3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 328 | 782.07 (1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |

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| 329 | 782.071 | 2nd | Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 330 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 331 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 332 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 333 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 334 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 335 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 336 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |

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| 337 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 338 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 339 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
| 340 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 341 | 784.083 (1) | 1st | Aggravated battery on code inspector. |
| 342 | 790.07 (4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2). |
| 343 | 790.16 (1) | 1st | Discharge of a machine gun under specified circumstances. |
| 344 | 790.165 (2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 345 | 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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| 346 | 790.166 (3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 347 | 790.166 (4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 348 | 790.23 | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 349 | 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. |
| 350 | 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 351 | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than |

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16 years; offender 18 years or older.

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

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

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.

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| 360 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 361 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 362 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 363 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 364 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 365 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 366 | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 367 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| | 817.234 (11) (c) | 1st | Insurance fraud; property value |

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\$100,000 or more.

368

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.

369

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

370

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.

371

827.03 (2) 2nd Neglect of a child causing great bodily
~~827.03 (3) (b)~~ harm, disability, or disfigurement.

372

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

373

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

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| 375 | 838.015 | 2nd | Bribery. |
| 376 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 377 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 378 | 838.22 | 2nd | Bid tampering. |
| 379 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 380 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 381 | 872.06 | 2nd | Abuse of a dead human body. |
| 382 | 874.10 | 1st,PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| | 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 |

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state, county, or municipal park or publicly owned recreational facility or community center.

383

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.

384

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).

385

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

386

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

387

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

388

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

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| 390 | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 391 | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 392 | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 393 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 394 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 395 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 396 | 893.1351 (2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 397 | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |

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| 398 | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 399 | 943.0435 (4) (c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 400 | 943.0435 (8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 401 | 943.0435 (9) (a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 402 | 943.0435 (13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 403 | 943.0435 (14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 404 | 944.607 (9) | 3rd | Sexual offender; failure to comply with reporting requirements. |

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| 405 | 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 406 | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 407 | 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 408 | 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 409 | 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 410 | 985.4815(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification. |

411 (i) LEVEL 9

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|-----|---------|--------|-------------|
| 412 | Florida | Felony | |
| 413 | Statute | Degree | Description |

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| 414 | 316.193 (3) (c) 3.b. | 1st | DUI manslaughter; failing to render aid or give information. |
| 415 | 327.35 (3) (c) 3.b. | 1st | BUI manslaughter; failing to render aid or give information. |
| 416 | 409.920 (2) (b) 1.c. | 1st | Medicaid provider fraud; \$50,000 or more. |
| 417 | 499.0051 (9) | 1st | Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm. |
| 418 | 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 419 | 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 420 | 655.50 (10) (b) 3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 421 | 775.0844 | 1st | Aggravated white collar crime. |

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- 422 782.04 (1) 1st Attempt, conspire, or solicit to
commit premeditated murder.
- 423 782.04 (3) 1st,PBL Accomplice to murder in connection
with arson, sexual battery, robbery,
burglary, and other specified
felonies.
- 424 782.051 (1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04 (3) .
- 425 782.07 (2) 1st Aggravated manslaughter of an elderly
person or disabled adult.
- 426 787.01 (1) (a) 1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.
- 427 787.01 (1) (a) 2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.
- 428 787.01 (1) (a) 4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.
- 787.02 (3) (a) 1st False imprisonment; child under age

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13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

429

790.161 1st Attempted capital destructive device offense.

430

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

431

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

432

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

433

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

434

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

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| 436 | 794.08 (2) | 1st | Female genital mutilation; victim younger than 18 years of age. |
| 437 | 800.04 (5) (b) | Life | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 438 | 812.13 (2) (a) | 1st, PBL | Robbery with firearm or other deadly weapon. |
| 439 | 812.133 (2) (a) | 1st, PBL | Carjacking; firearm or other deadly weapon. |
| 440 | 812.135 (2) (b) | 1st | Home-invasion robbery with weapon. |
| 441 | 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. |
| 442 | <u>827.03 (2) (a)</u> 827.03 (2) | 1st | Aggravated child abuse. |
| 443 | 847.0145 (1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |

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| 444 | 847.0145 (2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 445 | 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. |
| 446 | 893.135 | 1st | Attempted capital trafficking offense. |
| 447 | 893.135 (1) (a) 3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| 448 | 893.135 (1) (b) 1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms. |
| 449 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 450 | 893.135 (1) (d) 1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 451 | 893.135 (1) (e) 1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| | 893.135 | 1st | Trafficking in amphetamine, more than |

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452 (1) (f) 1.c. 200 grams.

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

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

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

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

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

457 Section 6. Subsection (1) of section 948.062, Florida
 458 Statutes, is amended to read:
 459 948.062 Reviewing and reporting serious offenses committed
 460 by offenders placed on probation or community control.—
 461 (1) The department shall review the circumstances related
 462 to an offender placed on probation or community control who has
 463 been arrested while on supervision for the following offenses:
 464 (a) Any murder as provided in s. 782.04;
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466 (b) Any sexual battery as provided in s. 794.011 or s.
467 794.023;

468 (c) Any sexual performance by a child as provided in s.
469 827.071;

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

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

474 (f) Any aggravated child abuse as provided in s.
475 827.03(2)(a) ~~s. 827.03(2)~~;

476 (g) Any robbery with a firearm or other deadly weapon,
477 home invasion robbery, or carjacking as provided in s.
478 812.13(2)(a), s. 812.135, or s. 812.133;

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

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

484 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
485 or vehicular or vessel homicide as provided in s. 782.071 or s.
486 782.072, committed by a ~~any~~ person who is on probation or
487 community control for an offense involving death or injury
488 resulting from a driving incident.

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

491 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
492 960.01-960.28, unless the context otherwise requires, the term:

493 (3) "Crime" means:

494 (a) A felony or misdemeanor offense committed by either an
 495 adult or a juvenile which results in physical injury or death,
 496 including a felony or misdemeanor offense committed by either an
 497 adult or a juvenile which results in psychiatric or
 498 psychological injury to a person younger than 18 years of age
 499 who was not physically injured by the criminal act. The term
 500 also includes any ~~such~~ criminal act that ~~which~~ is committed
 501 within this state but that ~~which~~ falls exclusively within
 502 federal jurisdiction.

503 (14) "Victim" means:

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

506 (b) A person younger than 18 years of age who was present
 507 at the scene of a crime, saw or heard the crime, and suffered a
 508 psychiatric or psychological injury because of the crime, but
 509 who was not physically injured; ~~or~~

510 (c) A person younger than 18 years of age who was the
 511 victim of a felony or misdemeanor offense that resulted in a
 512 psychiatric or psychological injury, but who was not physically
 513 injured; or

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

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