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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

03/07/2012 12:54 PM

Senator Detert moved the following:

Senate Amendment (with title amendment)

Between lines 426 and 427

insert:

Section 10. 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



378328

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

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.(c) 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



378328

43 established by circumstances from which one could conclude that
44 a reasonable parent would not have engaged in the damaging acts
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.



378328

72 775.082, s. 775.083, or s. 775.084.

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.

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



378328

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

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

119 (1) As used in this act:

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

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

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

127 b. Aggravated stalking, as described in s. 784.048(3) and
128 (4);

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



378328

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

132 e. Lewd or lascivious battery, lewd or lascivious
133 molestation, lewd or lascivious conduct, or lewd or lascivious
134 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

136 g. A felony violation of chapter 790 involving the use or
137 possession of a firearm.

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

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

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

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

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

157 5. A conviction of a felony or other qualified offense
158 necessary to the operation of this paragraph has not been set



378328

159 aside in any postconviction proceeding.

160 Section 12. Subsection (1) of section 775.0877, Florida
161 Statutes, is amended to read:

162 775.0877 Criminal transmission of HIV; procedures;
163 penalties.—

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

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

170 (b) Section 826.04, relating to incest;

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

174 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
175 relating to assault;

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

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

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

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

183 (i) Section 827.03(2)(a), relating to aggravated child
184 abuse;

185 (j) Section 825.102(1), relating to abuse of an elderly
186 person or disabled adult;

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



378328

188 elderly person or disabled adult;

189 (l) Section 827.071, relating to sexual performance by
190 person less than 18 years of age;

191 (m) Sections 796.03, 796.07, and 796.08, relating to
192 prostitution; or

193 (n) Section 381.0041(11)(b), relating to donation of blood,
194 plasma, organs, skin, or other human tissue,

195

196 the court shall order the offender to undergo HIV testing, to be
197 performed under the direction of the Department of Health in
198 accordance with s. 381.004, unless the offender has undergone
199 HIV testing voluntarily or pursuant to procedures established in
200 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
201 rule providing for HIV testing of criminal offenders or inmates,
202 subsequent to her or his arrest for an offense enumerated in
203 paragraphs (a)-(n) for which she or he was convicted or to which
204 she or he pled nolo contendere or guilty. The results of an HIV
205 test performed on an offender pursuant to this subsection are
206 not admissible in any criminal proceeding arising out of the
207 alleged offense.

208 Section 13. Subsection (3) of section 782.07, Florida
209 Statutes, is amended to read:

210 782.07 Manslaughter; aggravated manslaughter of an elderly
211 person or disabled adult; aggravated manslaughter of a child;
212 aggravated manslaughter of an officer, a firefighter, an
213 emergency medical technician, or a paramedic.—

214 (3) A person who causes the death of any person under the
215 age of 18 by culpable negligence under s. 827.03(2)(b)~~(3)~~
216 commits aggravated manslaughter of a child, a felony of the



217 first degree, punishable as provided in s. 775.082, s. 775.083,
218 or s. 775.084.

219 Section 14. Paragraphs (f), (g), and (i) of subsection (3)
220 of section 921.0022, Florida Statutes, are amended to read:

221 921.0022 Criminal Punishment Code; offense severity ranking
222 chart.—

223 (3) OFFENSE SEVERITY RANKING CHART

224 (f) LEVEL 6

225

Florida Statute	Felony Degree	Description
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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378328

232	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
233	784.041	3rd	Felony battery; domestic battery by strangulation.
234	784.048 (3)	3rd	Aggravated stalking; credible threat.
235	784.048 (5)	3rd	Aggravated stalking of person under 16.
236	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
237	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
238	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
239	784.081 (2)	2nd	Aggravated assault on specified official or employee.
240	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
241	784.083 (2)	2nd	Aggravated assault on code inspector.
242	787.02 (2)	3rd	False imprisonment; restraining with



purpose other than those in s. 787.01.

243

790.115(2)(d) 2nd Discharging firearm or weapon on school property.

244

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

245

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

246

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

247

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

248

794.05(1) 2nd Unlawful sexual activity with specified minor.

249

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.

250

800.04(6)(b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

251



252	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
253	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
254	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
255	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
256	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
257	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or 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	<u>827.03 (2) (c)</u> 827.03 (1)	3rd	Abuse of a child.
266	<u>827.03 (2) (d)</u> 827.03 (3) (e)	3rd	Neglect of a child.
267	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
268	836.05	2nd	Threats; extortion.
269	836.10	2nd	Written threats to kill or do bodily injury.
	843.12	3rd	Aids or assists person to escape.



378328

270	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
271	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
272	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
273	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
274	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.
275	944.40	2nd	Escapes.
276	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
277	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional



378328

facility.

278

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

279

280 (g) LEVEL 7

281

Florida Statute	Felony Degree	Description
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282

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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283

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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284

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.
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285

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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286

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,
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378328

permanent disability, or death.

287

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

288

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

289

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

290

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

291

458.327 (1) 3rd Practicing medicine without a license.

292

459.013 (1) 3rd Practicing osteopathic medicine without
a license.

293

460.411 (1) 3rd Practicing chiropractic medicine
without a license.

294

461.012 (1) 3rd Practicing podiatric medicine without a
license.

295

462.17 3rd Practicing naturopathy without a
license.

296



378328

297	463.015 (1)	3rd	Practicing optometry without a license.
298	464.016 (1)	3rd	Practicing nursing without a license.
299	465.015 (2)	3rd	Practicing pharmacy without a license.
300	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
301	467.201	3rd	Practicing midwifery without a license.
302	468.366	3rd	Delivering respiratory care services without a license.
303	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
304	483.901 (9)	3rd	Practicing medical physics without a license.
305	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
306	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



378328

exceeded \$50,000 and there were five or more victims.

307

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.

308

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

309

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

310

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

311

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

312

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

313

782.051(3) 2nd Attempted felony murder of a person by



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

314

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

315

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

316

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

317

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

318

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

319

784.045(1)(b) 2nd Aggravated battery; perpetrator aware
victim pregnant.

320

784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

321



322	784.048 (7)	3rd	Aggravated stalking; violation of court order.
323	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
324	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
325	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
326	784.081 (1)	1st	Aggravated battery on specified official or employee.
327	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
328	784.083 (1)	1st	Aggravated battery on code inspector.
329	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
330	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.



378328

331	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
332	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
333	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
334	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
335	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.
336	796.03	2nd	Procuring any person under 16 years for prostitution.
337	800.04 (5) (c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.



378328

338 800.04(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.

339 806.01(2) 2nd Maliciously damage structure by fire or
explosive.

340 810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed;
no assault or battery.

341 810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

342 810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

343 810.02(3)(e) 2nd Burglary of authorized emergency
vehicle.

344 812.014(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.

345 812.014(2)(b)2. 2nd Property stolen, cargo valued at less
than \$50,000, grand theft in 2nd
degree.



346 812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.

347 812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.

348 812.0145 (2) (a) 1st Theft from person 65 years of age or
older; \$50,000 or more.

349 812.019 (2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and
traffics in stolen property.

350 812.131 (2) (a) 2nd Robbery by sudden snatching.

351 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.

352 817.234 (8) (a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.

353 817.234 (9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.

354 817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.



355	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.
356	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
357	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.
358	<u>827.03 (2) (b)</u> 827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
359	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
360	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
361	838.015	2nd	Bribery.
362			



363 838.016 2nd Unlawful compensation or reward for
official behavior.

364 838.021(3)(a) 2nd Unlawful harm to a public servant.

365 838.22 2nd Bid tampering.

366 847.0135(3) 3rd Solicitation of a child, via a computer
service, to commit an unlawful sex act.

367 847.0135(4) 2nd Traveling to meet a minor to commit an
unlawful sex act.

368 872.06 2nd Abuse of a dead human body.

369 874.10 1st,PBL Knowingly initiates, organizes, plans,
finances, directs, manages, or
supervises criminal gang-related
activity.

370 893.13(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.



- 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.
- 377 893.135(1)(e)1. 1st Trafficking in methaqualone, more than
200 grams, less than 5 kilograms.
- 378 893.135(1)(f)1. 1st Trafficking in amphetamine, more than
14 grams, less than 28 grams.



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

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

381 893.135 1st Trafficking in 1,4-Butanediol, 1
(1) (j) 1.a. kilogram or more, less than 5
kilograms.

382 893.135 1st Trafficking in Phenethylamines, 10
(1) (k) 2.a. grams or more, less than 200 grams.

383 893.1351(2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

384 896.101(5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but less
than \$20,000.

385 896.104(4) (a) 1. 3rd Structuring transactions to evade
reporting or registration requirements,
financial transactions exceeding \$300
but less than \$20,000.

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



378328

reporting requirements.

386

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

387

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

388

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

389

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

390

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

391

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

392

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

393

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



address verification.

394 985.4815(10) 3rd Sexual offender; failure to submit to
the taking of a digitized photograph.

395 985.4815(12) 3rd Failure to report or providing false
information about a sexual offender;
harbor or conceal a sexual offender.

396 985.4815(13) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

397
398 (i) LEVEL 9

399

Florida Statute	Felony Degree	Description
400 316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
401 327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
402 409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
403 499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great



bodily harm.

404

560.123(8)(b)3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

405

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

406

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

407

775.0844 1st Aggravated white collar crime.

408

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

409

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

410

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



378328

- 411
782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.
- 412
787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.
- 413
787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.
- 414
787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.
- 415
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.
- 416
790.161 1st Attempted capital destructive device
offense.
- 417
790.166(2) 1st,PBL Possessing, selling, using, or
attempting to use a weapon of mass
destruction.
- 418
794.011(2) 1st Attempted sexual battery; victim less



378328

than 12 years of age.

419

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

420

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

421

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

422

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

423

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

424

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

425

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

426

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

427



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.
428		
<u>827.03 (2) (a)</u>	1st	Aggravated child abuse.
827.03 (2)		
429		
847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
430		
847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
431		
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.
432		
893.135	1st	Attempted capital trafficking offense.
433		
893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
434		
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
435		



436	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
437	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
438	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
439	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
440	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
441	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
442	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
443	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.



378328

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Section 15. 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);

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

(j) Any DUI manslaughter as provided in s. 316.193(3) (c), or vehicular or vessel homicide as provided in s. 782.071 or s.



378328

473 782.072, committed by a ~~any~~ person who is on probation or
474 community control for an offense involving death or injury
475 resulting from a driving incident.

476 Section 16. Subsections (3) and (14) of section 960.03,
477 Florida Statutes, are amended to read:

478 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
479 960.01-960.28, unless the context otherwise requires, the term:

480 (3) "Crime" means:

481 (a) A felony or misdemeanor offense committed by ~~either~~ an
482 adult or a juvenile which results in physical injury or death or
483 a felony or misdemeanor offense of child abuse committed by an
484 adult or a juvenile against a person younger than 18 years of
485 age which resulted in a mental injury, as defined in s. 39.01,
486 but who was not physically injured by the criminal act. The
487 mental injury to the minor must be verified by a psychologist
488 licensed under chapter 490, by a physician licensed in this
489 state under chapter 458 or chapter 459 and who has completed an
490 accredited residency in psychiatry, or by a physician who has
491 obtained certification as an expert witness pursuant to s.
492 458.3175.

493
494 The term also includes a ~~any such~~ criminal act that ~~which~~ is
495 committed within this state but that ~~which~~ falls exclusively
496 within federal jurisdiction.

497 (b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1),
498 s. 782.071(1)(b), or s. 860.13(1)(a) which results in physical
499 injury or death; however, an ~~no other~~ act involving the
500 operation of a motor vehicle, boat, or aircraft which results in
501 injury or death does not ~~shall~~ constitute a crime for the



378328

502 purpose of this chapter unless the injury or death was
503 intentionally inflicted through the use of the ~~such~~ vehicle,
504 boat, or aircraft ~~or unless such vehicle, boat, or aircraft is~~
505 ~~an implement of a crime to which this act applies.~~

506 (c) A criminal act committed outside ~~of~~ this state against
507 a resident of this state which would have been compensable if it
508 had occurred in this state and which occurred in a jurisdiction
509 that does not have an eligible crime victim compensation program
510 as the term is defined in the federal Victims of Crime Act of
511 1984.

512 (d) A ~~Any~~ violation of s. 827.071, s. 847.0135, s.
513 847.0137, or s. 847.0138, related to online sexual exploitation
514 and child pornography.

515 (14) "Victim" means:

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

518 (b) A person younger than 18 years of age who was present
519 at the scene of a crime, saw or heard the crime, and suffered a
520 psychiatric or psychological injury because of the crime, ~~7~~ but
521 who was not physically injured; ~~or~~

522 (c) A person younger than 18 years of age who was the
523 victim of a felony or misdemeanor offense of child abuse that
524 resulted in a mental injury as defined by s. 39.01 but who was
525 not physically injured; or

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

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378328

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

532 And the title is amended as follows:

533 Delete line 48

534 and insert:

535 amending s. 827.03, F.S.; defining the term "mental
536 injury" with respect to the offenses of abuse,
537 aggravated abuse, and neglect of a child; requiring
538 that a physician or psychologist acting as an expert
539 witness in certain proceedings have certain
540 credentials; amending ss. 775.084, 775.0877, 782.07,
541 921.0022, and 948.062, F.S.; conforming cross-
542 references; amending s. 960.03, F.S.; redefining the
543 term "crime" for purposes of crime victims
544 compensation to include additional forms of injury;
545 redefining the term "victim" to conform with the
546 modified definition of the term "crime"; providing an
547 effective date.