

30-00549-10

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";
4 exempting constitutionally protected acts from
5 prohibitions on child abuse, aggravated child abuse,
6 and neglect; amending ss. 775.084, 775.0877, 782.07,
7 921.0022, and 948.062, F.S.; conforming cross-
8 references; amending s. 960.03, F.S.; redefining the
9 term "crime" for purposes of crime victim compensation
10 to include additional forms of injury; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 827.03, Florida Statutes, is amended to
16 read:

17 827.03 Abuse, aggravated abuse, and neglect of a child;
18 penalties.—

19 (1) DEFINITIONS.—For purposes of this section:

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

21 1. Commits aggravated battery on a child;

22 2. Willfully tortures, maliciously punishes, or willfully
23 and unlawfully cages a child; or

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

27 (b) "Child abuse" means:

28 1. ~~(a)~~ Intentional infliction of physical or mental injury
29 upon a child;

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

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

35

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

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

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

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

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

47

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

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

58 (d) "Mental injury" has the same meaning as provided in s.

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59 39.01.

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

61 1. A caregiver's failure or omission to provide a child
62 with the care, supervision, and services necessary to maintain
63 the child's physical and mental health, including, but not
64 limited to, food, nutrition, clothing, shelter, supervision,
65 medicine, and medical services that a prudent person would
66 consider essential for the well-being of the child; or

67 2. A caregiver's failure to make a reasonable effort to
68 protect a child from abuse, neglect, or exploitation by another
69 person.

70
71 Neglect of a child may be based on repeated conduct or on a
72 single incident or omission that results in, or could reasonably
73 be expected to result in, serious physical or mental injury, or
74 a substantial risk of death, to a child.

75 (2) OFFENSES.-

76 (a) A person who commits aggravated child abuse commits a
77 felony of the first degree, punishable as provided in s.
78 775.082, s. 775.083, or s. 775.084.

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

84 (c) A person who knowingly or willfully abuses a child
85 without causing great bodily harm, permanent disability, or
86 permanent disfigurement to the child commits a felony of the
87 third degree, punishable as provided in s. 775.082, s. 775.083,

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88 or s. 775.084.

89 (d)~~(e)~~ A person who willfully or by culpable negligence
90 neglects a child without causing great bodily harm, permanent
91 disability, or permanent disfigurement to the child commits a
92 felony of the third degree, punishable as provided in s.
93 775.082, s. 775.083, or s. 775.084.

94 (3) EXCEPTION.—An act does not violate this section if it
95 is protected by the First Amendment to the United States
96 Constitution or s. 4, Art. I of the State Constitution.

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

104 Section 2. Paragraph (d) of subsection (1) of section
105 775.084, Florida Statutes, is amended to read:

106 775.084 Violent career criminals; habitual felony offenders
107 and habitual violent felony offenders; three-time violent felony
108 offenders; definitions; procedure; enhanced penalties or
109 mandatory minimum prison terms.—

110 (1) As used in this act:

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

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

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- 117 a. Any forcible felony, as described in s. 776.08;
- 118 b. Aggravated stalking, as described in s. 784.048(3) and
119 (4);
- 120 c. Aggravated child abuse, as described in s. 827.03(2)(a);
- 121 d. Aggravated abuse of an elderly person or disabled adult,
122 as described in s. 825.102(2);
- 123 e. Lewd or lascivious battery, lewd or lascivious
124 molestation, lewd or lascivious conduct, or lewd or lascivious
125 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 126 f. Escape, as described in s. 944.40; or
- 127 g. A felony violation of chapter 790 involving the use or
128 possession of a firearm.
- 129 2. The defendant has been incarcerated in a state prison or
130 a federal prison.
- 131 3. The primary felony offense for which the defendant is to
132 be sentenced is a felony enumerated in subparagraph 1. and was
133 committed on or after October 1, 1995, and:
- 134 a. While the defendant was serving a prison sentence or
135 other sentence, or court-ordered or lawfully imposed supervision
136 that is imposed as a result of a prior conviction for an
137 enumerated felony; or
- 138 b. Within 5 years after the conviction of the last prior
139 enumerated felony, or within 5 years after the defendant's
140 release from a prison sentence, probation, community control,
141 control release, conditional release, parole, or court-ordered
142 or lawfully imposed supervision or other sentence that is
143 imposed as a result of a prior conviction for an enumerated
144 felony, whichever is later.
- 145 4. The defendant has not received a pardon for any felony

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146 or other qualified offense that is necessary for the operation
147 of this paragraph.

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

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

153 775.0877 Criminal transmission of HIV; procedures;
154 penalties.—

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

160 (a) Section 794.011, relating to sexual battery;τ

161 (b) Section 826.04, relating to incest;τ

162 (c) Section 800.04(1), (2), and (3), relating to lewd,
163 lascivious, or indecent assault or act upon any person less than
164 16 years of age;τ,

165 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
166 relating to assault;τ

167 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
168 relating to aggravated assault;τ

169 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
170 relating to battery;τ

171 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
172 relating to aggravated battery;τ

173 (h) Section 827.03(2)(c) ~~827.03(1)~~, relating to child
174 abuse,

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175 (i) Section 827.03(2)(a), relating to aggravated child
176 abuse;iτ

177 (j) Section 825.102(1), relating to abuse of an elderly
178 person or disabled adult;iτ

179 (k) Section 825.102(2), relating to aggravated abuse of an
180 elderly person or disabled adult;iτ

181 (l) Section 827.071, relating to sexual performance by
182 person less than 18 years of age;iτ

183 (m) Sections 796.03, 796.07, and 796.08, relating to
184 prostitution;iτ or

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

187
188 the court shall order the offender to undergo HIV testing, to be
189 performed under the direction of the Department of Health in
190 accordance with s. 381.004, unless the offender has undergone
191 HIV testing voluntarily or pursuant to procedures established in
192 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
193 rule providing for HIV testing of criminal offenders or inmates,
194 subsequent to her or his arrest for an offense enumerated in
195 paragraphs (a)-(n) for which she or he was convicted or to which
196 she or he pled nolo contendere or guilty. The results of an HIV
197 test performed on an offender pursuant to this subsection are
198 not admissible in any criminal proceeding arising out of the
199 alleged offense.

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

202 782.07 Manslaughter; aggravated manslaughter of an elderly
203 person or disabled adult; aggravated manslaughter of a child;

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204 aggravated manslaughter of an officer, a firefighter, an
205 emergency medical technician, or a paramedic.—

206 (3) A person who causes the death of any person under the
207 age of 18 by culpable negligence under s. 827.03(2)(b) ~~s.~~
208 ~~827.03(3)~~ commits aggravated manslaughter of a child, a felony
209 of the first degree, punishable as provided in s. 775.082, s.
210 775.083, or s. 775.084.

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

213 921.0022 Criminal Punishment Code; offense severity ranking
214 chart.—

215 (3) OFFENSE SEVERITY RANKING CHART

216 (f) LEVEL 6

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

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officer.

222

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

223

784.021(1)(b) 3rd Aggravated assault; intent to commit
felony.

224

784.041 3rd Felony battery; domestic battery by
strangulation.

225

784.048(3) 3rd Aggravated stalking; credible threat.

226

784.048(5) 3rd Aggravated stalking of person under 16.

227

784.07(2)(c) 2nd Aggravated assault on law enforcement
officer.

228

784.074(1)(b) 2nd Aggravated assault on sexually violent
predators facility staff.

229

784.08(2)(b) 2nd Aggravated assault on a person 65 years
of age or older.

230

784.081(2) 2nd Aggravated assault on specified official
or employee.

231

784.082(2) 2nd Aggravated assault by detained person on
visitor or other detainee.

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232

784.083(2) 2nd Aggravated assault on code inspector.

233

787.02(2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

234

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

235

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

236

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

237

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

238

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

239

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

240

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.

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241	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
242	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
243	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
244	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
245	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
246	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
247	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
248	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
249	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
250			

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	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
251			
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
252			
	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
253			
	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
254			
	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
255			
	<u>827.03(2)(c)</u>	3rd	Abuse of a child.
	(1)		
256			
	<u>827.03(2)(d)</u>	3rd	Neglect of a child.
	(3)(e)		
257			
	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
258			
	836.05	2nd	Threats; extortion.
259			

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260	836.10	2nd	Written threats to kill or do bodily injury.
261	843.12	3rd	Aids or assists person to escape.
262	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
263	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
264	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
265	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
266	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.
267	944.40	2nd	Escapes.
	944.46	3rd	Harboring, concealing, aiding escaped

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prisoners.

268

944.47(1)(a)5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

269

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

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272 (g) LEVEL 7

Florida	Felony	
Statute	Degree	Description

273

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

274

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

275

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.

276

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

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278	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
279	409.920(2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
280	409.920(2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
281	456.065(2)	3rd	Practicing a health care profession without a license.
282	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
283	458.327(1)	3rd	Practicing medicine without a license.
284	459.013(1)	3rd	Practicing osteopathic medicine without a license.
285	460.411(1)	3rd	Practicing chiropractic medicine without a license.
286	461.012(1)	3rd	Practicing podiatric medicine without a license.

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287	462.17	3rd	Practicing naturopathy without a license.
288	463.015(1)	3rd	Practicing optometry without a license.
289	464.016(1)	3rd	Practicing nursing without a license.
290	465.015(2)	3rd	Practicing pharmacy without a license.
291	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
292	467.201	3rd	Practicing midwifery without a license.
293	468.366	3rd	Delivering respiratory care services without a license.
294	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
295	483.901(9)	3rd	Practicing medical physics without a license.
296	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
297	484.053	3rd	Dispensing hearing aids without a license.

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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.

298

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.

299

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

300

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

301

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

302

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

303

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

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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).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

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313	784.048(7)	3rd	Aggravated stalking; violation of court order.
314	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
315	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
316	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
317	784.081(1)	1st	Aggravated battery on specified official or employee.
318	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
319	784.083(1)	1st	Aggravated battery on code inspector.
320	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
321	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
	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.

323

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

324

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

325

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

326

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.

327

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

328

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.

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

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

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

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

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.

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- 338 812.014(2)(b)3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.
- 339 812.014(2)(b)4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.
- 340 812.0145(2)(a) 1st Theft from person 65 years of age or
older; \$50,000 or more.
- 341 812.019(2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and
traffics in stolen property.
- 342 812.131(2)(a) 2nd Robbery by sudden snatching.
- 343 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.
- 344 817.234(8)(a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.
- 345 817.234(9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.
- 346 817.234(11)(c) 1st Insurance fraud; property value \$100,000
or more.

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347	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.
348	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
349	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.
350	827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
351	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
352	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
353	838.015	2nd	Bribery.
	838.016	2nd	Unlawful compensation or reward for official behavior.

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

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.

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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.

362

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).

363

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

364

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

365

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

366

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

367

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

368

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

369

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

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370

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

371

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

372

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

373

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

374

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

375

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

376

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

377

943.0435(8) 2nd Sexual offender; remains in state after

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indicating intent to leave; failure to
comply with reporting requirements.

378

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

379

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

380

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

381

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

382

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

383

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

384

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

385

985.4815(10) 3rd Sexual offender; failure to submit to

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386

the taking of a digitized photograph.

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

387

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

388

389

390

(i) LEVEL 9

Florida

Felony

Statute

Degree

Description

391

316.193(3)(c)3.b. 1st

DUI manslaughter; failing to render aid or give information.

392

327.35(3)(c)3.b. 1st

BUI manslaughter; failing to render aid or give information.

393

409.920(2)(b)1.c. 1st

Medicaid provider fraud; \$50,000 or more.

394

499.0051(9)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

395

560.123(8)(b)3. 1st

Failure to report currency or payment

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

396

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

397

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

398

775.0844 1st Aggravated white collar crime.

399

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

400

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

401

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

402

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

403

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

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as a shield or hostage.

404

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

405

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

406

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.

407

790.161 1st Attempted capital destructive device offense.

408

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

409

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

410

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

411

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412	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
413	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
414	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
415	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
416	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
417	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
418	812.135(2)(b)	1st	Home-invasion robbery with weapon.
419	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.
	827.03(2) <u>(a)</u>	1st	Aggravated child abuse.

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420

847.0145(1) 1st Selling, or otherwise transferring custody or control, of a minor.

421

847.0145(2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

422

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.

423

893.135 1st Attempted capital trafficking offense.

424

893.135(1)(a)3. 1st Trafficking in cannabis, more than 10,000 lbs.

425

893.135(1)(b)1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

426

893.135(1)(c)1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

427

893.135(1)(d)1.c. 1st Trafficking in phencyclidine, more than 400 grams.

428

893.135(1)(e)1.c. 1st Trafficking in methaqualone, more than 25 kilograms.

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429 893.135(1)(f)1.c. 1st Trafficking in amphetamine, more than
200 grams.

430 893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric
431 acid (GHB), 10 kilograms or more.

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

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

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

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

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

440 948.062 Reviewing and reporting serious offenses committed
441 by offenders placed on probation or community control.—

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

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- 444 (a) Any murder as provided in s. 782.04;
- 445 (b) Any sexual battery as provided in s. 794.011 or s.
446 794.023;
- 447 (c) Any sexual performance by a child as provided in s.
448 827.071;
- 449 (d) Any kidnapping, false imprisonment, or luring of a
450 child as provided in s. 787.01, s. 787.02, or s. 787.025;
- 451 (e) Any lewd and lascivious battery or lewd and lascivious
452 molestation as provided in s. 800.04(4) or (5);
- 453 (f) Any aggravated child abuse as provided in s.
454 827.03(2)(a);
- 455 (g) Any robbery with a firearm or other deadly weapon, home
456 invasion robbery, or carjacking as provided in s. 812.13(2)(a),
457 s. 812.135, or s. 812.133;
- 458 (h) Any aggravated stalking as provided in s. 784.048(3),
459 (4), or (5);
- 460 (i) Any forcible felony as provided in s. 776.08, committed
461 by any person on probation or community control who is
462 designated as a sexual predator; or
- 463 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
464 or vehicular or vessel homicide as provided in s. 782.071 or s.
465 782.072, committed by any person who is on probation or
466 community control for an offense involving death or injury
467 resulting from a driving incident.
- 468 Section 7. Paragraph (a) of subsection (3) of section
469 960.03, Florida Statutes, is amended to read:
- 470 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
471 960.01-960.28, unless the context otherwise requires, the term:
472 (3) "Crime" means:

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473 (a) A felony or misdemeanor offense committed by ~~either~~ an
474 adult or a juvenile which results in physical injury or death,
475 including a felony or misdemeanor offense committed by an adult
476 or a juvenile which results in psychiatric or psychological
477 injury to a person younger than 18 years of age who was not
478 physically injured by the criminal act. The term also includes
479 any such criminal act that ~~which~~ is committed within this state
480 but that ~~which~~ falls exclusively within federal jurisdiction.

481 Section 8. This act shall take effect July 1, 2010.