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2012 Legislature

1
2 An act relating to protection of vulnerable persons;
3 amending s. 39.201, F.S.; revising language concerning
4 child abuse reporting; requiring the Department of
5 Children and Family Services to provide for web-chat
6 and update other web-based forms for reporting child
7 abuse, abandonment, or neglect; requiring a study on
8 the use of short message format for the central abuse
9 hotline; requiring the development of a public
10 awareness campaign for the central abuse hotline;
11 requiring the collection of statistical reports on
12 child abuse and child sexual abuse on campuses of
13 colleges and universities; amending s. 39.205, F.S.;
14 increasing criminal penalties for knowingly and
15 willfully failing to report known or suspected child
16 abuse, abandonment, or neglect, or knowingly and
17 willfully preventing another person from doing so;
18 requiring specified educational institutions and their
19 law enforcement agencies to report known or suspected
20 child abuse, abandonment, or neglect in certain
21 circumstances; providing financial penalties for
22 violations; providing for challenges to findings of
23 determinations; proving for a presumption in certain
24 circumstances; creating s. 796.036, F.S.; providing
25 for upward reclassification of certain prostitution
26 offenses involving minors; amending s. 960.198, F.S.;
27 providing for denial of relocation payment for a
28 domestic violence claim if the Department of Legal

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29 Affairs has previously paid a sexual battery
30 relocation claim to the same victim for the same
31 incident; creating s. 960.199, F.S.; providing for
32 relocation assistance payments to victims of sexual
33 battery; providing criteria for awards; providing for
34 denial of relocation payment for a sexual battery
35 claim if the department has previously paid a domestic
36 violence relocation claim to the same victim for the
37 same incident; providing an appropriation; amending s.
38 1012.98, F.S.; providing a continuing education
39 requirement for certain teachers on identifying and
40 reporting child abuse and neglect; providing an
41 appropriation; authorizing a specified numbers of
42 full-time equivalent positions with associated salary
43 rates within the Department of Children and Family
44 Services; amending s. 827.03, F.S.; defining the term
45 "mental injury" with respect to the offenses of abuse,
46 aggravated abuse, and neglect of a child; requiring
47 that a physician or psychologist acting as an expert
48 witness in certain proceedings have certain
49 credentials; amending ss. 775.084, 775.0877, 782.07,
50 921.0022, and 948.062, F.S.; conforming cross-
51 references; amending s. 960.03, F.S.; redefining the
52 term "crime" for purposes of crime victims
53 compensation to include additional forms of injury;
54 redefining the term "victim" to conform with the
55 modified definition of the term "crime"; providing an
56 effective date.

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

Section 1. Subsections (1), (2), and (4) of section 39.201, Florida Statutes, are amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

(1) (a) Any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(b) Any person who knows, or who has reasonable cause to suspect, that a child is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(c) Any person who knows, or has reasonable cause to suspect, that a child is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, as defined in this chapter, shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

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85 (d) ~~(b)~~ Reporters in the following occupation categories
 86 are required to provide their names to the hotline staff:

87 1. Physician, osteopathic physician, medical examiner,
 88 chiropractic physician, nurse, or hospital personnel engaged in
 89 the admission, examination, care, or treatment of persons;

90 2. Health or mental health professional other than one
 91 listed in subparagraph 1.;

92 3. Practitioner who relies solely on spiritual means for
 93 healing;

94 4. School teacher or other school official or personnel;

95 5. Social worker, day care center worker, or other
 96 professional child care, foster care, residential, or
 97 institutional worker;

98 6. Law enforcement officer; or

99 7. Judge.

100
 101 The names of reporters shall be entered into the record of the
 102 report, but shall be held confidential and exempt as provided in
 103 s. 39.202.

104 (e) ~~(d)~~ A professional who is hired by or enters into a
 105 contract with the department for the purpose of treating or
 106 counseling any person, as a result of a report of child abuse,
 107 abandonment, or neglect, is not required to again report to the
 108 central abuse hotline the abuse, abandonment, or neglect that
 109 was the subject of the referral for treatment.

110 (f) ~~(d)~~ An officer or employee of the judicial branch is
 111 not required to again provide notice of reasonable cause to
 112 suspect child abuse, abandonment, or neglect when that child is

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113 currently being investigated by the department, there is an
114 existing dependency case, or the matter has previously been
115 reported to the department, provided there is reasonable cause
116 to believe the information is already known to the department.
117 This paragraph applies only when the information has been
118 provided to the officer or employee in the course of carrying
119 out his or her official duties.

120 (g)~~(e)~~ Nothing in this chapter or in the contracting with
121 community-based care providers for foster care and related
122 services as specified in s. 409.1671 shall be construed to
123 remove or reduce the duty and responsibility of any person,
124 including any employee of the community-based care provider, to
125 report a suspected or actual case of child abuse, abandonment,
126 or neglect or the sexual abuse of a child to the department's
127 central abuse hotline.

128 (2) (a) Each report of known or suspected child abuse,
129 abandonment, or neglect by a parent, legal custodian, caregiver,
130 or other person responsible for the child's welfare as defined
131 in this chapter, except those solely under s. 827.04(3), and
132 each report that a child is in need of supervision and care and
133 has no parent, legal custodian, or responsible adult relative
134 immediately known and available to provide supervision and care
135 shall be made immediately to the department's central abuse
136 hotline. Such reports may be made on the single statewide toll-
137 free telephone number or via fax, web-based chat, or web-based
138 report. Personnel at the department's central abuse hotline
139 shall determine if the report received meets the statutory
140 definition of child abuse, abandonment, or neglect. Any report

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141 meeting one of these definitions shall be accepted for the
142 protective investigation pursuant to part III of this chapter.

143 (b) Each report of known or suspected child abuse by an
144 adult other than a parent, legal custodian, caregiver, or other
145 person responsible for the child's welfare, as defined in this
146 chapter, shall be made immediately to the department's central
147 abuse hotline. Such reports may be made on the single statewide
148 toll-free telephone number or via fax, web-based chat, or web-
149 based report. Such reports or calls shall be immediately
150 electronically transferred to the appropriate county sheriff's
151 office by the central abuse hotline. ~~If the report is of an~~
152 ~~instance of known or suspected child abuse by someone other than~~
153 ~~a parent, legal custodian, caregiver, or other person~~
154 ~~responsible for the child's welfare as defined in this chapter,~~
155 ~~the report or call shall be immediately electronically~~
156 ~~transferred to the appropriate county sheriff's office by the~~
157 ~~central abuse hotline.~~

158 (c) Reports involving a known or suspected juvenile sexual
159 offender or a child who has exhibited inappropriate sexual
160 behavior shall be made and received by the department.

161 1. The department shall determine the age of the alleged
162 offender, if known.

163 2. If the alleged offender is 12 years of age or younger,
164 the central abuse hotline shall immediately electronically
165 transfer the report or call to the county sheriff's office. The
166 department shall conduct an assessment and assist the family in
167 receiving appropriate services pursuant to s. 39.307, and send a
168 written report of the allegation to the appropriate county

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169 sheriff's office within 48 hours after the initial report is
 170 made to the central abuse hotline.

171 3. If the alleged offender is 13 years of age or older,
 172 the central abuse hotline shall immediately electronically
 173 transfer the report or call to the appropriate county sheriff's
 174 office and send a written report to the appropriate county
 175 sheriff's office within 48 hours after the initial report to the
 176 central abuse hotline.

177 (d)~~(e)~~ If the report is of an instance of known or
 178 suspected child abuse, abandonment, or neglect that occurred out
 179 of state and the alleged perpetrator and the child alleged to be
 180 a victim live out of state, the central abuse hotline shall not
 181 accept the report or call for investigation, but shall transfer
 182 the information on the report to the appropriate state.

183 (e)~~(d)~~ If the report is of an instance of known or
 184 suspected child abuse involving impregnation of a child under 16
 185 years of age by a person 21 years of age or older solely under
 186 s. 827.04(3), the report shall be made immediately to the
 187 appropriate county sheriff's office or other appropriate law
 188 enforcement agency. If the report is of an instance of known or
 189 suspected child abuse solely under s. 827.04(3), the reporting
 190 provisions of this subsection do not apply to health care
 191 professionals or other persons who provide medical or counseling
 192 services to pregnant children when such reporting would
 193 interfere with the provision of medical services.

194 (f)~~(e)~~ Reports involving known or suspected institutional
 195 child abuse or neglect shall be made and received in the same
 196 manner as all other reports made pursuant to this section.

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197 ~~(f) Reports involving a known or suspected juvenile sexual~~
 198 ~~offender or a child who has exhibited inappropriate sexual~~
 199 ~~behavior shall be made and received by the department.~~

200 ~~1. The department shall determine the age of the alleged~~
 201 ~~offender, if known.~~

202 ~~2. If the alleged offender is 12 years of age or younger,~~
 203 ~~the central abuse hotline shall immediately electronically~~
 204 ~~transfer the report or call to the county sheriff's office. The~~
 205 ~~department shall conduct an assessment and assist the family in~~
 206 ~~receiving appropriate services pursuant to s. 39.307, and send a~~
 207 ~~written report of the allegation to the appropriate county~~
 208 ~~sheriff's office within 48 hours after the initial report is~~
 209 ~~made to the central abuse hotline.~~

210 ~~3. If the alleged offender is 13 years of age or older,~~
 211 ~~the central abuse hotline shall immediately electronically~~
 212 ~~transfer the report or call to the appropriate county sheriff's~~
 213 ~~office and send a written report to the appropriate county~~
 214 ~~sheriff's office within 48 hours after the initial report to the~~
 215 ~~central abuse hotline.~~

216 (g) Reports involving surrendered newborn infants as
 217 described in s. 383.50 shall be made and received by the
 218 department.

219 1. If the report is of a surrendered newborn infant as
 220 described in s. 383.50 and there is no indication of abuse,
 221 neglect, or abandonment other than that necessarily entailed in
 222 the infant having been left at a hospital, emergency medical
 223 services station, or fire station, the department shall provide
 224 to the caller the name of a licensed child-placing agency on a

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225 rotating basis from a list of licensed child-placing agencies
226 eligible and required to accept physical custody of and to place
227 newborn infants left at a hospital, emergency medical services
228 station, or fire station. The report shall not be considered a
229 report of abuse, neglect, or abandonment solely because the
230 infant has been left at a hospital, emergency medical services
231 station, or fire station pursuant to s. 383.50.

232 2. If the call, fax, web-based chat, or web-based report
233 includes indications of abuse or neglect beyond that necessarily
234 entailed in the infant having been left at a hospital, emergency
235 medical services station, or fire station, the report shall be
236 considered as a report of abuse, neglect, or abandonment and
237 shall be subject to the requirements of s. 39.395 and all other
238 relevant provisions of this chapter, notwithstanding any
239 provisions of chapter 383.

240 (h) Hotline counselors shall receive periodic training in
241 encouraging reporters to provide their names when reporting
242 abuse, abandonment, or neglect. Callers shall be advised of the
243 confidentiality provisions of s. 39.202. The department shall
244 secure and install electronic equipment that automatically
245 provides to the hotline the number from which the call or fax is
246 placed or the Internet protocol (IP) address from which the
247 report is received. This number shall be entered into the report
248 of abuse, abandonment, or neglect and become a part of the
249 record of the report, but shall enjoy the same confidentiality
250 as provided to the identity of the reporter pursuant to s.
251 39.202.

252 (i) The department shall voice-record all incoming or

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253 outgoing calls that are received or placed by the central abuse
 254 hotline which relate to suspected or known child abuse, neglect,
 255 or abandonment. The department shall maintain an electronic copy
 256 of each fax and web-based report. The recording or electronic
 257 copy of each fax and web-based report shall become a part of the
 258 record of the report but, notwithstanding s. 39.202, shall be
 259 released in full only to law enforcement agencies and state
 260 attorneys for the purpose of investigating and prosecuting
 261 criminal charges pursuant to s. 39.205, or to employees of the
 262 department for the purpose of investigating and seeking
 263 administrative penalties pursuant to s. 39.206. Nothing in this
 264 paragraph shall prohibit the use of the recordings, the
 265 electronic copies of faxes, and web-based reports by hotline
 266 staff for quality assurance and training.

267 (j)1. The department shall update the web form used for
 268 reporting child abuse, abandonment, or neglect to:

269 a. Include qualifying questions in order to obtain
 270 necessary information required to assess need and a response.

271 b. Indicate which fields are required to submit the
 272 report.

273 c. Allow a reporter to save his or her report and return
 274 to it a later time.

275 2. The report shall be made available to the counselors in
 276 its entirety as needed to update the Florida Safe Families
 277 Network or other similar systems.

278 (k) The department shall conduct a study to determine the
 279 feasibility of using text and short message service formats to
 280 receive and process reports of child abuse, abandonment, or

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281 neglect to the central abuse hotline.

282 (4) The department shall establish and maintain a central
 283 abuse hotline to receive all reports made pursuant to this
 284 section in writing, via fax, via web-based reporting, via web-
 285 based chat, or through a single statewide toll-free telephone
 286 number, which any person may use to report known or suspected
 287 child abuse, abandonment, or neglect at any hour of the day or
 288 night, any day of the week. The department shall promote public
 289 awareness of the central abuse hotline through community-based
 290 partner organizations and public service campaigns. The central
 291 abuse hotline shall be operated in such a manner as to enable
 292 the department to:

293 (a) Immediately identify and locate prior reports or cases
 294 of child abuse, abandonment, or neglect through utilization of
 295 the department's automated tracking system.

296 (b) Monitor and evaluate the effectiveness of the
 297 department's program for reporting and investigating suspected
 298 abuse, abandonment, or neglect of children through the
 299 development and analysis of statistical and other information.

300 (c) Track critical steps in the investigative process to
 301 ensure compliance with all requirements for any report of abuse,
 302 abandonment, or neglect.

303 (d) Maintain and produce aggregate statistical reports
 304 monitoring patterns of child abuse, child abandonment, and child
 305 neglect. The department shall collect and analyze child-on-child
 306 sexual abuse reports and include the information in aggregate
 307 statistical reports. The department shall collect and analyze,
 308 in separate statistical reports, those reports of child abuse

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309 and sexual abuse which are reported from or occurred on the
 310 campus of any Florida College System institution, state
 311 university, or nonpublic college, university, or school, as
 312 defined in s. 1000.21 or s. 1005.02.

313 (e) Serve as a resource for the evaluation, management,
 314 and planning of preventive and remedial services for children
 315 who have been subject to abuse, abandonment, or neglect.

316 (f) Initiate and enter into agreements with other states
 317 for the purpose of gathering and sharing information contained
 318 in reports on child maltreatment to further enhance programs for
 319 the protection of children.

320 Section 2. Subsections (3) through (6) of section 39.205,
 321 Florida Statutes, are renumbered as subsections (6) through (9),
 322 respectively, new subsections (3), (4), and (5) are added to
 323 that section, and subsection (1) of that section is amended, to
 324 read:

325 39.205 Penalties relating to reporting of child abuse,
 326 abandonment, or neglect.—

327 (1) A person who is required to report known or suspected
 328 child abuse, abandonment, or neglect and who knowingly and
 329 willfully fails to do so, or who knowingly and willfully
 330 prevents another person from doing so, commits ~~is guilty of a~~
 331 felony misdemeanor ~~of the third first~~ degree, punishable as
 332 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. A judge
 333 subject to discipline pursuant to s. 12, Art. V of the Florida
 334 Constitution shall not be subject to criminal prosecution when
 335 the information was received in the course of official duties.

336 (3) Any Florida College System institution, state

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337 university, or nonpublic college, university, or school, as
 338 defined in s. 1000.21 or s. 1005.02, whose administrators
 339 knowingly and willfully, upon receiving information from
 340 faculty, staff, or other institution employees, fail to report
 341 known or suspected child abuse, abandonment, or neglect
 342 committed on the property of the university, college, or school,
 343 or during an event or function sponsored by the university,
 344 college, or school, or who knowingly and willfully prevent
 345 another person from doing so, shall be subject to fines of \$1
 346 million for each such failure.

347 (a) A Florida College System institution subject to a fine
 348 shall be assessed by the State Board of Education.

349 (b) A state university subject to a fine shall be assessed
 350 by the Board of Governors.

351 (c) A nonpublic college, university, or school subject to
 352 a fine shall be assessed by the Commission for Independent
 353 Education.

354 (4) Any Florida College System institution, state
 355 university, or nonpublic college, university, or school, as
 356 defined in s. 1000.21 or s. 1005.02, whose law enforcement
 357 agency fails to report known or suspected child abuse,
 358 abandonment, or neglect committed on the property of the
 359 university, college, or school, or during an event or function
 360 sponsored by the university, college, or school, shall be
 361 subject to fines of \$1 million for each such failure assessed in
 362 the same manner as subsection (3).

363 (5) Any Florida College System institution, state
 364 university, or nonpublic college, university or school, as

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365 defined in s. 1000.21 or s. 1005.02, shall have the right to
 366 challenge the determination that the institution acted knowingly
 367 and willfully under subsection (3) or subsection (4) in an
 368 administrative hearing pursuant to s. 120.57; however, if it is
 369 found that actual knowledge and information of known or
 370 suspected child abuse was in fact received by the institution's
 371 administrators and was not reported, a presumption of a knowing
 372 and willful act will be established.

373 Section 3. Section 796.036, Florida Statutes, is created
 374 to read:

375 796.036 Violations involving minors; reclassification.—

376 (1) The felony or misdemeanor degree of any violation of
 377 this chapter, other than s. 796.03 or s. 796.035, in which a
 378 minor engages in prostitution, lewdness, assignation, sexual
 379 conduct, or other conduct as defined in or prohibited by this
 380 chapter, but the minor is not the person charged with the
 381 violation, is reclassified as provided in this section.

382 (2) Offenses shall be reclassified as follows:

383 (a) A misdemeanor of the second degree is reclassified to
 384 a misdemeanor of the first degree.

385 (b) A misdemeanor of the first degree is reclassified to a
 386 felony of the third degree.

387 (c) A felony of the third degree is reclassified to a
 388 felony of the second degree.

389 (d) A felony of the second degree is reclassified to a
 390 felony of the first degree.

391 (e) A felony of the first degree is reclassified to a life
 392 felony.

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393 Section 4. Subsection (3) is added to section 960.198,
 394 Florida Statutes, to read:

395 960.198 Relocation assistance for victims of domestic
 396 violence.—

397 (3) Relocation payments for a domestic violence claim
 398 shall be denied if the department has previously approved or
 399 paid out a sexual battery relocation claim under s. 960.199 to
 400 the same victim regarding the same incident.

401 Section 5. Section 960.199, Florida Statutes, is created
 402 to read:

403 960.199 Relocation assistance for victims of sexual
 404 battery.—

405 (1) The department may award a one-time payment of up to
 406 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
 407 victim of sexual battery as defined in s. 794.011 who needs
 408 relocation assistance.

409 (2) In order for an award to be granted to a victim for
 410 relocation assistance:

411 (a) There must be proof that a sexual battery offense was
 412 committed.

413 (b) The sexual battery offense must be reported to the
 414 proper authorities.

415 (c) The victim's need for assistance must be certified by
 416 a certified rape crisis center in this state.

417 (d) The center certification must assert that the victim
 418 is cooperating with law enforcement officials, if applicable,
 419 and must include documentation that the victim has developed a
 420 safety plan.

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421 (e) The act of sexual battery must be committed in the
 422 victim's place of residence or in a location that would lead the
 423 victim to reasonably fear for his or her continued safety in the
 424 place of residence.

425 (3) Relocation payments for a sexual battery claim shall
 426 be denied if the department has previously approved or paid out
 427 a domestic violence relocation claim under s. 960.198 to the
 428 same victim regarding the same incident.

429 Section 6. For the 2012-2013 state fiscal year, the sum of
 430 \$1.5 million in nonrecurring funds is appropriated from the
 431 General Revenue Fund to the Department of Legal Affairs, Office
 432 of the Attorney General, for the relocation of victims of sexual
 433 battery as provided in s. 960.199, Florida Statutes, as created
 434 by this act.

435 Section 7. Subsection (12) is added to section 1012.98,
 436 Florida Statutes, to read:

437 1012.98 School Community Professional Development Act.—

438 (12) The department shall require teachers in grades 1-12
 439 to participate in continuing education training provided by the
 440 Department of Children and Family Services on identifying and
 441 reporting child abuse and neglect.

442 Section 8. For fiscal year 2012-2013, 47 full-time
 443 equivalent positions, with associated salary rate of 1,513,326
 444 are authorized and the sums of \$2,164,016 in recurring funds and
 445 \$281,000 in nonrecurring funds are appropriated from the General
 446 Revenue Fund to the Department of Children and Family Services
 447 for additional costs associated with the changes in mandatory
 448 reporting of child abuse, abandonment, or neglect pursuant to s.

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449 39.201, Florida Statutes.

450 Section 9. Section 827.03, Florida Statutes, is amended to
451 read:

452 827.03 Abuse, aggravated abuse, and neglect of a child;
453 penalties.—

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

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

456 1. Commits aggravated battery on a child;

457 2. Willfully tortures, maliciously punishes, or willfully
458 and unlawfully cages a child; or

459 3. Knowingly or willfully abuses a child and in so doing
460 causes great bodily harm, permanent disability, or permanent
461 disfigurement to the child.

462 (b) "Child abuse" means:

463 1.(a) Intentional infliction of physical or mental injury
464 upon a child;

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

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

470
471 ~~A person who knowingly or willfully abuses a child without~~
472 ~~causing great bodily harm, permanent disability, or permanent~~
473 ~~disfigurement to the child commits a felony of the third degree,~~
474 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

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

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

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

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

482
 483 ~~A person who commits aggravated child abuse commits a felony of~~
 484 ~~the first degree, punishable as provided in s. 775.082, s.~~
 485 ~~775.083, or s. 775.084.~~

486 (c) "Maliciously" means wrongfully, intentionally, and
 487 without legal justification or excuse. Maliciousness may be
 488 established by circumstances from which one could conclude that
 489 a reasonable parent would not have engaged in the damaging acts
 490 toward the child for any valid reason and that the primary
 491 purpose of the acts was to cause the victim unjustifiable pain
 492 or injury.

493 (d) "Mental injury" means injury to the intellectual or
 494 psychological capacity of a child as evidenced by a discernible
 495 and substantial impairment in the ability of the child to
 496 function within the normal range of performance and behavior as
 497 supported by expert testimony.

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

- 499 1. A caregiver's failure or omission to provide a child
- 500 with the care, supervision, and services necessary to maintain
- 501 the child's physical and mental health, including, but not
- 502 limited to, food, nutrition, clothing, shelter, supervision,
- 503 medicine, and medical services that a prudent person would
- 504 consider essential for the well-being of the child; or

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505 2. A caregiver's failure to make a reasonable effort to
 506 protect a child from abuse, neglect, or exploitation by another
 507 person.

508
 509 Except as otherwise provided in this section, neglect of a child
 510 may be based on repeated conduct or on a single incident or
 511 omission that results in, or could reasonably be expected to
 512 result in, serious physical or mental injury, or a substantial
 513 risk of death, to a child.

514 (2) OFFENSES.—

515 (a) A person who commits aggravated child abuse commits a
 516 felony of the first degree, punishable as provided in s.
 517 775.082, s. 775.083, or s. 775.084.

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

523 (c) A person who knowingly or willfully abuses a child
 524 without causing great bodily harm, permanent disability, or
 525 permanent disfigurement to the child commits a felony of the
 526 third degree, punishable as provided in s. 775.082, s. 775.083,
 527 or s. 775.084.

528 (d) ~~(e)~~ A person who willfully or by culpable negligence
 529 neglects a child without causing great bodily harm, permanent
 530 disability, or permanent disfigurement to the child commits a
 531 felony of the third degree, punishable as provided in s.
 532 775.082, s. 775.083, or s. 775.084.

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533 (3) EXPERT TESTIMONY.—
 534 (a) Except as provided in paragraph (b), a physician may
 535 not provide expert testimony in a criminal child abuse case
 536 unless the physician is a physician licensed under chapter 458
 537 or chapter 459 or has obtained certification as an expert
 538 witness pursuant to s. 458.3175.

539 (b) A physician may not provide expert testimony in a
 540 criminal child abuse case regarding mental injury unless the
 541 physician is a physician licensed under chapter 458 or chapter
 542 459 who has completed an accredited residency in psychiatry or
 543 has obtained certification as an expert witness pursuant to s.
 544 458.3175.

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

548 (d) The expert testimony requirements of this subsection
 549 apply only to criminal child abuse cases and not to family court
 550 or dependency court cases.

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

558 Section 10. Paragraph (d) of subsection (1) of section
 559 775.084, Florida Statutes, is amended to read:

560 775.084 Violent career criminals; habitual felony

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561 offenders and habitual violent felony offenders; three-time
 562 violent felony offenders; definitions; procedure; enhanced
 563 penalties or mandatory minimum prison terms.—

564 (1) As used in this act:

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

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

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

572 b. Aggravated stalking, as described in s. 784.048(3) and
 573 (4);

574 c. Aggravated child abuse, as described in s.
 575 827.03(2) (a);

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

578 e. Lewd or lascivious battery, lewd or lascivious
 579 molestation, lewd or lascivious conduct, or lewd or lascivious
 580 exhibition, as described in s. 800.04 or s. 847.0135(5);

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

582 g. A felony violation of chapter 790 involving the use or
 583 possession of a firearm.

584 2. The defendant has been incarcerated in a state prison
 585 or a federal prison.

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

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589 a. While the defendant was serving a prison sentence or
 590 other sentence, or court-ordered or lawfully imposed supervision
 591 that is imposed as a result of a prior conviction for an
 592 enumerated felony; or

593 b. Within 5 years after the conviction of the last prior
 594 enumerated felony, or within 5 years after the defendant's
 595 release from a prison sentence, probation, community control,
 596 control release, conditional release, parole, or court-ordered
 597 or lawfully imposed supervision or other sentence that is
 598 imposed as a result of a prior conviction for an enumerated
 599 felony, whichever is later.

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

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

606 Section 11. Subsection (1) of section 775.0877, Florida
 607 Statutes, is amended to read:

608 775.0877 Criminal transmission of HIV; procedures;
 609 penalties.—

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

- 615 (a) Section 794.011, relating to sexual battery;
- 616 (b) Section 826.04, relating to incest;

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- 617 (c) Section 800.04, relating to lewd or lascivious
- 618 offenses committed upon or in the presence of persons less than
- 619 16 years of age;
- 620 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
- 621 relating to assault;
- 622 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
- 623 relating to aggravated assault;
- 624 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
- 625 relating to battery;
- 626 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
- 627 relating to aggravated battery;
- 628 (h) Section 827.03(2)(c)~~(1)~~, relating to child abuse;
- 629 (i) Section 827.03(2)(a), relating to aggravated child
- 630 abuse;
- 631 (j) Section 825.102(1), relating to abuse of an elderly
- 632 person or disabled adult;
- 633 (k) Section 825.102(2), relating to aggravated abuse of an
- 634 elderly person or disabled adult;
- 635 (l) Section 827.071, relating to sexual performance by
- 636 person less than 18 years of age;
- 637 (m) Sections 796.03, 796.07, and 796.08, relating to
- 638 prostitution; or
- 639 (n) Section 381.0041(11)(b), relating to donation of
- 640 blood, plasma, organs, skin, or other human tissue,
- 641
- 642 the court shall order the offender to undergo HIV testing, to be
- 643 performed under the direction of the Department of Health in
- 644 accordance with s. 381.004, unless the offender has undergone

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645 HIV testing voluntarily or pursuant to procedures established in
 646 s. 381.004(3)(h)6. or s. 951.27, or any other applicable law or
 647 rule providing for HIV testing of criminal offenders or inmates,
 648 subsequent to her or his arrest for an offense enumerated in
 649 paragraphs (a)-(n) for which she or he was convicted or to which
 650 she or he pled nolo contendere or guilty. The results of an HIV
 651 test performed on an offender pursuant to this subsection are
 652 not admissible in any criminal proceeding arising out of the
 653 alleged offense.

654 Section 12. Subsection (3) of section 782.07, Florida
 655 Statutes, is amended to read:

656 782.07 Manslaughter; aggravated manslaughter of an elderly
 657 person or disabled adult; aggravated manslaughter of a child;
 658 aggravated manslaughter of an officer, a firefighter, an
 659 emergency medical technician, or a paramedic.—

660 (3) A person who causes the death of any person under the
 661 age of 18 by culpable negligence under s. 827.03 (2) (b) (3)
 662 commits aggravated manslaughter of a child, a felony of the
 663 first degree, punishable as provided in s. 775.082, s. 775.083,
 664 or s. 775.084.

665 Section 13. Paragraphs (f), (g), and (i) of subsection (3)
 666 of section 921.0022, Florida Statutes, are amended to read:

667 921.0022 Criminal Punishment Code; offense severity
 668 ranking chart.—

669 (3) OFFENSE SEVERITY RANKING CHART

670 (f) LEVEL 6

671

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	Florida Statute	Felony Degree	Description
672	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
673	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
674	499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
675	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
676	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
677	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
678	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
679	784.041	3rd	Felony battery; domestic battery by strangulation.
680			

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681	784.048 (3)	3rd	Aggravated stalking; credible threat.
682	784.048 (5)	3rd	Aggravated stalking of person under 16.
683	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
684	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
685	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
686	784.081 (2)	2nd	Aggravated assault on specified official or employee.
687	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
688	784.083 (2)	2nd	Aggravated assault on code inspector.
689	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
690	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.

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691	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
692	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
693	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
694	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
695	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
696	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.
697	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
698	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

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699	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
700	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
701	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
702	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
703	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
704	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
705	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
706	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
	825.102 (1)	3rd	Abuse of an elderly person or disabled

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707			adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
708			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
709			
	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
710			
	<u>827.03 (2) (c)</u>	3rd	Abuse of a child.
	827.03 (1)		
711			
	<u>827.03 (2) (d)</u>	3rd	Neglect of a child.
	827.03 (3) (e)		
712			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
713			
	836.05	2nd	Threats; extortion.
714			
	836.10	2nd	Written threats to kill or do bodily injury.
715			

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716	843.12	3rd	Aids or assists person to escape.
717	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
718	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
719	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
720	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
721	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.
722	944.40	2nd	Escapes.
723	944.46	3rd	Harboring, concealing, aiding escaped prisoners.

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724	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
725	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
726	(g) LEVEL 7		
727			
728	Florida Statute	Felony Degree	Description
729	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
730	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
731	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.
732	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.

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733	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
734	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
735	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
736	456.065 (2)	3rd	Practicing a health care profession without a license.
737	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
738	458.327 (1)	3rd	Practicing medicine without a license.
739	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
740	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a

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license.

741

462.17 3rd Practicing naturopathy without a license.

742

463.015 (1) 3rd Practicing optometry without a license.

743

464.016 (1) 3rd Practicing nursing without a license.

744

465.015 (2) 3rd Practicing pharmacy without a license.

745

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

746

467.201 3rd Practicing midwifery without a license.

747

468.366 3rd Delivering respiratory care services without a license.

748

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

749

483.901 (9) 3rd Practicing medical physics without a license.

750

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

751

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752	484.053	3rd	Dispensing hearing aids without a license.
753	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.
754	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.
755	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
756	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
757	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

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758	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
759	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
760	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
761	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
762	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
763	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
764	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.

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765	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
766	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
767	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
768	784.048 (7)	3rd	Aggravated stalking; violation of court order.
769	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
770	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
771	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
772	784.081 (1)	1st	Aggravated battery on specified official or employee.
773	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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774	784.083 (1)	1st	Aggravated battery on code inspector.
775	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
776	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
777	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
778	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
779	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
780	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements

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provided for in s. 874.04.

781

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.

782

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

783

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

784

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.

785

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

786

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

787

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

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789	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
790	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
791	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.
792	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
793	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
794	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
795	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
	812.019 (2)	1st	Stolen property; initiates, organizes,

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plans, etc., the theft of property and traffics in stolen property.

796

812.131 (2) (a) 2nd Robbery by sudden snatching.

797

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

798

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

799

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

800

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

801

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.

802

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

803

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804	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.
	<u>827.03 (2) (b)</u>	2nd	Neglect of a child
	827.03 (3) (b)		causing great bodily harm, disability, or disfigurement.
805			
806			
807	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
808			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
809			
	838.015	2nd	Bribery.
810			
	838.016	2nd	Unlawful compensation or reward for official behavior.
811			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
812			

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813	838.22	2nd	Bid tampering.
814	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
815	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
816	872.06	2nd	Abuse of a dead human body.
817	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
818	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),

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(2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.

819

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).

820

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

821

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

822

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

823

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

824

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

825

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

826

893.135 1st Trafficking in flunitrazepam, 4 grams

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827	(1) (g) 1.a.		or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
828	(1) (h) 1.a.		
	893.135	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
829	(1) (j) 1.a.		
	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
830	(1) (k) 2.a.		
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
831			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
832			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
833			
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent

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residence; failure to comply with reporting requirements.

834

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

835

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

836

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

837

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

838

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

839

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

840

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

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842	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
843	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
844	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
845	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
846	(i) LEVEL 9		
847	Florida	Felony	
848	Statute	Degree	Description
849	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
850	327.35(3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
	409.920	1st	Medicaid provider fraud; \$50,000 or

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851	(2) (b) 1. c.		more.
	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
852	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
853	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
854	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
855	775.0844	1st	Aggravated white collar crime.
856	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
857	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified

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felonies.

858

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

859

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

860

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

861

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

862

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

863

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.

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865	790.161	1st	Attempted capital destructive device offense.
866	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
867	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
868	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
869	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
870	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
871	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years

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or older.

872 812.13 (2) (a) 1st,PBL Robbery with firearm or other deadly
weapon.

873 812.133 (2) (a) 1st,PBL Carjacking; firearm or other deadly
weapon.

874 812.135 (2) (b) 1st Home-invasion robbery with weapon.

875 817.568 (7) 2nd, Fraudulent use of personal
PBL identification information of an
individual under the age of 18 by his
or her parent, legal guardian, or
person exercising custodial authority.

876 827.03 (2) (a) 1st Aggravated child abuse.

~~827.03 (2)~~

877 847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

878 847.0145 (2) 1st Purchasing, or otherwise obtaining
custody or control, of a minor.

879 859.01 1st Poisoning or introducing bacteria,
radioactive materials, viruses, or

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chemical compounds into food, drink,
 medicine, or water with intent to kill
 or injure another person.

880

893.135 1st Attempted capital trafficking offense.

881

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

882

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

883

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

884

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

885

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

886

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

887

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

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889 893.135 1st Trafficking in 1,4-Butanediol, 10
 (1) (j) 1.c. kilograms or more.

890 893.135 1st Trafficking in Phenethylamines, 400
 (1) (k) 2.c. grams or more.

891 896.101(5) (c) 1st Money laundering, financial
 instruments totaling or exceeding
 \$100,000.

892 896.104(4) (a) 3. 1st Structuring transactions to evade
 reporting or registration
 requirements, financial transactions
 totaling or exceeding \$100,000.

893 Section 14. Subsection (1) of section 948.062, Florida
 894 Statutes, is amended to read:

895 948.062 Reviewing and reporting serious offenses committed
 896 by offenders placed on probation or community control.—

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

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

901 (b) Any sexual battery as provided in s. 794.011 or s.
 902 794.023;

903 (c) Any sexual performance by a child as provided in s.
 904 827.071;

905 (d) Any kidnapping, false imprisonment, or luring of a

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906 child as provided in s. 787.01, s. 787.02, or s. 787.025;

907 (e) Any lewd and lascivious battery or lewd and lascivious

908 molestation as provided in s. 800.04(4) or (5);

909 (f) Any aggravated child abuse as provided in s.

910 827.03(2)(a) ~~s. 827.03(2)~~;

911 (g) Any robbery with a firearm or other deadly weapon,

912 home invasion robbery, or carjacking as provided in s.

913 812.13(2)(a), s. 812.135, or s. 812.133;

914 (h) Any aggravated stalking as provided in s. 784.048(3),

915 (4), or (5);

916 (i) Any forcible felony as provided in s. 776.08,

917 committed by a ~~any~~ person on probation or community control who

918 is designated as a sexual predator; or

919 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),

920 or vehicular or vessel homicide as provided in s. 782.071 or s.

921 782.072, committed by a ~~any~~ person who is on probation or

922 community control for an offense involving death or injury

923 resulting from a driving incident.

924 Section 15. Paragraphs (a) and (b) of subsection (3) and

925 subsection (14) of section 960.03, Florida Statutes, are amended

926 to read:

927 960.03 Definitions; ss. 960.01-960.28.—As used in ss.

928 960.01-960.28, unless the context otherwise requires, the term:

929 (3) "Crime" means:

930 (a) A felony or misdemeanor offense committed by ~~either~~ an

931 adult or a juvenile which results in physical injury or death,
 932 or a felony or misdemeanor offense of child abuse committed by
 933 an adult or a juvenile which results in a mental injury, as

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934 defined in s. 827.03, to a person younger than 18 years of age
 935 who was not physically injured by the criminal act. The mental
 936 injury to the minor must be verified by a psychologist licensed
 937 under chapter 490, by a physician licensed in this state under
 938 chapter 458 or chapter 459 who has completed an accredited
 939 residency in psychiatry, or by a physician who has obtained
 940 certification as an expert witness pursuant to s. 458.3175.

941
 942 The term also includes a ~~any such~~ criminal act that ~~which~~ is
 943 committed within this state but that ~~which~~ falls exclusively
 944 within federal jurisdiction.

945 (b) A violation of s. 316.193, s. 316.027(1), s.
 946 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in
 947 physical injury or death; however, an ~~no other~~ act involving the
 948 operation of a motor vehicle, boat, or aircraft which results in
 949 injury or death does not ~~shall~~ constitute a crime for the
 950 purpose of this chapter unless the injury or death was
 951 intentionally inflicted through the use of the ~~such~~ vehicle,
 952 boat, or aircraft ~~or unless such vehicle, boat, or aircraft is~~
 953 ~~an implement of a crime to which this act applies.~~

954 (c) A criminal act committed outside ~~of~~ this state against
 955 a resident of this state which would have been compensable if it
 956 had occurred in this state and which occurred in a jurisdiction
 957 that does not have an eligible crime victim compensation program
 958 as the term is defined in the federal Victims of Crime Act of
 959 1984.

960 (d) A ~~Any~~ violation of s. 827.071, s. 847.0135, s.
 961 847.0137, or s. 847.0138, related to online sexual exploitation

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962 and child pornography.

963 (14) "Victim" means:

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

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

970 (c) A person younger than 18 years of age who was the
971 victim of a felony or misdemeanor offense of child abuse that
972 resulted in a mental injury as defined by s. 827.03 but who was
973 not physically injured; or

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

978 Section 16. This act shall take effect October 1, 2012.