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1 A bill to be entitled
 2 An act relating to criminal conduct; amending s. 827.03,
 3 F.S.; defining the term "mental injury"; exempting
 4 constitutionally protected acts from prohibitions on child
 5 abuse, aggravated child abuse, and neglect; amending ss.
 6 775.084, 775.0877, 782.07, 921.0022, 943.325, and 948.062,
 7 F.S.; conforming cross-references; amending s. 960.03,
 8 F.S.; redefining the term "crime" for purposes of crime
 9 victims compensation to include additional forms of injury
 10 to a victim or intervenor; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 827.03, Florida Statutes, is amended to
 15 read:

16 827.03 Abuse, aggravated abuse, and neglect of a child;
 17 penalties.--

18 (1) DEFINITIONS.--For purposes of this section:

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

20 1. Commits aggravated battery on a child;

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

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

26 (b) "Child abuse" means:

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

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

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

34
 35 ~~A person who knowingly or willfully abuses a child without~~
 36 ~~causing great bodily harm, permanent disability, or permanent~~
 37 ~~disfigurement to the child commits a felony of the third degree,~~
 38 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

- 39 ~~(2) "Aggravated child abuse" occurs when a person:~~
 40 ~~(a) Commits aggravated battery on a child;~~
 41 ~~(b) Willfully tortures, maliciously punishes, or willfully~~
 42 ~~and unlawfully cages a child; or~~
 43 ~~(c) Knowingly or willfully abuses a child and in so doing~~
 44 ~~causes great bodily harm, permanent disability, or permanent~~
 45 ~~disfigurement to the child.~~

46
 47 ~~A person who commits aggravated child abuse commits a felony of~~
 48 ~~the first degree, punishable as provided in s. 775.082, s.~~
 49 ~~775.083, or s. 775.084.~~

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

57 (d) "Mental injury" means mental or emotional injury or
 58 impairment caused by a person through any act committed against,
 59 or any threat made to, a child's health or welfare. It includes,
 60 but is not limited to, mental or emotional impairment that now or

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61 in the future is likely to be evidenced by a serious mental,
 62 behavioral, intellectual, or personality disorder, including, but
 63 not limited to, anxiety, depression, withdrawal, untoward
 64 aggressive behavior, seriously delayed development, or similar
 65 serious dysfunctional behavior.

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 Neglect of a child may be based on repeated conduct or on a
 78 single incident or omission that results in, or could reasonably
 79 be expected to result in, serious physical or mental injury, or a
 80 substantial risk of death, to a child.

81 (2) OFFENSES.--

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

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

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

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

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

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

110 Section 2. Paragraph (d) of subsection (1) of section
 111 775.084, Florida Statutes, is amended to read:

112 775.084 Violent career criminals; habitual felony offenders
 113 and habitual violent felony offenders; three-time violent felony
 114 offenders; definitions; procedure; enhanced penalties or
 115 mandatory minimum prison terms.--

116 (1) As used in this act:

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

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- 120 1. The defendant has previously been convicted as an adult
 121 three or more times for an offense in this state or other
 122 qualified offense that is:
- 123 a. Any forcible felony, as described in s. 776.08;
 - 124 b. Aggravated stalking, as described in s. 784.048(3) and
 125 (4);
 - 126 c. Aggravated child abuse, as described in s. 827.03(2)(a);
 - 127 d. Aggravated abuse of an elderly person or disabled adult,
 128 as described in s. 825.102(2);
 - 129 e. Lewd or lascivious battery, lewd or lascivious
 130 molestation, lewd or lascivious conduct, or lewd or lascivious
 131 exhibition, as described in s. 800.04;
 - 132 f. Escape, as described in s. 944.40; or
 - 133 g. A felony violation of chapter 790 involving the use or
 134 possession of a firearm.
- 135 2. The defendant has been incarcerated in a state prison or
 136 a federal prison.
- 137 3. The primary felony offense for which the defendant is to
 138 be sentenced is a felony enumerated in subparagraph 1. and was
 139 committed on or after October 1, 1995, and:
- 140 a. While the defendant was serving a prison sentence or
 141 other sentence, or court-ordered or lawfully imposed supervision
 142 that is imposed as a result of a prior conviction for an
 143 enumerated felony; or
 - 144 b. Within 5 years after the conviction of the last prior
 145 enumerated felony, or within 5 years after the defendant's
 146 release from a prison sentence, probation, community control,
 147 control release, conditional release, parole, or court-ordered or
 148 lawfully imposed supervision or other sentence that is imposed as

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149 a result of a prior conviction for an enumerated felony,
150 whichever is later.

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

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

157 Section 3. Paragraphs (h) and (i) of subsection (1) of
158 section 775.0877, Florida Statutes, are amended to read:

159 775.0877 Criminal transmission of HIV; procedures;
160 penalties.--

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

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

167 (i) Section 827.03(2)(a), relating to aggravated child
168 abuse,

169
170 the court shall order the offender to undergo HIV testing, to be
171 performed under the direction of the Department of Health in
172 accordance with s. 381.004, unless the offender has undergone HIV
173 testing voluntarily or pursuant to procedures established in s.
174 381.004(3)(h)6. or s. 951.27, or any other applicable law or rule
175 providing for HIV testing of criminal offenders or inmates,
176 subsequent to her or his arrest for an offense enumerated in
177 paragraphs (a)-(n) for which she or he was convicted or to which
178 she or he pled nolo contendere or guilty. The results of an HIV

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179 | test performed on an offender pursuant to this subsection are not
 180 | admissible in any criminal proceeding arising out of the alleged
 181 | offense.

182 | Section 4. Subsection (3) of section 782.07, Florida
 183 | Statutes, is amended to read:

184 | 782.07 Manslaughter; aggravated manslaughter of an elderly
 185 | person or disabled adult; aggravated manslaughter of a child;
 186 | aggravated manslaughter of an officer, a firefighter, an
 187 | emergency medical technician, or a paramedic.--

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

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

194 | 921.0022 Criminal Punishment Code; offense severity ranking
 195 | chart.--

196 | (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(f) LEVEL 6
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend

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201			drug from unauthorized person.
	499.0051(5)	2nd	Sale of legend drug to unauthorized person.
202			
	775.0875(1)	3rd	Taking firearm from law enforcement officer.
203			
	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
204			
	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
205			
	784.041	3rd	Felony battery.
206			
	784.048(3)	3rd	Aggravated stalking; credible threat.
207			
	784.048(5)	3rd	Aggravated stalking of person under 16.
208			
	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
209			
	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
210			

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211	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
212	784.081(2)	2nd	Aggravated assault on specified official or employee.
213	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
214	784.083(2)	2nd	Aggravated assault on code inspector.
215	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
216	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
217	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
218	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

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219	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
220	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
221	794.05(1)	2nd	Unlawful sexual activity with specified minor.
222	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.
223	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
224	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
225	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

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226	812.015(9)	2nd	grand theft in 2nd degree. Retail theft; property stolen \$300 or more; second or subsequent conviction.
227	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
228	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
229	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
230	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
231	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
232	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
233	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
234			

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235	827.03(2)(c) (1)	3rd	Abuse of a child.	
236	827.03(2)(d) (3)(e)	3rd	Neglect of a child.	
237	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.	
238	836.05	2nd	Threats; extortion.	
239	836.10	2nd	Written threats to kill or do bodily injury.	
240	843.12	3rd	Aids or assists person to escape.	
241	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.	
242	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.	
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great	

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243			bodily harm.
244	944.40	2nd	Escapes.
245	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
246	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
247	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
248			(g) LEVEL 7
249	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
250	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer

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251	327.35(3)(c)2.	3rd	who is in a patrol vehicle with siren and lights activated. Vessel BUI resulting in serious bodily injury.
252	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
253	409.920(2)	3rd	Medicaid provider fraud.
254	456.065(2)	3rd	Practicing a health care profession without a license.
255	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
256	458.327(1)	3rd	Practicing medicine without a license.
257	459.013(1)	3rd	Practicing osteopathic medicine without a license.
258	460.411(1)	3rd	Practicing chiropractic

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259			medicine without a license.
	461.012(1)	3rd	Practicing podiatric medicine without a license.
260			
	462.17	3rd	Practicing naturopathy without a license.
261			
	463.015(1)	3rd	Practicing optometry without a license.
262			
	464.016(1)	3rd	Practicing nursing without a license.
263			
	465.015(2)	3rd	Practicing pharmacy without a license.
264			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
265			
	467.201	3rd	Practicing midwifery without a license.
266			
	468.366	3rd	Delivering respiratory care services without a license.
267			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
268			

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269	483.901(9)	3rd	Practicing medical physics without a license.	
270	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.	
271	484.053	3rd	Dispensing hearing aids without a license.	
272	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.	
273	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	
274	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but	

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275			less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
276			
	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
277			
	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
278			
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
279			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
280			
	782.071	2nd	Killing of human being or

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281	782.072	2nd	viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
282	784.045(1)(a)1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
283	784.045(1)(a)2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
284	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
285	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
286	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
287	784.048(7)	3rd	Aggravated stalking; violation of court order.
288	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.

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289	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	
290	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	
291	784.081(1)	1st	Aggravated battery on specified official or employee.	
292	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
293	784.083(1)	1st	Aggravated battery on code inspector.	
294	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
295	790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
296	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
	790.165(3)	2nd	Possessing, displaying, or	

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297	790.166(3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
298	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
299	796.03	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
300	800.04(5)(c)1.	2nd	Procuring any person under 16 years for prostitution.
301	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
302	806.01(2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
303			Maliciously damage structure by fire or explosive.

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304	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
305	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
306	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
307	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.
308	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
309	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
310	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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311	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
312	812.131(2)(a)	2nd	Robbery by sudden snatching.	
313	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
314	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	
315	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	
316	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.	
317	817.234(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.	

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318	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
319	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.
320	827.03 <u>(2)</u> (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
321	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
322	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
323	838.015	2nd	Bribery.
324	838.016	2nd	Unlawful compensation or reward for official behavior.
325	838.021(3)(a)	2nd	Unlawful harm to a public servant.

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326	838.22	2nd	Bid tampering.	
327	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.	
328	872.06	2nd	Abuse of a dead human body.	
329	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.	
330	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.	

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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).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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338	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.	
339	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.	
340	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.	
341	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.	
342	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.	
343	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.	
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to	

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344	943.0435(8)	2nd	comply with reporting requirements.
345	943.0435(9)(a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
346	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
347	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
348	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
349	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
350			Sexual offender; failure to submit to the taking of a digitized photograph.

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	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.	
351				
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.	
352				
			(i) LEVEL 9	
353				
	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.	
354				
	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.	
355				
	499.00535	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.	
356				
	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	
357				
	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency,	

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358	655.50(10)(b)3.	1st	or payment instruments totaling or exceeding \$100,000. Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
359	775.0844	1st	Aggravated white collar crime.
360	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
361	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
362	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
363	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
364	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or

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365	787.01(1)(a)2.	1st,PBL	hostage. Kidnapping with intent to commit or facilitate commission of any felony.
366	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
367	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.
368	790.161	1st	Attempted capital destructive device offense.
369	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
370	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
371			

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372	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
373	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
374	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
375	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
376	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
377	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
378	812.135(2)(b)	1st	Home-invasion robbery with weapon.
	817.568(7)	2nd,PBL	Fraudulent use of personal identification information of

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379		an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
380	827.03(2) <u>(a)</u>	1st Aggravated child abuse.
381	847.0145(1)	1st Selling, or otherwise transferring custody or control, of a minor.
382	847.0145(2)	1st Purchasing, or otherwise obtaining custody or control, of a minor.
383	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.
384	893.135	1st Attempted capital trafficking offense.
385	893.135(1)(a)3.	1st Trafficking in cannabis, more than 10,000 lbs.

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386	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
387	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
388	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
389	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
390	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
391	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
392	893.135(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
393	893.135(1)(k)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
	896.101(5)(c)	1st	Money laundering, financial instruments totaling or

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exceeding \$100,000.

394

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

395

396 Section 6. Paragraph (b) of subsection (1) of section
397 943.325, Florida Statutes, is amended to read:

398 943.325 Blood or other biological specimen testing for DNA
399 analysis.--

400 (1)

401 (b)1. Chapter 794, chapter 800, s. 782.04, s. 784.045, s.
402 810.02, s. 812.133, or s. 812.135.

403 2. Effective July 1, 2002, and contingent upon specific
404 appropriation, s. 812.13 or s. 812.131.

405 3. Effective July 1, 2003, and contingent upon specific
406 appropriation, chapter 787 or s. 782.07.

407 4. Effective July 1, 2004, and contingent upon specific
408 appropriation, any forcible felony, as described in s. 776.08,
409 aggravated child abuse, as described in s. 827.03(2)(a),
410 aggravated abuse of an elderly person or a disabled adult, as
411 described in s. 825.102(2), or any felony violation of chapter
412 790 involving the use or possession of a firearm.

413 5. Effective July 1, 2005, and contingent upon specific
414 appropriation, any felony offense.

415 Section 7. Paragraph (f) of subsection (1) of section
416 948.062, Florida Statutes, is amended to read:

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417 948.062 Reviewing and reporting serious offenses committed
 418 by offenders placed on probation or community control.--

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

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

423 827.03(2)(a);

424 Section 8. Paragraph (a) of subsection (3) of section
 425 960.03, Florida Statutes, is amended to read:

426 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
 427 960.01-960.28, unless the context otherwise requires, the term:

428 (3) "Crime" means:

429 (a) A felony or misdemeanor offense committed by either an
 430 adult or a juvenile which results in personal, psychiatric, or
 431 psychological ~~physical~~ injury to, or death of, the victim or
 432 intervenor. The term also includes any such criminal act which is
 433 committed within this state but which falls exclusively within
 434 federal jurisdiction.

435 Section 9. This act shall take effect July 1, 2007.