

By Senator Detert

23-01300-12

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1                   A bill to be entitled  
2           An act relating to criminal conduct; amending s.  
3           827.03, F.S.; defining the term "mental injury" with  
4           respect to the offenses of abuse, aggravated abuse,  
5           and neglect of a child; requiring that a person acting  
6           as an expert witness have certain credentials;  
7           amending ss. 775.084, 775.0877, 782.07, 921.0022, and  
8           948.062, F.S.; conforming cross-references; amending  
9           s. 960.03, F.S.; redefining the term "crime" for  
10          purposes of crime victims compensation to include  
11          additional forms of injury; redefining the term  
12          "victim" to conform with the modified definition of  
13          the term "crime"; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 827.03, Florida Statutes, is amended to  
18           read:

19           827.03 Abuse, aggravated abuse, and neglect of a child;  
20           penalties.—

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

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

23           1. Commits aggravated battery on a child;

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

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

29           (b) "Child abuse" means:

23-01300-12

20121172

30        1.(a) Intentional infliction of physical or mental injury  
31 upon a child;

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

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

37  
38 ~~A person who knowingly or willfully abuses a child without~~  
39 ~~causing great bodily harm, permanent disability, or permanent~~  
40 ~~disfigurement to the child commits a felony of the third degree,~~  
41 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

49  
50 ~~A person who commits aggravated child abuse commits a felony of~~  
51 ~~the first degree, punishable as provided in s. 775.082, s.~~  
52 ~~775.083, or s. 775.084.~~

53        (c) "Maliciously" means wrongfully, intentionally, and  
54 without legal justification or excuse. Maliciousness may be  
55 established by circumstances from which one could conclude that  
56 a reasonable parent would not have engaged in the damaging acts  
57 toward the child for any valid reason and that the primary  
58 purpose of the acts was to cause the victim unjustifiable pain

23-01300-12

20121172

59 or injury.

60 (d) "Mental injury" means injury to the intellectual or  
61 psychological capacity of a child as evidenced by a discernible  
62 and substantial impairment in the ability of the child to  
63 function within the normal range of performance and behavior as  
64 supported by expert testimony. A person may not give expert  
65 testimony regarding mental injury unless that person is a  
66 physician licensed under chapter 458 or chapter 459, board  
67 certified in psychiatry, or a psychologist licensed under  
68 chapter 490. The expert testimony requirements apply only to  
69 criminal court cases, not to family court or dependency court  
70 cases.

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

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

78 2. A caregiver's failure to make a reasonable effort to  
79 protect a child from abuse, neglect, or exploitation by another  
80 person.

81  
82 Except as otherwise provided in this section, neglect of a child  
83 may be based on repeated conduct or on a single incident or  
84 omission that results in, or could reasonably be expected to  
85 result in, serious physical or mental injury, or a substantial  
86 risk of death, to a child.

87 (2) OFFENSES.-

23-01300-12

20121172

88       (a) A person who commits aggravated child abuse commits a  
89 felony of the first degree, punishable as provided in s.  
90 775.082, s. 775.083, or s. 775.084.

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

96       (c) A person who knowingly or willfully abuses a child  
97 without causing great bodily harm, permanent disability, or  
98 permanent disfigurement to the child commits a felony of the  
99 third degree, punishable as provided in s. 775.082, s. 775.083,  
100 or s. 775.084.

101       (d)-(e) A person who willfully or by culpable negligence  
102 neglects a child without causing great bodily harm, permanent  
103 disability, or permanent disfigurement to the child commits a  
104 felony of the third degree, punishable as provided in s.  
105 775.082, s. 775.083, or s. 775.084.

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 2. 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

23-01300-12

20121172\_\_

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);

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

23-01300-12

20121172

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  
159 aside in any postconviction proceeding.

160       Section 3. 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),

23-01300-12

20121172\_\_

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

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

23-01300-12

20121172\_\_

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 4. 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 5. 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.

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23-01300-12

20121172\_\_

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499.0051 (4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

229

499.0051 (5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

230

775.0875 (1) 3rd Taking firearm from law enforcement officer.

231

784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

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.

23-01300-12

20121172\_\_

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784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.
787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

23-01300-12

20121172\_\_

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

249

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

250

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.

251

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

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.

23-01300-12 20121172\_\_

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.

23-01300-12

20121172\_\_

827.03(2)(d)

3rd Neglect of a child.

~~827.03(3)(c)~~

266

827.071(2) &  
(3)

2nd Use or induce a child in a sexual performance, or promote or direct such performance.

267

836.05

2nd Threats; extortion.

268

836.10

2nd Written threats to kill or do bodily injury.

269

843.12

3rd Aids or assists person to escape.

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.

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23-01300-12

20121172\_\_

275	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.
276	944.40	2nd	Escapes.
277	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
278	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
279	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
280	(g) LEVEL 7		
281	Florida Statute	Felony Degree	Description
282	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
283	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
284	316.1935(3)(b)	1st	Causing serious bodily injury or death

23-01300-12

20121172\_\_

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.

285

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

286

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

287

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

288

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

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.

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

23-01300-12

20121172\_\_

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459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.



23-01300-12

20121172\_\_

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483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
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.
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.
560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

23-01300-12

20121172\_\_

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775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

23-01300-12

20121172\_\_

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

319

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

320

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

321

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

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.

784.082 (1) 1st Aggravated battery by detained person

23-01300-12

20121172\_\_

on visitor or other detainee.

327

784.083 (1) 1st Aggravated battery on code inspector.

328

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

329

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

330

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

23-01300-12

20121172\_\_

provided for in s. 874.04.

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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.

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.

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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.

23-01300-12

20121172\_\_

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- 810.02 (3) (e)            2nd    Burglary of authorized emergency vehicle.
- 812.014 (2) (a) 1.       1st    Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
- 812.014 (2) (b) 2.       2nd    Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014 (2) (b) 3.       2nd    Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4.       2nd    Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a)          1st    Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2)               1st    Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a)           2nd    Robbery by sudden snatching.

23-01300-12

20121172\_\_

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- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.
- 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.
- 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.

23-01300-12 20121172\_\_

827.03(2) 2nd Neglect of a child causing great bodily  
~~827.03(3)(b)~~ 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

838.016 2nd Unlawful compensation or reward for  
official behavior.

363

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

364

838.22 2nd Bid tampering.

365

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

366

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

367

872.06 2nd Abuse of a dead human body.

368

874.10 1st,PBL Knowingly initiates, organizes, plans,



23-01300-12

20121172\_\_

finances, directs, manages, or supervises criminal gang-related activity.

369

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.

370

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.

371

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).

372

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

373

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

23-01300-12

20121172\_\_

374  
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382

893.135	1st	Trafficking in illegal drugs, more than (1) (c) 1.a. 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.
893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled

23-01300-12

20121172\_\_

substance.

383

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

384

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

385

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.

23-01300-12

20121172\_\_

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

23-01300-12

20121172\_\_

	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			

23-01300-12

20121172

408

775.0844 1st Aggravated white collar crime.

409

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

410

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

411

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

412

782.07(2) 1st Aggravated manslaughter of an elderly  
person or disabled adult.

413

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward  
or as a shield or hostage.

414

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or  
facilitate commission of any felony.

415

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere  
with performance of any governmental  
or political function.

787.02(3)(a) 1st False imprisonment; child under age

23-01300-12

20121172\_\_

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

23-01300-12

20121172\_\_

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

827.03 (2) (a) 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



23-01300-12

20121172\_\_

432	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.
433	893.135	1st	Attempted capital trafficking offense.
434	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
435	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
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.

23-01300-12 20121172\_\_

441 893.135 1st Trafficking in 1,4-Butanediol, 10  
 (1) (j) 1.c. kilograms or more.

442 893.135 1st Trafficking in Phenethylamines, 400  
 (1) (k) 2.c. grams or more.

443 896.101 (5) (c) 1st Money laundering, financial  
 instruments totaling or exceeding  
 \$100,000.

444 896.104 (4) (a) 3. 1st Structuring transactions to evade  
 reporting or registration  
 requirements, financial transactions  
 totaling or exceeding \$100,000.

445 Section 6. Subsection (1) of section 948.062, Florida  
 446 Statutes, is amended to read:

447 948.062 Reviewing and reporting serious offenses committed  
 448 by offenders placed on probation or community control.—

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

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

453 (b) Any sexual battery as provided in s. 794.011 or s.  
 454 794.023;

455 (c) Any sexual performance by a child as provided in s.  
 456 827.071;

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

23-01300-12

20121172

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

461 (f) Any aggravated child abuse as provided in s.  
462 827.03(2)(a) ~~s. 827.03(2)~~;

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

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

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

471 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),  
472 or vehicular or vessel homicide as provided in s. 782.071 or s.  
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 7. Paragraph (a) of subsection (3) and subsection  
477 (14) of section 960.03, 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,  
483 including a felony or misdemeanor offense committed by either an  
484 adult or a juvenile which results in psychiatric or  
485 psychological injury to a person younger than 18 years of age  
486 who was not physically injured by the criminal act. The term  
487 also includes any ~~such~~ criminal act that ~~which~~ is committed

23-01300-12

20121172\_\_

488 within this state but that ~~which~~ falls exclusively within  
489 federal jurisdiction.

490 (14) "Victim" means:

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

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

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

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

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