

By the Committee on Criminal Justice; and Senator Detert

591-03218-12

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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 physician or  
6           psychologist acting as an expert witness in certain  
7           proceedings have certain credentials; amending ss.  
8           775.084, 775.0877, 782.07, 921.0022, and 948.062,  
9           F.S.; conforming cross-references; amending s. 960.03,  
10          F.S.; redefining the term "crime" for purposes of  
11          crime victims compensation to include additional forms  
12          of injury; redefining the term "victim" to conform  
13          with the modified definition of the term "crime";  
14          providing an effective date.

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

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

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

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

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

24           1. Commits aggravated battery on a child;

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

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

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30        (b) "Child abuse" means:

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

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

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

38

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

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

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

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

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

50

51 ~~A person who commits aggravated child abuse commits a felony of~~  
52 ~~the first degree, punishable as provided in s. 775.082, s.~~  
53 ~~775.083, or s. 775.084.~~

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

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59 purpose of the acts was to cause the victim unjustifiable pain  
60 or injury.

61 (d) "Mental injury" means injury to the intellectual or  
62 psychological capacity of a child as evidenced by a discernible  
63 and substantial impairment in the ability of the child to  
64 function within the normal range of performance and behavior as  
65 supported by expert testimony.

66 (e)-(3)-(a) "Neglect of a child" means:

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

73 2. A caregiver's failure to make a reasonable effort to  
74 protect a child from abuse, neglect, or exploitation by another  
75 person.

76  
77 Except as otherwise provided in this section, neglect of a child  
78 may be based on repeated conduct or on a single incident or  
79 omission that results in, or could reasonably be expected to  
80 result in, serious physical or mental injury, or a substantial  
81 risk of death, to a child.

82 (2) OFFENSES.-

83 (a) A person who commits aggravated child abuse commits a  
84 felony of the first degree, punishable as provided in s.  
85 775.082, s. 775.083, or s. 775.084.

86 (b) A person who willfully or by culpable negligence  
87 neglects a child and in so doing causes great bodily harm,

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88 permanent disability, or permanent disfigurement to the child  
89 commits a felony of the second degree, punishable as provided in  
90 s. 775.082, s. 775.083, or s. 775.084.

91 (c) A person who knowingly or willfully abuses a child  
92 without causing great bodily harm, permanent disability, or  
93 permanent disfigurement to the child commits a felony of the  
94 third degree, punishable as provided in s. 775.082, s. 775.083,  
95 or s. 775.084.

96 (d) ~~(e)~~ A person who willfully or by culpable negligence  
97 neglects a child without causing great bodily harm, permanent  
98 disability, or permanent disfigurement to the child commits a  
99 felony of the third degree, punishable as provided in s.  
100 775.082, s. 775.083, or s. 775.084.

101 (3) EXPERT TESTIMONY.—

102 (a) Except as provided in paragraph (b), a physician may  
103 not provide expert testimony in a criminal child abuse case  
104 unless the physician is a physician licensed under chapter 458  
105 or chapter 459 or has obtained certification as an expert  
106 witness pursuant to s. 458.3175.

107 (b) A physician may not provide expert testimony in a  
108 criminal child abuse case regarding mental injury unless the  
109 physician is a physician licensed under chapter 458 or chapter  
110 459 who is board certified in psychiatry or has obtained  
111 certification as an expert witness pursuant to s. 458.3175.

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

115 (d) The expert testimony requirements of this subsection  
116 apply only to criminal child abuse cases and not to family court

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117 or dependency court cases.

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

125 Section 2. Paragraph (d) of subsection (1) of section  
126 775.084, Florida Statutes, is amended to read:

127 775.084 Violent career criminals; habitual felony offenders  
128 and habitual violent felony offenders; three-time violent felony  
129 offenders; definitions; procedure; enhanced penalties or  
130 mandatory minimum prison terms.-

131 (1) As used in this act:

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

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

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

139 b. Aggravated stalking, as described in s. 784.048(3) and  
140 (4);

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

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

144 e. Lewd or lascivious battery, lewd or lascivious  
145 molestation, lewd or lascivious conduct, or lewd or lascivious

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146 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

148 g. A felony violation of chapter 790 involving the use or  
149 possession of a firearm.

150 2. The defendant has been incarcerated in a state prison or  
151 a federal prison.

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

155 a. While the defendant was serving a prison sentence or  
156 other sentence, or court-ordered or lawfully imposed supervision  
157 that is imposed as a result of a prior conviction for an  
158 enumerated felony; or

159 b. Within 5 years after the conviction of the last prior  
160 enumerated felony, or within 5 years after the defendant's  
161 release from a prison sentence, probation, community control,  
162 control release, conditional release, parole, or court-ordered  
163 or lawfully imposed supervision or other sentence that is  
164 imposed as a result of a prior conviction for an enumerated  
165 felony, whichever is later.

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

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

172 Section 3. Subsection (1) of section 775.0877, Florida  
173 Statutes, is amended to read:

174 775.0877 Criminal transmission of HIV; procedures;

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175 penalties.—

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

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

182 (b) Section 826.04, relating to incest;

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

186 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
187 relating to assault;

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

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

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

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

195 (i) Section 827.03(2)(a), relating to aggravated child  
196 abuse;

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

199 (k) Section 825.102(2), relating to aggravated abuse of an  
200 elderly person or disabled adult;

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

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

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204 prostitution; or

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

207  
208 the court shall order the offender to undergo HIV testing, to be  
209 performed under the direction of the Department of Health in  
210 accordance with s. 381.004, unless the offender has undergone  
211 HIV testing voluntarily or pursuant to procedures established in  
212 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or  
213 rule providing for HIV testing of criminal offenders or inmates,  
214 subsequent to her or his arrest for an offense enumerated in  
215 paragraphs (a)-(n) for which she or he was convicted or to which  
216 she or he pled nolo contendere or guilty. The results of an HIV  
217 test performed on an offender pursuant to this subsection are  
218 not admissible in any criminal proceeding arising out of the  
219 alleged offense.

220 Section 4. Subsection (3) of section 782.07, Florida  
221 Statutes, is amended to read:

222 782.07 Manslaughter; aggravated manslaughter of an elderly  
223 person or disabled adult; aggravated manslaughter of a child;  
224 aggravated manslaughter of an officer, a firefighter, an  
225 emergency medical technician, or a paramedic.-

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

231 Section 5. Paragraphs (f), (g), and (i) of subsection (3)  
232 of section 921.0022, Florida Statutes, are amended to read:



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233 921.0022 Criminal Punishment Code; offense severity ranking  
 234 chart.-

235 (3) OFFENSE SEVERITY RANKING CHART

236 (f) LEVEL 6

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Florida	Felony	
Statute	Degree	Description

238

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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239

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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775.0875 (1)	3rd	Taking firearm from law enforcement officer.
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784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
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784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
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784.041	3rd	Felony battery; domestic battery by strangulation.
784.048 (3)	3rd	Aggravated stalking; credible threat.
784.048 (5)	3rd	Aggravated stalking of person under 16.
784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
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.

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- 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.
- 794.011 (8) (a)       3rd    Solicitation of minor to participate in sexual activity by custodial adult.
- 794.05 (1)            2nd    Unlawful sexual activity with specified minor.
- 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.
- 800.04 (6) (b)       2nd    Lewd or lascivious conduct; offender 18 years of age or older.
- 806.031 (2)           2nd    Arson resulting in great bodily harm to firefighter or any other person.
- 810.02 (3) (c)        2nd    Burglary of occupied structure; unarmed;

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no assault or battery.

265

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

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812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

267

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

268

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

269

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

270

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

271

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

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

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

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adult.

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

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

827.03(2)(c) 3rd Abuse of a child.  
~~827.03(1)~~

827.03(2)(d) 3rd Neglect of a child.  
~~827.03(3)(c)~~

827.071(2) & 2nd Use or induce a child in a sexual  
(3) performance, or promote or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill or do bodily injury.

843.12 3rd Aids or assists person to escape.

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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- 847.012                    3rd    Knowingly using a minor in the production of materials harmful to minors.
- 847.0135(2)               3rd    Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
- 914.23                     2nd    Retaliation against a witness, victim, or informant, with bodily injury.
- 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.
- 944.40                     2nd    Escapes.
- 944.46                     3rd    Harboring, concealing, aiding escaped prisoners.
- 944.47(1)(a)5.           2nd    Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
- 951.22(1)                 3rd    Intoxicating drug, firearm, or weapon introduced into county facility.

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(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
456.065 (2)	3rd	Practicing a health care profession without a license.
456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327 (1)	3rd	Practicing medicine without a license.
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.



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311	465.015 (2)	3rd	Practicing pharmacy without a license.
312	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
313	467.201	3rd	Practicing midwifery without a license.
314	468.366	3rd	Delivering respiratory care services without a license.
315	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
316	483.901 (9)	3rd	Practicing medical physics without a license.
317	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
318	484.053	3rd	Dispensing hearing aids without a license.
319	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

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instruments exceeding \$300 but less than \$20,000 by a money services business.

320

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

321

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

322

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

323

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

324

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

325

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

326

782.07 (1) 2nd Killing of a human being by the act,

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procurement, or culpable negligence of another (manslaughter).

327

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

328

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

329

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

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

331

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

332

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

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784.048 (7) 3rd Aggravated stalking; violation of court order.

334

784.07 (2) (d) 1st Aggravated battery on law enforcement

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officer.

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784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

336

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

337

784.081 (1) 1st Aggravated battery on specified official or employee.

338

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

339

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

340

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

341

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

342

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

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

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

345

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

346

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

347

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.

348

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

349

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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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.

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351	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
352	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
353	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
354	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
355	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
356	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.
357	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
358	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
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360	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
361	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
362	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
363	812.131(2)(a)	2nd	Robbery by sudden snatching.
364	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
365	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
366	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
367	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

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insuring entity which are a significant cause of the insolvency of that entity.

368

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

369

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.

370

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

371

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

372

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

373

838.015 2nd Bribery.

374

838.016 2nd Unlawful compensation or reward for official behavior.

375

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



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382

838.22	2nd	Bid tampering.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
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

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of property used for religious services  
or a specified business site.

383

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).

384

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

385

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

386

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

387

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

388

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

389

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

390

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

391

893.135 1st Trafficking in gamma-hydroxybutyric

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(1) (h) 1.a.

acid (GHB), 1 kilogram or more, less than 5 kilograms.

392

893.135

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

(1) (j) 1.a.

393

893.135

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

(1) (k) 2.a.

394

893.1351(2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

395

896.101(5)(a)

3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

396

896.104(4)(a)1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

397

943.0435(4)(c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

398

943.0435(8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to

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comply with reporting requirements.

399

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

400

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

401

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

402

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

403

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

404

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

405

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

406

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

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416

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

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

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123(8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding

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\$100,000 by money transmitter.

417

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

418

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

419

775.0844 1st Aggravated white collar crime.

420

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

421

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

422

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

423

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

424

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425

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

426

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

427

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

428

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.

429

790.161 1st Attempted capital destructive device  
offense.

430

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

431

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

794.011(2) Life Sexual battery; offender younger than  
18 years and commits sexual battery on

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a person less than 12 years.

432

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

433

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

434

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

435

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

436

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

437

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

438

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

439

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



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person exercising custodial authority.

440

827.03(2)(a)

1st

Aggravated child abuse.

~~827.03(2)~~

441

847.0145(1)

1st

Selling, or otherwise transferring custody or control, of a minor.

442

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

443

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.

444

893.135

1st

Attempted capital trafficking offense.

445

893.135(1)(a)3.

1st

Trafficking in cannabis, more than 10,000 lbs.

446

893.135

1st

Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

(1)(b)1.c.

447

893.135

1st

Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

(1)(c)1.c.

448

893.135

1st

Trafficking in phencyclidine, more

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449

(1) (d) 1.c. than 400 grams.

893.135

1st

Trafficking in methaqualone, more than 25 kilograms.

450

(1) (e) 1.c.

893.135

1st

Trafficking in amphetamine, more than 200 grams.

451

(1) (f) 1.c.

893.135

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

452

(1) (h) 1.c.

893.135

1st

Trafficking in 1,4-Butanediol, 10 kilograms or more.

453

(1) (j) 1.c.

893.135

1st

Trafficking in Phenethylamines, 400 grams or more.

454

(1) (k) 2.c.

896.101 (5) (c)

1st

Money laundering, financial instruments totaling or exceeding \$100,000.

455

896.104 (4) (a) 3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

456

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

948.062 Reviewing and reporting serious offenses committed

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460 by offenders placed on probation or community control.—

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

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

465 (b) Any sexual battery as provided in s. 794.011 or s.  
466 794.023;

467 (c) Any sexual performance by a child as provided in s.  
468 827.071;

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

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

473 (f) Any aggravated child abuse as provided in s.  
474 827.03(2) (a) ~~s. 827.03(2)~~;

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

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

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

483 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),  
484 or vehicular or vessel homicide as provided in s. 782.071 or s.  
485 782.072, committed by a ~~any~~ person who is on probation or  
486 community control for an offense involving death or injury  
487 resulting from a driving incident.

488 Section 7. Paragraph (a) of subsection (3) and subsection

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489 (14) of section 960.03, Florida Statutes, are amended to read:  
490 960.03 Definitions; ss. 960.01-960.28.-As used in ss.  
491 960.01-960.28, unless the context otherwise requires, the term:

492 (3) "Crime" means:

493 (a) A felony or misdemeanor offense committed by either an  
494 adult or a juvenile which results in physical injury or death,  
495 including a felony or misdemeanor offense committed by either an  
496 adult or a juvenile which results in psychiatric or  
497 psychological injury to a person younger than 18 years of age  
498 who was not physically injured by the criminal act. The term  
499 also includes any ~~such~~ criminal act that ~~which~~ is committed  
500 within this state but that ~~which~~ falls exclusively within  
501 federal jurisdiction.

502 (14) "Victim" means:

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

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

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

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

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