

1 A bill to be entitled
2 An act relating to protection of vulnerable persons;
3 amending s. 39.201, F.S.; revising language concerning
4 child abuse reporting; requiring the Department of
5 Children and Family Services to provide for web-chat
6 and update other web-based forms for reporting child
7 abuse, abandonment, or neglect; requiring a study on
8 the use of short message format for the central abuse
9 hotline; requiring the development of a public
10 awareness campaign for the central abuse hotline;
11 requiring the collection of statistical reports on
12 child abuse and child sexual abuse on campuses of
13 colleges and universities; amending s. 39.205, F.S.;
14 increasing criminal penalties for knowingly and
15 willfully failing to report known or suspected child
16 abuse, abandonment, or neglect, or knowingly and
17 willfully preventing another person from doing so;
18 requiring specified educational institutions and their
19 law enforcement agencies to report known or suspected
20 child abuse, abandonment, or neglect in certain
21 circumstances; providing financial penalties for
22 violations; providing for challenges to findings of
23 determinations; proving for a presumption in certain
24 circumstances; creating s. 39.309, F.S.; requiring the
25 department to develop and implement a program of
26 social services and rehabilitative services for the
27 parent or legal custodian of a child seeking
28 assistance; amending s. 409.1671, F.S.; requiring

29 | eligible lead community-based providers to have parent
30 | assistance programs pursuant to specified provisions;
31 | creating s. 796.036, F.S.; providing for upward
32 | reclassification of certain prostitution offenses
33 | involving minors; amending s. 960.198, F.S.; providing
34 | for denial of relocation payment for a domestic
35 | violence claim if the Department of Legal Affairs has
36 | previously paid a sexual battery relocation claim to
37 | the same victim for the same incident; creating s.
38 | 960.199, F.S.; providing for relocation assistance
39 | payments to victims of sexual battery; providing
40 | criteria for awards; providing for denial of
41 | relocation payment for a sexual battery claim if the
42 | department has previously paid a domestic violence
43 | relocation claim to the same victim for the same
44 | incident; providing an appropriation; amending s.
45 | 1012.98, F.S.; providing a continuing education
46 | requirement for certain teachers on identifying and
47 | reporting child abuse and neglect; providing an
48 | appropriation; authorizing a specified numbers of
49 | full-time equivalent positions with associated salary
50 | rates within the Department of Children and Family
51 | Services; amending s. 827.03, F.S.; defining the term
52 | "mental injury" with respect to the offenses of abuse,
53 | aggravated abuse, and neglect of a child; requiring
54 | that a physician or psychologist acting as an expert
55 | witness in certain proceedings have certain
56 | credentials; amending ss. 775.084, 775.0877, 782.07,

57 921.0022, and 948.062, F.S.; conforming cross-
58 references; amending s. 960.03, F.S.; redefining the
59 term "crime" for purposes of crime victims
60 compensation to include additional forms of injury;
61 redefining the term "victim" to conform with the
62 modified definition of the term "crime"; providing an
63 effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Paragraph (a) of subsection (1) and subsections
68 (2) and (4) of section 39.201, Florida Statutes, are amended to
69 read:

70 39.201 Mandatory reports of child abuse, abandonment, or
71 neglect; mandatory reports of death; central abuse hotline.—

72 (1) (a) Any person who knows, or has reasonable cause to
73 suspect, that a child is physically or emotionally abused,
74 abandoned, or neglected by an adult person, or sexually abused
75 by any person ~~a parent, legal custodian, caregiver, or other~~
76 ~~person responsible for the child's welfare, as defined in this~~
77 ~~chapter~~, or that a child is in need of supervision and care and
78 has no parent, legal custodian, or responsible adult relative
79 immediately known and available to provide supervision and care
80 shall report such knowledge or suspicion to the department in
81 the manner prescribed in subsection (2).

82 (2) (a) Each report of known or suspected child abuse,
83 abandonment, or neglect by an adult person, or of sexual abuse
84 by any person ~~a parent, legal custodian, caregiver, or other~~

85 ~~person responsible for the child's welfare as defined in this~~
86 ~~chapter~~, except those solely under s. 827.04(3), and each report
87 that a child is in need of supervision and care and has no
88 parent, legal custodian, or responsible adult relative
89 immediately known and available to provide supervision and care
90 shall be made immediately to the department's central abuse
91 hotline. Such reports may be made on the single statewide toll-
92 free telephone number or via fax, web-based chat, or web-based
93 report. Personnel at the department's central abuse hotline
94 shall determine if the report received meets the statutory
95 definition of child abuse, abandonment, or neglect. Any report
96 meeting one of these definitions shall be accepted for the
97 protective investigation pursuant to part III of this chapter.
98 Any report of child abuse, abandonment, or neglect by a person
99 other than the child's caregiver, as defined in s. 39.01, shall
100 be taken by the central abuse hotline and forwarded to the
101 appropriate county sheriff's office pursuant to paragraph (b).

102 (b) If the report is of an instance of known or suspected
103 child abuse by someone other than a parent, legal custodian,
104 caregiver, or other person responsible for the child's welfare
105 as defined in this chapter, the report or call shall be
106 immediately electronically transferred to the appropriate county
107 sheriff's office by the central abuse hotline.

108 (c) If the report is of an instance of known or suspected
109 child abuse, abandonment, or neglect that occurred out of state
110 and the alleged perpetrator and the child alleged to be a victim
111 live out of state, the central abuse hotline shall not accept
112 the report or call for investigation, but shall transfer the

113 information on the report to the appropriate state.

114 (d) If the report is of an instance of known or suspected
115 child abuse involving impregnation of a child under 16 years of
116 age by a person 21 years of age or older solely under s.
117 827.04(3), the report shall be made immediately to the
118 appropriate county sheriff's office or other appropriate law
119 enforcement agency. If the report is of an instance of known or
120 suspected child abuse solely under s. 827.04(3), the reporting
121 provisions of this subsection do not apply to health care
122 professionals or other persons who provide medical or counseling
123 services to pregnant children when such reporting would
124 interfere with the provision of medical services.

125 (e) Reports involving known or suspected institutional
126 child abuse or neglect shall be made and received in the same
127 manner as all other reports made pursuant to this section.

128 (f) Reports involving a known or suspected juvenile sexual
129 offender or a child who has exhibited inappropriate sexual
130 behavior shall be made and received by the department.

131 1. The department shall determine the age of the alleged
132 offender, if known.

133 2. If the alleged offender is 12 years of age or younger,
134 the central abuse hotline shall immediately electronically
135 transfer the report or call to the county sheriff's office. The
136 department shall conduct an assessment and assist the family in
137 receiving appropriate services pursuant to s. 39.307, and send a
138 written report of the allegation to the appropriate county
139 sheriff's office within 48 hours after the initial report is
140 made to the central abuse hotline.

141 3. If the alleged offender is 13 years of age or older,
142 the central abuse hotline shall immediately electronically
143 transfer the report or call to the appropriate county sheriff's
144 office and send a written report to the appropriate county
145 sheriff's office within 48 hours after the initial report to the
146 central abuse hotline.

147 (g) Reports involving surrendered newborn infants as
148 described in s. 383.50 shall be made and received by the
149 department.

150 1. If the report is of a surrendered newborn infant as
151 described in s. 383.50 and there is no indication of abuse,
152 neglect, or abandonment other than that necessarily entailed in
153 the infant having been left at a hospital, emergency medical
154 services station, or fire station, the department shall provide
155 to the caller the name of a licensed child-placing agency on a
156 rotating basis from a list of licensed child-placing agencies
157 eligible and required to accept physical custody of and to place
158 newborn infants left at a hospital, emergency medical services
159 station, or fire station. The report shall not be considered a
160 report of abuse, neglect, or abandonment solely because the
161 infant has been left at a hospital, emergency medical services
162 station, or fire station pursuant to s. 383.50.

163 2. If the call, fax, web-based chat, or web-based report
164 includes indications of abuse or neglect beyond that necessarily
165 entailed in the infant having been left at a hospital, emergency
166 medical services station, or fire station, the report shall be
167 considered as a report of abuse, neglect, or abandonment and
168 shall be subject to the requirements of s. 39.395 and all other

169 relevant provisions of this chapter, notwithstanding any
170 provisions of chapter 383.

171 (h) Hotline counselors shall receive periodic training in
172 encouraging reporters to provide their names when reporting
173 abuse, abandonment, or neglect. Callers shall be advised of the
174 confidentiality provisions of s. 39.202. The department shall
175 secure and install electronic equipment that automatically
176 provides to the hotline the number from which the call or fax is
177 placed or the Internet protocol (IP) address from which the
178 report is received. This number shall be entered into the report
179 of abuse, abandonment, or neglect and become a part of the
180 record of the report, but shall enjoy the same confidentiality
181 as provided to the identity of the reporter pursuant to s.
182 39.202.

183 (i) The department shall voice-record all incoming or
184 outgoing calls that are received or placed by the central abuse
185 hotline which relate to suspected or known child abuse, neglect,
186 or abandonment. The department shall maintain an electronic copy
187 of each fax and web-based report. The recording or electronic
188 copy of each fax and web-based report shall become a part of the
189 record of the report but, notwithstanding s. 39.202, shall be
190 released in full only to law enforcement agencies and state
191 attorneys for the purpose of investigating and prosecuting
192 criminal charges pursuant to s. 39.205, or to employees of the
193 department for the purpose of investigating and seeking
194 administrative penalties pursuant to s. 39.206. Nothing in this
195 paragraph shall prohibit the use of the recordings, the
196 electronic copies of faxes, and web-based reports by hotline

197 staff for quality assurance and training.

198 (j)1. The department shall update the web form used for
 199 reporting child abuse, abandonment, or neglect to:

200 a. Include qualifying questions in order to obtain
 201 necessary information required to assess need and a response.

202 b. Indicate which fields are required to submit the
 203 report.

204 c. Allow a reporter to save his or her report and return
 205 to it a later time.

206 2. The report shall be made available to the counselors in
 207 its entirety as needed to update the Florida Safe Families
 208 Network or other similar systems.

209 (k) The department shall conduct a study to determine the
 210 feasibility of using text and short message service formats to
 211 receive and process reports of child abuse, abandonment, or
 212 neglect to the central abuse hotline.

213 (4) The department shall establish and maintain a central
 214 abuse hotline to receive all reports made pursuant to this
 215 section in writing, via fax, via web-based reporting, via web-
 216 based chat, or through a single statewide toll-free telephone
 217 number, which any person may use to report known or suspected
 218 child abuse, abandonment, or neglect at any hour of the day or
 219 night, any day of the week. The department shall promote public
 220 awareness of the central abuse hotline through community-based
 221 partner organizations and public service campaigns. The central
 222 abuse hotline shall be operated in such a manner as to enable
 223 the department to:

224 (a) Immediately identify and locate prior reports or cases

225 of child abuse, abandonment, or neglect through utilization of
226 the department's automated tracking system.

227 (b) Monitor and evaluate the effectiveness of the
228 department's program for reporting and investigating suspected
229 abuse, abandonment, or neglect of children through the
230 development and analysis of statistical and other information.

231 (c) Track critical steps in the investigative process to
232 ensure compliance with all requirements for any report of abuse,
233 abandonment, or neglect.

234 (d) Maintain and produce aggregate statistical reports
235 monitoring patterns of child abuse, child abandonment, and child
236 neglect. The department shall collect and analyze child-on-child
237 sexual abuse reports and include the information in aggregate
238 statistical reports. The department shall collect and analyze,
239 in separate statistical reports, those reports of child abuse
240 and sexual abuse which are reported from or occurred on the
241 campus of any Florida College System institution, state
242 university, or nonpublic college, university, or school, as
243 defined in s. 1000.21 or s. 1005.02.

244 (e) Serve as a resource for the evaluation, management,
245 and planning of preventive and remedial services for children
246 who have been subject to abuse, abandonment, or neglect.

247 (f) Initiate and enter into agreements with other states
248 for the purpose of gathering and sharing information contained
249 in reports on child maltreatment to further enhance programs for
250 the protection of children.

251 Section 2. Subsections (3) through (6) of section 39.205,
252 Florida Statutes, are renumbered as subsections (6) through (9),

253 | respectively, new subsections (3), (4), and (5) are added to
 254 | that section, and subsection (1) of that section is amended, to
 255 | read:

256 | 39.205 Penalties relating to reporting of child abuse,
 257 | abandonment, or neglect.—

258 | (1) A person who is required to report known or suspected
 259 | child abuse, abandonment, or neglect and who knowingly and
 260 | willfully fails to do so, or who knowingly and willfully
 261 | prevents another person from doing so, commits ~~is guilty of~~ a
 262 | felony misdemeanor of the third ~~first~~ degree, punishable as
 263 | provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. A judge
 264 | subject to discipline pursuant to s. 12, Art. V of the Florida
 265 | Constitution shall not be subject to criminal prosecution when
 266 | the information was received in the course of official duties.

267 | (3) Any Florida College System institution, state
 268 | university, or nonpublic college, university, or school, as
 269 | defined in s. 1000.21 or s. 1005.02, whose administrators
 270 | knowingly and willfully, upon receiving information from
 271 | faculty, staff, or other institution employees, fail to report
 272 | known or suspected child abuse, abandonment, or neglect
 273 | committed on the property of the university, college, or school,
 274 | or during an event or function sponsored by the university,
 275 | college, or school, or who knowingly and willfully prevent
 276 | another person from doing so, shall be subject to fines of \$1
 277 | million for each such failure.

278 | (a) A Florida College System institution subject to a fine
 279 | shall be assessed by the State Board of Education.

280 | (b) A state university subject to a fine shall be assessed

281 by the Board of Governors.

282 (c) A nonpublic college, university, or school subject to
283 a fine shall be assessed by the Commission for Independent
284 Education.

285 (4) Any Florida College System institution, state
286 university, or nonpublic college, university, or school, as
287 defined in s. 1000.21 or s. 1005.02, whose law enforcement
288 agency fails to report known or suspected child abuse,
289 abandonment, or neglect committed on the property of the
290 university, college, or school, or during an event or function
291 sponsored by the university, college, or school, shall be
292 subject to fines of \$1 million for each such failure assessed in
293 the same manner as subsection (3).

294 (5) Any Florida College System institution, state
295 university, or nonpublic college, university or school, as
296 defined in s. 1000.21 or s. 1005.02, shall have the right to
297 challenge the determination that the institution acted knowingly
298 and willfully under subsection (3) or subsection (4) in an
299 administrative hearing pursuant to s. 120.57; however, if it is
300 found that actual knowledge and information of known or
301 suspected child abuse was in fact received by the institution's
302 administrators and was not reported, a presumption of a knowing
303 and willful act will be established.

304 Section 3. Section 39.309, Florida Statutes, is created to
305 read:

306 39.309 Parent assistance.—The department shall, in order
307 to implement a parent assistance program:

308 (1) Develop and implement a program of social services and

309 other supportive and rehabilitative services to be made
310 available to the parent or legal custodian of a child seeking
311 assistance pursuant to s. 39.201(2)(a). The social services and
312 other supportive and rehabilitative services shall promote the
313 child's physical, mental, and emotional health; provide a safe,
314 stable living environment; promote family autonomy; and
315 strengthen family life, whenever possible.

316 (2) Ensure that such services are targeted to prevent or
317 mitigate the possibility of a child being referred to the
318 hotline as an alleged victim of abuse, neglect, or abandonment,
319 or to reduce the incidents of abuse.

320 (3) Coordinate with community-based care lead agencies
321 pursuant to s. 409.1671 or other agencies.

322 Section 4. Paragraph (e) of subsection (1) of section
323 409.1671, Florida Statutes, is amended to read:

324 409.1671 Foster care and related services; outsourcing.-

325 (1)

326 (e) As used in this section, the term "eligible lead
327 community-based provider" means a single agency with which the
328 department shall contract for the provision of child protective
329 services in a community that is no smaller than a county. The
330 secretary of the department may authorize more than one eligible
331 lead community-based provider within a single county when to do
332 so will result in more effective delivery of foster care and
333 related services. To compete for an outsourcing project, such
334 agency must have:

335 1. The ability to coordinate, integrate, and manage all
336 child protective services in the designated community in

337 cooperation with child protective investigations.

338 2. The ability to ensure continuity of care from entry to
339 exit for all children referred from the protective investigation
340 and court systems.

341 3. The ability to provide directly, or contract for
342 through a local network of providers, all necessary child
343 protective services. Such agencies should directly provide no
344 more than 35 percent of all child protective services provided.

345 4. The willingness to accept accountability for meeting
346 the outcomes and performance standards related to child
347 protective services established by the Legislature and the
348 Federal Government.

349 5. The capability and the willingness to serve all
350 children referred to it from the protective investigation and
351 court systems, regardless of the level of funding allocated to
352 the community by the state, provided all related funding is
353 transferred.

354 6. The willingness to ensure that each individual who
355 provides child protective services completes the training
356 required of child protective service workers by the Department
357 of Children and Family Services.

358 7. The ability to maintain eligibility to receive all
359 federal child welfare funds, including Title IV-E and IV-A
360 funds, currently being used by the Department of Children and
361 Family Services.

362 8. Written agreements with Healthy Families Florida lead
363 entities in their community, pursuant to s. 409.153, to promote
364 cooperative planning for the provision of prevention and

365 intervention services.

366 9. A board of directors, of which at least 51 percent of
 367 the membership is comprised of persons residing in this state.
 368 Of the state residents, at least 51 percent must also reside
 369 within the service area of the lead community-based provider.

370 10. A parent assistance program pursuant to s. 39.309.

371 Section 5. Section 796.036, Florida Statutes, is created
 372 to read:

373 796.036 Violations involving minors; reclassification.—

374 (1) The felony or misdemeanor degree of any violation of
 375 this chapter, other than s. 796.03 or s. 796.035, in which a
 376 minor engages in prostitution, lewdness, assignation, sexual
 377 conduct, or other conduct as defined in or prohibited by this
 378 chapter, but the minor is not the person charged with the
 379 violation, is reclassified as provided in this section.

380 (2) Offenses shall be reclassified as follows:

381 (a) A misdemeanor of the second degree is reclassified to
 382 a misdemeanor of the first degree.

383 (b) A misdemeanor of the first degree is reclassified to a
 384 felony of the third degree.

385 (c) A felony of the third degree is reclassified to a
 386 felony of the second degree.

387 (d) A felony of the second degree is reclassified to a
 388 felony of the first degree.

389 (e) A felony of the first degree is reclassified to a life
 390 felony.

391 Section 6. Subsection (3) is added to section 960.198,
 392 Florida Statutes, to read:

393 960.198 Relocation assistance for victims of domestic
394 violence.—

395 (3) Relocation payments for a domestic violence claim
396 shall be denied if the department has previously approved or
397 paid out a sexual battery relocation claim under s. 960.199 to
398 the same victim regarding the same incident.

399 Section 7. Section 960.199, Florida Statutes, is created
400 to read:

401 960.199 Relocation assistance for victims of sexual
402 battery.—

403 (1) The department may award a one-time payment of up to
404 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
405 victim of sexual battery as defined in s. 794.011 who needs
406 relocation assistance.

407 (2) In order for an award to be granted to a victim for
408 relocation assistance:

409 (a) There must be proof that a sexual battery offense was
410 committed.

411 (b) The sexual battery offense must be reported to the
412 proper authorities.

413 (c) The victim's need for assistance must be certified by
414 a certified rape crisis center in this state.

415 (d) The center certification must assert that the victim
416 is cooperating with law enforcement officials, if applicable,
417 and must include documentation that the victim has developed a
418 safety plan.

419 (e) The act of sexual battery must be committed in the
420 victim's place of residence or in a location that would lead the

421 victim to reasonably fear for his or her continued safety in the
 422 place of residence.

423 (3) Relocation payments for a sexual battery claim shall
 424 be denied if the department has previously approved or paid out
 425 a domestic violence relocation claim under s. 960.198 to the
 426 same victim regarding the same incident.

427 Section 8. For the 2012-2013 state fiscal year, the sum of
 428 \$1.5 million in nonrecurring funds is appropriated from the
 429 General Revenue Fund to the Department of Legal Affairs, Office
 430 of the Attorney General, for the relocation of victims of sexual
 431 battery as provided in s. 960.199, Florida Statutes, as created
 432 by this act.

433 Section 9. Subsection (12) is added to section 1012.98,
 434 Florida Statutes, to read:

435 1012.98 School Community Professional Development Act.—

436 (12) The department shall require teachers in grades 1-12
 437 to participate in continuing education training provided by the
 438 Department of Children and Family Services on identifying and
 439 reporting child abuse and neglect.

440 Section 10. For fiscal year 2012-2013, 47 full-time
 441 equivalent positions, with associated salary rate of 1,513,326
 442 are authorized and the sums of \$2,164,016 in recurring funds and
 443 \$281,000 in nonrecurring funds are appropriated from the General
 444 Revenue Fund to the Department of Children and Family Services
 445 for additional costs associated with the changes in mandatory
 446 reporting of child abuse, abandonment, or neglect pursuant to s.
 447 39.201, Florida Statutes.

448 Section 11. Section 827.03, Florida Statutes, is amended

449 to read:

450 827.03 Abuse, aggravated abuse, and neglect of a child;
451 penalties.—

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

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

454 1. Commits aggravated battery on a child;

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

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

460 (b) "Child abuse" means:

461 1.(a) Intentional infliction of physical or mental injury
462 upon a child;

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

465 3.(c) Active encouragement of any person to commit an act
466 that results or could reasonably be expected to result in
467 physical or mental injury to a child.

468

469 ~~A person who knowingly or willfully abuses a child without~~
470 ~~causing great bodily harm, permanent disability, or permanent~~
471 ~~disfigurement to the child commits a felony of the third degree,~~
472 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

480

481 ~~A person who commits aggravated child abuse commits a felony of~~
482 ~~the first degree, punishable as provided in s. 775.082, s.~~
483 ~~775.083, or s. 775.084.~~

484 (c) "Maliciously" means wrongfully, intentionally, and
485 without legal justification or excuse. Maliciousness may be
486 established by circumstances from which one could conclude that
487 a reasonable parent would not have engaged in the damaging acts
488 toward the child for any valid reason and that the primary
489 purpose of the acts was to cause the victim unjustifiable pain
490 or injury.

491 (d) "Mental injury" means injury to the intellectual or
492 psychological capacity of a child as evidenced by a discernible
493 and substantial impairment in the ability of the child to
494 function within the normal range of performance and behavior as
495 supported by expert testimony.

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

497 1. A caregiver's failure or omission to provide a child
498 with the care, supervision, and services necessary to maintain
499 the child's physical and mental health, including, but not
500 limited to, food, nutrition, clothing, shelter, supervision,
501 medicine, and medical services that a prudent person would
502 consider essential for the well-being of the child; or

503 2. A caregiver's failure to make a reasonable effort to
504 protect a child from abuse, neglect, or exploitation by another

505 person.

506

507 Except as otherwise provided in this section, neglect of a child
508 may be based on repeated conduct or on a single incident or
509 omission that results in, or could reasonably be expected to
510 result in, serious physical or mental injury, or a substantial
511 risk of death, to a child.

512 (2) OFFENSES.—

513 (a) A person who commits aggravated child abuse commits a
514 felony of the first degree, punishable as provided in s.
515 775.082, s. 775.083, or s. 775.084.

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

521 (c) A person who knowingly or willfully abuses a child
522 without causing great bodily harm, permanent disability, or
523 permanent disfigurement to the child commits a felony of the
524 third degree, punishable as provided in s. 775.082, s. 775.083,
525 or s. 775.084.

526 (d)~~(e)~~ A person who willfully or by culpable negligence
527 neglects a child without causing great bodily harm, permanent
528 disability, or permanent disfigurement to the child commits a
529 felony of the third degree, punishable as provided in s.
530 775.082, s. 775.083, or s. 775.084.

531 (3) EXPERT TESTIMONY.—

532 (a) Except as provided in paragraph (b), a physician may

533 not provide expert testimony in a criminal child abuse case
534 unless the physician is a physician licensed under chapter 458
535 or chapter 459 or has obtained certification as an expert
536 witness pursuant to s. 458.3175.

537 (b) A physician may not provide expert testimony in a
538 criminal child abuse case regarding mental injury unless the
539 physician is a physician licensed under chapter 458 or chapter
540 459 who has completed an accredited residency in psychiatry or
541 has obtained certification as an expert witness pursuant to s.
542 458.3175.

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

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

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

556 Section 12. Paragraph (d) of subsection (1) of section
557 775.084, Florida Statutes, is amended to read:

558 775.084 Violent career criminals; habitual felony
559 offenders and habitual violent felony offenders; three-time
560 violent felony offenders; definitions; procedure; enhanced

561 penalties or mandatory minimum prison terms.—

562 (1) As used in this act:

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

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

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

570 b. Aggravated stalking, as described in s. 784.048(3) and
 571 (4);

572 c. Aggravated child abuse, as described in s.
 573 827.03(2) (a);

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

576 e. Lewd or lascivious battery, lewd or lascivious
 577 molestation, lewd or lascivious conduct, or lewd or lascivious
 578 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

580 g. A felony violation of chapter 790 involving the use or
 581 possession of a firearm.

582 2. The defendant has been incarcerated in a state prison
 583 or a federal prison.

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

587 a. While the defendant was serving a prison sentence or
 588 other sentence, or court-ordered or lawfully imposed supervision

589 that is imposed as a result of a prior conviction for an
590 enumerated felony; or

591 b. Within 5 years after the conviction of the last prior
592 enumerated felony, or within 5 years after the defendant's
593 release from a prison sentence, probation, community control,
594 control release, conditional release, parole, or court-ordered
595 or lawfully imposed supervision or other sentence that is
596 imposed as a result of a prior conviction for an enumerated
597 felony, whichever is later.

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

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

604 Section 13. Subsection (1) of section 775.0877, Florida
605 Statutes, is amended to read:

606 775.0877 Criminal transmission of HIV; procedures;
607 penalties.—

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

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

614 (b) Section 826.04, relating to incest;

615 (c) Section 800.04, relating to lewd or lascivious

616 offenses committed upon or in the presence of persons less than

617 16 years of age;

618 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),

619 relating to assault;

620 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),

621 relating to aggravated assault;

622 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),

623 relating to battery;

624 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),

625 relating to aggravated battery;

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

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

628 abuse;

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

630 person or disabled adult;

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

632 elderly person or disabled adult;

633 (l) Section 827.071, relating to sexual performance by

634 person less than 18 years of age;

635 (m) Sections 796.03, 796.07, and 796.08, relating to

636 prostitution; or

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

638 blood, plasma, organs, skin, or other human tissue,

639

640 the court shall order the offender to undergo HIV testing, to be

641 performed under the direction of the Department of Health in

642 accordance with s. 381.004, unless the offender has undergone

643 HIV testing voluntarily or pursuant to procedures established in

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

645 rule providing for HIV testing of criminal offenders or inmates,
 646 subsequent to her or his arrest for an offense enumerated in
 647 paragraphs (a)-(n) for which she or he was convicted or to which
 648 she or he pled nolo contendere or guilty. The results of an HIV
 649 test performed on an offender pursuant to this subsection are
 650 not admissible in any criminal proceeding arising out of the
 651 alleged offense.

652 Section 14. Subsection (3) of section 782.07, Florida
 653 Statutes, is amended to read:

654 782.07 Manslaughter; aggravated manslaughter of an elderly
 655 person or disabled adult; aggravated manslaughter of a child;
 656 aggravated manslaughter of an officer, a firefighter, an
 657 emergency medical technician, or a paramedic.—

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

663 Section 15. Paragraphs (f), (g), and (i) of subsection (3)
 664 of section 921.0022, Florida Statutes, are amended to read:

665 921.0022 Criminal Punishment Code; offense severity
 666 ranking chart.—

667 (3) OFFENSE SEVERITY RANKING CHART

668 (f) LEVEL 6

669

Florida	Felony	
Statute	Degree	Description

670

671	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
672	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
673	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
674	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
675	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
676	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
677	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
678	784.041	3rd	Felony battery; domestic battery by strangulation.
679	784.048 (3)	3rd	Aggravated stalking; credible threat.
680	784.048 (5)	3rd	Aggravated stalking of person under 16.

681	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
682	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
683	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
684	784.081 (2)	2nd	Aggravated assault on specified official or employee.
685	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
686	784.083 (2)	2nd	Aggravated assault on code inspector.
687	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
688	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
689	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

690	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
691	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
692	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
693	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
694	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.
695	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
696	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
697	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but

			less than \$100,000, grand theft in 2nd degree.
698	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
699	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
700	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
701	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
702	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
703	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
704	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
705	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
706			

707	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
708	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
709	<u>827.03 (2) (c)</u> 827.03 (1)	3rd	Abuse of a child.
710	<u>827.03 (2) (d)</u> 827.03 (3) (e)	3rd	Neglect of a child.
711	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
712	836.05	2nd	Threats; extortion.
713	836.10	2nd	Written threats to kill or do bodily injury.
714	843.12	3rd	Aids or assists person to escape.
715	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

716	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
717	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
718	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
719	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.
720	944.40	2nd	Escapes.
721	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
722	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.

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(g) LEVEL 7

Florida Statute	Felony 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.
402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

732	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
733	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
734	456.065 (2)	3rd	Practicing a health care profession without a license.
735	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
736	458.327 (1)	3rd	Practicing medicine without a license.
737	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
738	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
739	461.012 (1)	3rd	Practicing podiatric medicine without a license.
740	462.17	3rd	Practicing naturopathy without a license.

741	463.015 (1)	3rd	Practicing optometry without a license.
742	464.016 (1)	3rd	Practicing nursing without a license.
743	465.015 (2)	3rd	Practicing pharmacy without a license.
744	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
745	467.201	3rd	Practicing midwifery without a license.
746	468.366	3rd	Delivering respiratory care services without a license.
747	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
748	483.901 (9)	3rd	Practicing medical physics without a license.
749	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
750	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss.

494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

751

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.

752

560.125 (5) (a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

753

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

754

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

755

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

756

775.21 (10) (g) 3rd Failure to report or providing false

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

757

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

758

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

759

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

760

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

761

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

762

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

763

764	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
765	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
766	784.048 (7)	3rd	Aggravated stalking; violation of court order.
767	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
768	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
769	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
770	784.081 (1)	1st	Aggravated battery on specified official or employee.
771	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
772	784.083 (1)	1st	Aggravated battery on code inspector.
	790.07 (4)	1st	Specified weapons violation subsequent

to previous conviction of s. 790.07(1)
or (2).

773

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

774

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

775

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

776

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

777

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

778

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

779

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.

780

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

781

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

782

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.

783

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

784

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

785

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

786

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

787

788	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
789	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.
790	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
791	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
792	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
793	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
794	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

795	812.131 (2) (a)	2nd	Robbery by sudden snatching.
796	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
797	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
798	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
799	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
800	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
801	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
	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.

802

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

803

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

804

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

805

838.015 2nd Bribery.

806

838.016 2nd Unlawful compensation or reward for
official behavior.

807

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

808

838.22 2nd Bid tampering.

809

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

810

847.0135(4) 2nd Traveling to meet a minor to commit an

unlawful sex act.

811

872.06 2nd Abuse of a dead human body.

812

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

813

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.

814

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.

815

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),

(2) (b), or (2) (c) 4. drugs).

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

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

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

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

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

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

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

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

825	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
826	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
827	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
828	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
829	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
830	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
831	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

832	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
833	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
834	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
835	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
836	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
837	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
838	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
839	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

840	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
841	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
842	(i) LEVEL 9		
843	Florida	Felony	
844	Statute	Degree	Description
845	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
846	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
847	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
848	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
	560.123 (8) (b) 3.	1st	Failure to report currency or payment

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

849

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

850

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

851

775.0844 1st Aggravated white collar crime.

852

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

853

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

854

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

855

- 856
782.07 (2)
1st
Aggravated manslaughter of an elderly person or disabled adult.
- 857
787.01 (1) (a) 1.
1st, PBL
Kidnapping; hold for ransom or reward or as a shield or hostage.
- 858
787.01 (1) (a) 2.
1st, PBL
Kidnapping with intent to commit or facilitate commission of any felony.
- 859
787.01 (1) (a) 4.
1st, PBL
Kidnapping with intent to interfere with performance of any governmental or political function.
- 860
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.
- 861
790.161
1st
Attempted capital destructive device offense.
- 862
790.166 (2)
1st, PBL
Possessing, selling, using, or attempting to use a weapon of mass destruction.

863	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
864	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
865	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
866	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
867	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
868	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
869	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
870	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

871	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
872	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.
873	<u>827.03 (2) (a)</u> 827.03 (2)	1st	Aggravated child abuse.
874	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
875	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
876	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.
877	893.135	1st	Attempted capital trafficking offense.
878	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.

879	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
880	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
881	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
882	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
883	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
884	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
885	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
886	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
887	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.

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 16. 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);

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

915 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
 916 or vehicular or vessel homicide as provided in s. 782.071 or s.
 917 782.072, committed by a ~~any~~ person who is on probation or
 918 community control for an offense involving death or injury
 919 resulting from a driving incident.

920 Section 17. Paragraphs (a) and (b) of subsection (3) and
 921 subsection (14) of section 960.03, Florida Statutes, are amended
 922 to read:

923 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 924 960.01-960.28, unless the context otherwise requires, the term:

925 (3) "Crime" means:

926 (a) A felony or misdemeanor offense committed by ~~either~~ an
 927 adult or a juvenile which results in physical injury or death,
 928 or a felony or misdemeanor offense of child abuse committed by
 929 an adult or a juvenile which results in a mental injury, as
 930 defined in s. 827.03, to a person younger than 18 years of age
 931 who was not physically injured by the criminal act. The mental
 932 injury to the minor must be verified by a psychologist licensed
 933 under chapter 490, by a physician licensed in this state under
 934 chapter 458 or chapter 459 who has completed an accredited
 935 residency in psychiatry, or by a physician who has obtained
 936 certification as an expert witness pursuant to s. 458.3175.

937
 938 The term also includes a ~~any such~~ criminal act that ~~which~~ is
 939 committed within this state but that ~~which~~ falls exclusively

940 within federal jurisdiction.

941 (b) A violation of s. 316.193, s. 316.027(1), s.
 942 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in
 943 physical injury or death; however, an ~~no other~~ act involving the
 944 operation of a motor vehicle, boat, or aircraft which results in
 945 injury or death does not shall constitute a crime for the
 946 purpose of this chapter unless the injury or death was
 947 intentionally inflicted through the use of the ~~such~~ vehicle,
 948 boat, or aircraft ~~or unless such vehicle, boat, or aircraft is~~
 949 ~~an implement of a crime to which this act applies.~~

950 (c) A criminal act committed outside ~~of~~ this state against
 951 a resident of this state which would have been compensable if it
 952 had occurred in this state and which occurred in a jurisdiction
 953 that does not have an eligible crime victim compensation program
 954 as the term is defined in the federal Victims of Crime Act of
 955 1984.

956 (d) A ~~Any~~ violation of s. 827.071, s. 847.0135, s.
 957 847.0137, or s. 847.0138, related to online sexual exploitation
 958 and child pornography.

959 (14) "Victim" means:

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

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

966 (c) A person younger than 18 years of age who was the
 967 victim of a felony or misdemeanor offense of child abuse that

968 | resulted in a mental injury as defined by s. 827.03 but who was
969 | not physically injured; or

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

974 | Section 18. This act shall take effect October 1, 2012.