

Amendment No.

CHAMBER ACTION

Senate

House

.

Representatives Harrell and Schwartz offered the following:

**Amendment (with title amendment)**

Between lines 438 and 439, insert:

Section 11. Section 827.03, Florida Statutes, is amended to read:

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

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

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

1. Commits aggravated battery on a child;

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

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

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17 (b) "Child abuse" means:

18 1.(a) Intentional infliction of physical or mental injury  
19 upon a child;

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

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

25  
26 ~~A person who knowingly or willfully abuses a child without~~  
27 ~~causing great bodily harm, permanent disability, or permanent~~  
28 ~~disfigurement to the child commits a felony of the third degree,~~  
29 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

37  
38 ~~A person who commits aggravated child abuse commits a felony of~~  
39 ~~the first degree, punishable as provided in s. 775.082, s.~~  
40 ~~775.083, or s. 775.084.~~

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

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45 toward the child for any valid reason and that the primary  
46 purpose of the acts was to cause the victim unjustifiable pain  
47 or injury.

48 (d) "Mental injury" means injury to the intellectual or  
49 psychological capacity of a child as evidenced by a discernible  
50 and substantial impairment in the ability of the child to  
51 function within the normal range of performance and behavior as  
52 supported by expert testimony.

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

54 1. A caregiver's failure or omission to provide a child  
55 with the care, supervision, and services necessary to maintain  
56 the child's physical and mental health, including, but not  
57 limited to, food, nutrition, clothing, shelter, supervision,  
58 medicine, and medical services that a prudent person would  
59 consider essential for the well-being of the child; or

60 2. A caregiver's failure to make a reasonable effort to  
61 protect a child from abuse, neglect, or exploitation by another  
62 person.

63  
64 Except as otherwise provided in this section, neglect of a child  
65 may be based on repeated conduct or on a single incident or  
66 omission that results in, or could reasonably be expected to  
67 result in, serious physical or mental injury, or a substantial  
68 risk of death, to a child.

69 (2) OFFENSES.—

70 (a) A person who commits aggravated child abuse commits a  
71 felony of the first degree, punishable as provided in s.  
72 775.082, s. 775.083, or s. 775.084.

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

78 (c) A person who knowingly or willfully abuses a child  
79 without causing great bodily harm, permanent disability, or  
80 permanent disfigurement to the child commits a felony of the  
81 third degree, punishable as provided in s. 775.082, s. 775.083,  
82 or s. 775.084.

83 (d) ~~(e)~~ A person who willfully or by culpable negligence  
84 neglects a child without causing great bodily harm, permanent  
85 disability, or permanent disfigurement to the child commits a  
86 felony of the third degree, punishable as provided in s.  
87 775.082, s. 775.083, or s. 775.084.

88 (3) EXPERT TESTIMONY.-

89 (a) Except as provided in paragraph (b), a physician may  
90 not provide expert testimony in a criminal child abuse case  
91 unless the physician is a physician licensed under chapter 458  
92 or chapter 459 or has obtained certification as an expert  
93 witness pursuant to s. 458.3175.

94 (b) A physician may not provide expert testimony in a  
95 criminal child abuse case regarding mental injury unless the  
96 physician is a physician licensed under chapter 458 or chapter  
97 459 who has completed an accredited residency in psychiatry or  
98 has obtained certification as an expert witness pursuant to s.  
99 458.3175.

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100        (c) A psychologist may not give expert testimony in a  
101 criminal child abuse case regarding mental injury unless the  
102 psychologist is licensed under chapter 490.

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

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.~~

113        Section 12. 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;

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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.

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.

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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 13. 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;

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- 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,  
196  
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 14. Subsection (3) of section 782.07, Florida  
210 Statutes, is amended to read:

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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 15. 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

225 (f) LEVEL 6

226

Florida	Felony	
Statute	Degree	Description

227

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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228

499.0051(3)	2nd	Knowing forgery of pedigree papers.
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229

499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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231	499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
232	775.0875(1)	3rd	Taking firearm from law enforcement officer.
233	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
234	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
235	784.041	3rd	Felony battery; domestic battery by strangulation.
236	784.048(3)	3rd	Aggravated stalking; credible threat.
237	784.048(5)	3rd	Aggravated stalking of person under 16.
238	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
239	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
240	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.

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241	784.081 (2)	2nd	Aggravated assault on specified official or employee.
242	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
243	784.083 (2)	2nd	Aggravated assault on code inspector.
244	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
245	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
246	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
247	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
248	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
249	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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250	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
251	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.
252	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
253	806.031 (2)	2nd	Arson resulting in great bodily harm to 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.
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or

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more; coordination of others.

258

812.13(2)(c) 2nd Robbery, no firearm or other weapon  
(strong-arm robbery).

259

817.034(4)(a)1. 1st Communications fraud, value greater than  
\$50,000.

260

817.4821(5) 2nd Possess cloning paraphernalia with  
intent to create cloned cellular  
telephones.

261

825.102(1) 3rd Abuse of an elderly person or disabled  
adult.

262

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

263

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

264

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

265

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

~~827.03(1)~~

266

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267	<u>827.03(2)(d)</u>	3rd	Neglect of a child.
	<del>827.03(3)(e)</del>		
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.
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.
	914.23	2nd	Retaliation against a witness, victim,

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285	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
286	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.
287	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
288	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, 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.

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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.
296	461.012 (1)	3rd	Practicing podiatric medicine without a license.
297	462.17	3rd	Practicing naturopathy without a license.
298	463.015 (1)	3rd	Practicing optometry without a license.
299	464.016 (1)	3rd	Practicing nursing without a license.
300	465.015 (2)	3rd	Practicing pharmacy without a license.
301	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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302	467.201	3rd	Practicing midwifery without a license.
303	468.366	3rd	Delivering respiratory care services without a license.
304	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
305	483.901 (9)	3rd	Practicing medical physics without a license.
306	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
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.

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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.

310

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

311

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

312

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

313

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

314

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

315

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

316

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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.
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.

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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.
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.

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

334

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

335

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

336

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.

338

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

339

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.

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.

342

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

343

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

344

810.02(3)(e) 2nd Burglary of authorized emergency vehicle.

345

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.

346

812.014(2)(b)2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

347

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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.
351	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
352	812.131(2)(a)	2nd	Robbery by sudden snatching.
353	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
354	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
355	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.

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.

358

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.

359

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

360

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

361

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

362

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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.
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.
	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.

371

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.

372

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).

373

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

374

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

375

893.135 (1)(c)1.a. 1st Trafficking in illegal drugs, more than 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

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378 893.135(1)(e)1. 1st Trafficking in methaqualone, more than  
200 grams, less than 5 kilograms.

379 893.135(1)(f)1. 1st Trafficking in amphetamine, more than  
14 grams, less than 28 grams.

380 893.135 1st Trafficking in flunitrazepam, 4 grams  
(1)(g)1.a. or more, less than 14 grams.

381 893.135 1st Trafficking in gamma-hydroxybutyric  
(1)(h)1.a. acid (GHB), 1 kilogram or more, less  
than 5 kilograms.

382 893.135 1st Trafficking in 1,4-Butanediol, 1  
(1)(j)1.a. kilogram or more, less than 5  
kilograms.

383 893.135 1st Trafficking in Phenethylamines, 10  
(1)(k)2.a. 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.

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## Amendment No.

896.104(4)(a)1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

386

943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

387

943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

388

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

389

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

390

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

391

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

392

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

393

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

394

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

395

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

396

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

397

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

398

(i) LEVEL 9

399

400

Florida	Felony	
Statute	Degree	Description

401

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## Amendment No.

402	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
403	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
404	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
405	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
406	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
407	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
408	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
409	775.0844	1st	Aggravated white collar crime.

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## Amendment No.

410 782.04(1) 1st Attempt, conspire, or solicit to  
commit premeditated murder.

411 782.04(3) 1st,PBL Accomplice to murder in connection  
with arson, sexual battery, robbery,  
burglary, and other specified  
felonies.

412 782.051(1) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony enumerated in s.  
782.04(3).

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.

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.

417

790.161 1st Attempted capital destructive device offense.

418

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

419

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

420

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

421

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

422

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

423

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## Amendment No.

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.
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> <del>827.03 (2)</del>	1st	Aggravated child abuse.
431	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.

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## Amendment No.

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.
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.
	893.135	1st	Trafficking in amphetamine, more than

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

440

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

441

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

442

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

443

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

444

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

445

446 Section 16. Subsection (1) of section 948.062, Florida  
447 Statutes, is amended to read:

448 948.062 Reviewing and reporting serious offenses committed  
449 by offenders placed on probation or community control.—

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

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

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- 454 (b) Any sexual battery as provided in s. 794.011 or s.  
455 794.023;
- 456 (c) Any sexual performance by a child as provided in s.  
457 827.071;
- 458 (d) Any kidnapping, false imprisonment, or luring of a  
459 child as provided in s. 787.01, s. 787.02, or s. 787.025;
- 460 (e) Any lewd and lascivious battery or lewd and lascivious  
461 molestation as provided in s. 800.04(4) or (5);
- 462 (f) Any aggravated child abuse as provided in s.  
463 827.03(2) (a) s. 827.03(2);
- 464 (g) Any robbery with a firearm or other deadly weapon,  
465 home invasion robbery, or carjacking as provided in s.  
466 812.13(2) (a), s. 812.135, or s. 812.133;
- 467 (h) Any aggravated stalking as provided in s. 784.048(3),  
468 (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 17. Paragraphs (a) and (b) of subsection (3) and  
478 subsection (14) of section 960.03, Florida Statutes, are amended  
479 to read:

480 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
481 960.01-960.28, unless the context otherwise requires, the term:  
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482 (3) "Crime" means:

483 (a) A felony or misdemeanor offense committed by either an  
484 adult or a juvenile which results in physical injury or death,  
485 or a felony or misdemeanor offense committed by either an adult  
486 or juvenile which results in a mental injury to a person younger  
487 than 18 years of age who was not physically injured by the  
488 criminal act. The mental injury to the minor must be documented  
489 by expert testimony, applies only in cases of criminal child  
490 abuse, and must be verified by a professional licensed as a  
491 physician under chapter 458 or chapter 459, who has completed an  
492 accredited residency in psychiatry, or a psychologist licensed  
493 under chapter 490. The term also includes any ~~such~~ criminal act  
494 that ~~which~~ is committed within this state but that ~~which~~ falls  
495 exclusively within federal jurisdiction.

496 (b) Notwithstanding the criteria set forth in section  
497 960.03(3)(a) for victim compensation awards, no act involving  
498 the operation of a motor vehicle, boat or aircraft that results  
499 in an injury or death shall constitute a crime for purposes of  
500 this chapter unless the injury or death was intentionally  
501 inflicted, or the act is a violation of s. 316.193, s.  
502 316.027(1), s. 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a)  
503 which results in physical injury or death. A violation of s.  
504 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b), or s.  
505 860.13(1)(a) which results in physical injury or death; however,  
506 no other act involving the operation of a motor vehicle, boat,  
507 or aircraft which results in injury or death shall constitute a  
508 crime for the purpose of this chapter unless the injury or death  
509 was intentionally inflicted through the use of such vehicle,  
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510 boat, or aircraft or unless such vehicle, boat, or aircraft is  
511 an implement of a crime to which this act applies.

512 (14) "Victim" means:

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

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

519 (c) A person younger than 18 years of age who was the  
520 victim of a felony or misdemeanor offense of child abuse that  
521 resulted in a mental injury, but who was not physically injured;  
522 or

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

527

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530

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531 **T I T L E A M E N D M E N T**

532 Remove line 51 and insert:

533 Children and Family Services; amending s. 827.03,  
534 F.S.; defining the term "mental injury" with respect  
535 to the offenses of abuse, aggravated abuse, and  
536 neglect of a child; requiring that a physician or  
537 psychologist acting as an expert witness in certain

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538 proceedings have certain credentials; amending ss.  
539 775.084, 775.0877, 782.07, 921.0022, and 948.062,  
540 F.S.; conforming cross-references; amending s. 960.03,  
541 F.S.; redefining the term "crime" for purposes of  
542 crime victims compensation to include additional forms  
543 of injury; redefining the term "victim" to conform  
544 with the modified definition of the term "crime";  
545 providing an effective  
546