

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.

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

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57 a reasonable parent would not have engaged in the damaging acts
58 toward the child for any valid reason and that the primary
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,
 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
 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
 128 offenders and habitual violent felony offenders; three-time
 129 violent felony offenders; definitions; procedure; enhanced
 130 penalties or 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.
 142 827.03(2) (a);
- 143 d. Aggravated abuse of an elderly person or disabled
 144 adult, as described in s. 825.102(2);
- 145 e. Lewd or lascivious battery, lewd or lascivious
 146 molestation, lewd or lascivious conduct, or lewd or lascivious
 147 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 148 f. Escape, as described in s. 944.40; or
- 149 g. A felony violation of chapter 790 involving the use or
 150 possession of a firearm.
- 151 2. The defendant has been incarcerated in a state prison
 152 or a federal prison.
- 153 3. The primary felony offense for which the defendant is
 154 to be sentenced is a felony enumerated in subparagraph 1. and
 155 was committed on or after October 1, 1995, and:
- 156 a. While the defendant was serving a prison sentence or
 157 other sentence, or court-ordered or lawfully imposed supervision
 158 that is imposed as a result of a prior conviction for an
 159 enumerated felony; or
- 160 b. Within 5 years after the conviction of the last prior
 161 enumerated felony, or within 5 years after the defendant's
 162 release from a prison sentence, probation, community control,
 163 control release, conditional release, parole, or court-ordered
 164 or lawfully imposed supervision or other sentence that is
 165 imposed as a result of a prior conviction for an enumerated
 166 felony, whichever is later.
- 167 4. The defendant has not received a pardon for any felony
 168 or other qualified offense that is necessary for the operation

169 of this paragraph.

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

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

175 775.0877 Criminal transmission of HIV; procedures;
 176 penalties.—

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

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

183 (b) Section 826.04, relating to incest;

184 (c) Section 800.04, relating to lewd or lascivious
 185 offenses committed upon or in the presence of persons less than
 186 16 years of age;

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

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

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

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

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

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

197 | abuse;

198 | (j) Section 825.102(1), relating to abuse of an elderly

199 | person or disabled adult;

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

201 | elderly person or disabled adult;

202 | (l) Section 827.071, relating to sexual performance by

203 | person less than 18 years of age;

204 | (m) Sections 796.03, 796.07, and 796.08, relating to

205 | prostitution; or

206 | (n) Section 381.0041(11)(b), relating to donation of

207 | blood, plasma, organs, skin, or other human tissue,

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209 | the court shall order the offender to undergo HIV testing, to be

210 | performed under the direction of the Department of Health in

211 | accordance with s. 381.004, unless the offender has undergone

212 | HIV testing voluntarily or pursuant to procedures established in

213 | s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or

214 | rule providing for HIV testing of criminal offenders or inmates,

215 | subsequent to her or his arrest for an offense enumerated in

216 | paragraphs (a)-(n) for which she or he was convicted or to which

217 | she or he pled nolo contendere or guilty. The results of an HIV

218 | test performed on an offender pursuant to this subsection are

219 | not admissible in any criminal proceeding arising out of the

220 | alleged offense.

221 | Section 4. Subsection (3) of section 782.07, Florida

222 | Statutes, is amended to read:

223 | 782.07 Manslaughter; aggravated manslaughter of an elderly

224 | person or disabled adult; aggravated manslaughter of a child;

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225 aggravated manslaughter of an officer, a firefighter, an
 226 emergency medical technician, or a paramedic.—

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

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

234 921.0022 Criminal Punishment Code; offense severity
 235 ranking chart.—

236 (3) OFFENSE SEVERITY RANKING CHART

237 (f) LEVEL 6

238

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

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			drug to unauthorized person.
243	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
244	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
245	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
246	784.041	3rd	Felony battery; domestic battery by strangulation.
247	784.048 (3)	3rd	Aggravated stalking; credible threat.
248	784.048 (5)	3rd	Aggravated stalking of person under 16.
249	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
250	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
251	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
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253	784.081 (2)	2nd	Aggravated assault on specified official or employee.
254	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
255	784.083 (2)	2nd	Aggravated assault on code inspector.
256	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
257	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
258	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
259	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
260	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
261	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.

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262	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
263	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.
264	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
265	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
266	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
267	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
268	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
269	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or

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270			more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
271			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
272			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
273			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
274			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
275			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
276			
	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
277			
	<u>827.03 (2) (c)</u>	3rd	Abuse of a child.
	827.03 (1)		
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279	<u>827.03(2)(d)</u>	3rd	Neglect of a child.
	827.03(3)(e)		
280	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
281	836.05	2nd	Threats; extortion.
282	836.10	2nd	Written threats to kill or do bodily injury.
283	843.12	3rd	Aids or assists person to escape.
284	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
285	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
286	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,

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287			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.
288			
	944.40	2nd	Escapes.
289			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
290			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
291			
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
292			
293	(g)	LEVEL 7	
294			
	Florida	Felony	
	Statute	Degree	Description
295			
	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
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297	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
298	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.
299	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
300	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
301	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
302	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
303	456.065 (2)	3rd	Practicing a health care profession without a license.

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304	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
305	458.327 (1)	3rd	Practicing medicine without a license.
306	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
307	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
308	461.012 (1)	3rd	Practicing podiatric medicine without a license.
309	462.17	3rd	Practicing naturopathy without a license.
310	463.015 (1)	3rd	Practicing optometry without a license.
311	464.016 (1)	3rd	Practicing nursing without a license.
312	465.015 (2)	3rd	Practicing pharmacy without a license.
313	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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314	467.201	3rd	Practicing midwifery without a license.
315	468.366	3rd	Delivering respiratory care services without a license.
316	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
317	483.901 (9)	3rd	Practicing medical physics without a license.
318	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
319	484.053	3rd	Dispensing hearing aids without a license.
320	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.
321	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.

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322	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
323	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
324	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
325	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
326	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
327	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
328	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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329	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
330	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
331	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
332	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
333	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
334	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
335	784.048 (7)	3rd	Aggravated stalking; violation of court order.
336	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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337	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
338	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
339	784.081 (1)	1st	Aggravated battery on specified official or employee.
340	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
341	784.083 (1)	1st	Aggravated battery on code inspector.
342	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
343	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
344	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
345	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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346	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
347	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
348	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
349	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.
350	796.03	2nd	Procuring any person under 16 years for prostitution.
351	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than

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16 years; offender 18 years or older.

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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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360	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
361	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
362	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
363	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
364	812.131 (2) (a)	2nd	Robbery by sudden snatching.
365	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
366	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
367	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value

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\$100,000 or more.

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817.2341 1st Making false entries of material fact
(2) (b) & or false statements regarding property
(3) (b) values relating to the solvency of an
insuring entity which are a significant
cause of the insolvency of that entity.

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

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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.

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

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

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

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375	838.015	2nd	Bribery.
376	838.016	2nd	Unlawful compensation or reward for official behavior.
377	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
378	838.22	2nd	Bid tampering.
379	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
380	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
381	872.06	2nd	Abuse of a dead human body.
382	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

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state, county, or municipal park or publicly owned recreational facility or community center.

383

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.

384

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).

385

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

386

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

387

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

388

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

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390	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
391	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
392	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
393	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
394	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
395	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
396	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
397	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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398	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
399	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
400	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
401	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
402	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
403	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
404	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.

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405	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
406	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
407	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
408	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
409	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
410	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

411 (i) LEVEL 9

412

Florida	Felony	
Statute	Degree	Description

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414	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
415	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
416	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
417	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
418	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
419	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
420	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
421	775.0844	1st	Aggravated white collar crime.

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- 422
782.04 (1)
1st
Attempt, conspire, or solicit to
commit premeditated murder.
- 423
782.04 (3)
1st, PBL
Accomplice to murder in connection
with arson, sexual battery, robbery,
burglary, and other specified
felonies.
- 424
782.051 (1)
1st
Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04 (3).
- 425
782.07 (2)
1st
Aggravated manslaughter of an elderly
person or disabled adult.
- 426
787.01 (1) (a) 1.
1st, PBL
Kidnapping; hold for ransom or reward
or as a shield or hostage.
- 427
787.01 (1) (a) 2.
1st, PBL
Kidnapping with intent to commit or
facilitate commission of any felony.
- 428
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

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.

432 794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

433 794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

434 794.011(8)(b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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436	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
437	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
438	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
439	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
440	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
441	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.
442	<u>827.03 (2) (a)</u> 827.03 (2)	1st	Aggravated child abuse.
443	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.

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444	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
445	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.
446	893.135	1st	Attempted capital trafficking offense.
447	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
448	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
449	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
450	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
451	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
	893.135	1st	Trafficking in amphetamine, more than

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452 (1) (f) 1.c. 200 grams.

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

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

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

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

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

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

460 948.062 Reviewing and reporting serious offenses committed
 461 by offenders placed on probation or community control.—

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

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

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466 (b) Any sexual battery as provided in s. 794.011 or s.
467 794.023;

468 (c) Any sexual performance by a child as provided in s.
469 827.071;

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

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

474 (f) Any aggravated child abuse as provided in s.
475 827.03(2)(a) ~~s. 827.03(2)~~;

476 (g) Any robbery with a firearm or other deadly weapon,
477 home invasion robbery, or carjacking as provided in s.
478 812.13(2)(a), s. 812.135, or s. 812.133;

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

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

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

489 Section 7. Paragraph (a) of subsection (3) and subsection
490 (14) of section 960.03, Florida Statutes, are amended to read:

491 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
492 960.01-960.28, unless the context otherwise requires, the term:

493 (3) "Crime" means:

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

503 (14) "Victim" means:

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

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

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

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

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