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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/07/2012 12:56 PM

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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



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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



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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.



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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



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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);



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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



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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



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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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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



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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.

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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> <del>827.03 (1)</del>	3rd	Abuse of a child.
266	<u>827.03 (2) (d)</u> <del>827.03 (3) (e)</del>	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.



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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



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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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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





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



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.

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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.



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.



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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.



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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)</u> <del>827.03 (3) (b)</del>	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 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
380	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
381	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
382	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 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



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



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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).



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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



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.

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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.
<del>827.03 (2)</del>		
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.



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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.



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

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

481 (3) "Crime" means:

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

495 (b) Notwithstanding the criteria set forth in paragraph  
496 (a), an act involving the operation of a motor vehicle, boat, or  
497 aircraft which results in an injury or death does not constitute  
498 a crime for purposes of this chapter unless the injury or death  
499 is intentionally inflicted or the act is a violation of s.  
500 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b), or s.  
501 860.13(1)(a) which results in physical injury or death. A



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502 violation of s. 316.193, s. 316.027(1), s. 327.35(1), s.  
503 782.071(1)(b), or s. 860.13(1)(a) which results in physical  
504 injury or death; however, no other act involving the operation  
505 of a motor vehicle, boat, or aircraft which results in injury or  
506 death shall constitute a crime for the purpose of this chapter  
507 unless the injury or death was intentionally inflicted through  
508 the use of such vehicle, boat, or aircraft or unless such  
509 vehicle, boat, or aircraft is an implement of a crime to which  
510 this act applies.

511 (14) "Victim" means:

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

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

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

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

526  
527 ===== T I T L E A M E N D M E N T =====

528 And the title is amended as follows:

529 Delete line 48

530 and insert:



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