3.001 Penalties for Failure to Report Child Abuse

(1) Definitions.

(a) For purposes of this regulation, the terms “abuse”, “abandonment”, “neglect”, and “caregiver” are defined as set forth in section 39.01, Florida Statutes.

(b) For purposes of this regulation, the term “administrator” means the following high level personnel who have been assigned the responsibilities of university-wide academic or administrative functions: university president, provost, senior/executive vice presidents, vice presidents, associate vice presidents, associate/vice provosts, deans, chief of police, equal opportunity programs director, intercollegiate athletics director, internal audit director, Title IX coordinator and university compliance officer.

(c) For purposes of this regulation, the term “law enforcement agency” means the campus police department established by each university. The chief of police is the reporting individual for each campus police department.

(2) Reporting Obligation.

(a) Each administrator who receives information from university faculty, staff or other employees of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information to the Florida Department of Children and Family Services.

(b) Each law enforcement agency that receives information of known or suspected child abuse, abandonment, or neglect committed on the property of the university or during an event or function sponsored by the university is required to report such information to the Florida Department of Children and Family Services.

(3) Penalties for Failure to Report.

(a) A fine of $1 million shall be assessed against a university in the event the Board determines that a university administrator knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(a), or knowingly and willfully prevented another person from doing so.

(b) A fine of $1 million shall be assessed against a university in the event the Board determines that a university law enforcement agency knowingly and willfully failed to report known or suspected child abuse, abandonment, or neglect to the Florida Department of Children and Family Services as set forth in paragraph (2)(b).

(4) Proceedings prior to Determination.

(a) Upon receipt of a credible allegation that a university administrator or law enforcement agency willfully and knowingly failed to report information of known or suspected child abuse, abandonment, or neglect as required by this regulation, the Board of Governors’ Office of Inspector General shall, in conjunction with an external
qualified investigative firm, conduct an investigation to determine if sufficient evidence exists to support the allegation and the assessment of a fine as set forth in paragraph (3). The Inspector General shall submit the investigatory findings to the Chair of the university’s Board of Trustees or the Chair’s designee, which shall have twenty (20) working days to submit a written response after receipt of such findings. The Inspector General shall provide a rebuttal, if any, to the university within twenty (20) working days after receipt of the university’s response. The university’s response and the Inspector General’s rebuttal to the response, if any, shall be included in the final investigative report presented to the Board’s Audit and Compliance Committee and the Chair of the university’s Board of Trustees.

(b) The Board’s Audit and Compliance Committee shall make a recommendation to the Board as to any action it deems appropriate based upon the results of the investigation.

(5) Additional Proceedings.

A university may challenge the Board’s determination that there was a knowing and willful failure by a university administrator or law enforcement agency to report known or suspected child abuse, abandonment, or neglect in an administrative hearing conducted pursuant to section 120.57, Florida Statutes, within thirty (30) days of the date of the Board’s determination.

Authority: Section 7(d), Art. IX, Fla. Const.; Section 39.205, F.S. New--
An act relating to protection of vulnerable persons; amending s. 39.201, F.S.: revising language concerning child abuse reporting; requiring the Department of Children and Family Services to provide for web-chat and update other web-based forms for reporting child abuse, abandonment, or neglect; requiring a study on the use of short message format for the central abuse hotline; requiring the development of a public awareness campaign for the central abuse hotline; requiring the collection of statistical reports on child abuse and child sexual abuse on campuses of colleges and universities; amending s. 39.205, F.S.; increasing criminal penalties for knowingly and willfully failing to report known or suspected child abuse, abandonment, or neglect, or knowingly and willfully preventing another person from doing so; requiring specified educational institutions and their law enforcement agencies to report known or suspected child abuse, abandonment, or neglect in certain circumstances; providing financial penalties for violations; providing for challenges to findings of determinations; proving for a presumption in certain circumstances; creating s. 796.036, F.S.; providing for upward reclassification of certain prostitution offenses involving minors; amending s. 960.198, F.S.; providing for denial of relocation payment for a domestic violence claim if the Department of Legal
Affairs has previously paid a sexual battery
relocation claim to the same victim for the same
incident; creating s. 960.199, F.S.; providing for
relocation assistance payments to victims of sexual
battery; providing criteria for awards; providing for
denial of relocation payment for a sexual battery
claim if the department has previously paid a domestic
violence relocation claim to the same victim for the
same incident; providing an appropriation; amending s.
1012.98, F.S.; providing a continuing education
requirement for certain teachers on identifying and
reporting child abuse and neglect; providing an
appropriation; authorizing a specified numbers of
full-time equivalent positions with associated salary
rates within the Department of Children and Family
Services; amending s. 827.03, F.S.; defining the term
"mental injury" with respect to the offenses of abuse,
aggravated abuse, and neglect of a child; requiring
that a physician or psychologist acting as an expert
witness in certain proceedings have certain
credentials; amending ss. 775.084, 775.0877, 782.07,
921.0022, and 948.062, F.S.; conforming cross-
references; amending s. 960.03, F.S.; redefining the
term "crime" for purposes of crime victims
compensation to include additional forms of injury;
redefining the term "victim" to conform with the
modified definition of the term "crime"; providing an
effective date.
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).
(d) Reporters in the following occupation categories are required to provide their names to the hotline staff:

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

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

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

4. School teacher or other school official or personnel;

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

6. Law enforcement officer; or

7. Judge.

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

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

(f) An officer or employee of the judicial branch is not required to again provide notice of reasonable cause to suspect child abuse, abandonment, or neglect when that child is
currently being investigated by the department, there is an
existing dependency case, or the matter has previously been
reported to the department, provided there is reasonable cause
to believe the information is already known to the department.
This paragraph applies only when the information has been
provided to the officer or employee in the course of carrying
out his or her official duties.

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

(2)(a) Each report of known or suspected child abuse,
abandonment, or neglect by a parent, legal custodian, caregiver,
or other person responsible for the child's welfare as defined
in this chapter, except those solely under s. 827.04(3), and
each report 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 be made immediately to the department's central abuse
hotline. Such reports may be made on the single statewide toll-
free telephone number or via fax, web-based chat, or web-based
report. Personnel at the department's central abuse hotline
shall determine if the report received meets the statutory
definition of child abuse, abandonment, or neglect. Any report
meeting one of these definitions shall be accepted for the
protective investigation pursuant to part III of this chapter.

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

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

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

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

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

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

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

f) Reports involving known or suspected institutional
child abuse or neglect shall be made and received in the same
manner as all other reports made pursuant to this section.
(f) Reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior shall be made and received by the department.

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

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

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

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

1. If the report is of a surrendered newborn infant as described in s. 383.50 and there is no indication of abuse, neglect, or abandonment other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the department shall provide to the caller the name of a licensed child-placing agency on a
rotating basis from a list of licensed child-placing agencies eligible and required to accept physical custody of and to place newborn infants left at a hospital, emergency medical services station, or fire station. The report shall not be considered a report of abuse, neglect, or abandonment solely because the infant has been left at a hospital, emergency medical services station, or fire station pursuant to s. 383.50.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Maintain and produce aggregate statistical reports monitoring patterns of child abuse, child abandonment, and child neglect. The department shall collect and analyze child-on-child sexual abuse reports and include the information in aggregate statistical reports. The department shall collect and analyze, in separate statistical reports, those reports of child abuse.
and sexual abuse which are reported from or occurred on the

campus of any Florida College System institution, state

university, or nonpublic college, university, or school, as

defined in s. 1000.21 or s. 1005.02.

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

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

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

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

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

(3) Any Florida College System institution, state
university, or nonpublic college, university, or school, as
defined in s. 1000.21 or s. 1005.02, whose administrators
knowingly and willfully, upon receiving information from
faculty, staff, or other institution employees, fail to report
known or suspected child abuse, abandonment, or neglect
committed on the property of the university, college, or school,
or during an event or function sponsored by the university,
college, or school, or who knowingly and willfully prevent
another person from doing so, shall be subject to fines of $1
million for each such failure.

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

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

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

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

(5) Any Florida College System institution, state
university, or nonpublic college, university or school, as
defined in s. 1000.21 or s. 1005.02, shall have the right to challenge the determination that the institution acted knowingly and willfully under subsection (3) or subsection (4) in an administrative hearing pursuant to s. 120.57; however, if it is found that actual knowledge and information of known or suspected child abuse was in fact received by the institution's administrators and was not reported, a presumption of a knowing and willful act will be established.

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

796.036 Violations involving minors; reclassification.—

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

(2) Offenses shall be reclassified as follows:

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

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

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

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

(e) A felony of the first degree is reclassified to a life felony.
Section 4. Subsection (3) is added to section 960.198, Florida Statutes, to read:

960.198 Relocation assistance for victims of domestic violence.—

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

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

960.199 Relocation assistance for victims of sexual battery.—

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

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

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

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

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

(d) The center certification must assert that the victim is cooperating with law enforcement officials, if applicable, and must include documentation that the victim has developed a safety plan.
(e) The act of sexual battery must be committed in the
victim's place of residence or in a location that would lead the
victim to reasonably fear for his or her continued safety in the
place of residence.

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

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

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

1012.98 School Community Professional Development Act.—
(12) The department shall require teachers in grades 1-12
to participate in continuing education training provided by the
Department of Children and Family Services on identifying and
reporting child abuse and neglect.

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

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

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

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

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

1. Commits aggravated battery on a child;

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

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

(b) "Child abuse" means:

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

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

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

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

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

(a) Commits aggravated battery on a child;
(b) Willfully tortures, maliciously punishes, or willfully and unlawfully wages a child; or

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

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

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

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

(e) (f) "Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or
2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

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

(2) OFFENSES.—

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

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

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

(d) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(3) EXPERT TESTIMONY.—

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

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

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

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

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

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

775.084 Violent career criminals; habitual felony
offenders and habitual violent felony offenders; three-time
violent felony offenders; definitions; procedure; enhanced
penalties or mandatory minimum prison terms.—
(1) As used in this act:
(d) "Violent career criminal" means a defendant for whom
the court must impose imprisonment pursuant to paragraph (4)(d),
if it finds that:
1. The defendant has previously been convicted as an adult
three or more times for an offense in this state or other
qualified offense that is:
   a. Any forcible felony, as described in s. 776.08;
   b. Aggravated stalking, as described in s. 784.048(3) and
   (4);
   c. Aggravated child abuse, as described in s.
527.03(2)(a);
   d. Aggravated abuse of an elderly person or disabled.
adult, as described in s. 825.102(2);
   e. Lewd or lascivious battery, lewd or lascivious
molestation, lewd or lascivious conduct, or lewd or lascivious
exhibition, as described in s. 800.04 or s. 847.0135(5);
   f. Escape, as described in s. 944.40; or
   g. A felony violation of chapter 790 involving the use or
possession of a firearm.
2. The defendant has been incarcerated in a state prison
or a federal prison.
3. The primary felony offense for which the defendant is
to be sentenced is a felony enumerated in subparagraph 1. and
was committed on or after October 1, 1995, and:
a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; or

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

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

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

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

775.0877 Criminal transmission of HIV; procedures; penalties.—

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

(a) Section 794.011, relating to sexual battery;

(b) Section 826.04, relating to incest;
(c) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

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<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 4th or subsequent conviction.</td>
</tr>
<tr>
<td>499.0051(3)</td>
<td>2nd</td>
<td>Knowing forgery of pedigree papers.</td>
</tr>
<tr>
<td>499.0051(4)</td>
<td>2nd</td>
<td>Knowing purchase or receipt of prescription drug from unauthorized person.</td>
</tr>
<tr>
<td>499.0051(5)</td>
<td>2nd</td>
<td>Knowing sale or transfer of prescription drug to unauthorized person.</td>
</tr>
<tr>
<td>775.0875(1)</td>
<td>3rd</td>
<td>Taking firearm from law enforcement officer.</td>
</tr>
<tr>
<td>784.021(1)(a)</td>
<td>3rd</td>
<td>Aggravated assault; deadly weapon without intent to kill.</td>
</tr>
<tr>
<td>784.021(1)(b)</td>
<td>3rd</td>
<td>Aggravated assault; intent to commit felony.</td>
</tr>
<tr>
<td>784.041</td>
<td>3rd</td>
<td>Felony battery; domestic battery by strangulation.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
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<tr>
<td>784.048(3)</td>
<td>3rd</td>
<td>Aggravated stalking; credible threat.</td>
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<td>784.048(5)</td>
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<td>Aggravated stalking of person under 16.</td>
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<td>784.07(2)(c)</td>
<td>2nd</td>
<td>Aggravated assault on law enforcement officer.</td>
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<td>784.074(1)(b)</td>
<td>2nd</td>
<td>Aggravated assault on sexually violent predators facility staff.</td>
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<tr>
<td>784.08(2)(b)</td>
<td>2nd</td>
<td>Aggravated assault on a person 65 years of age or older.</td>
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<tr>
<td>784.081(2)</td>
<td>2nd</td>
<td>Aggravated assault on specified official or employee.</td>
</tr>
<tr>
<td>784.082(2)</td>
<td>2nd</td>
<td>Aggravated assault by detained person on visitor or other detainee.</td>
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<td>784.083(2)</td>
<td>2nd</td>
<td>Aggravated assault on code inspector.</td>
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<tr>
<td>787.02(2)</td>
<td>3rd</td>
<td>False imprisonment; restraining with purpose other than those in s. 787.01.</td>
</tr>
<tr>
<td>790.115(2)(d)</td>
<td>2nd</td>
<td>Discharging firearm or weapon on school property.</td>
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<tr>
<td>Section</td>
<td>Year</td>
<td>Description</td>
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</tr>
<tr>
<td>790.161(2)</td>
<td>2nd</td>
<td>Make, possess, or throw destructive device with intent to do bodily harm or damage property.</td>
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<tr>
<td>790.164(1)</td>
<td>2nd</td>
<td>False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.</td>
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<td>790.19</td>
<td>2nd</td>
<td>Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.</td>
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<tr>
<td>794.011(8)(a)</td>
<td>3rd</td>
<td>Solicitation of minor to participate in sexual activity by custodial adult.</td>
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<tr>
<td>794.05(1)</td>
<td>2nd</td>
<td>Unlawful sexual activity with specified minor.</td>
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<tr>
<td>800.04(5)(d)</td>
<td>3rd</td>
<td>Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.</td>
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<tr>
<td>800.04(6)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious conduct; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.031(2)</td>
<td>2nd</td>
<td>Arson resulting in great bodily harm to firefighter or any other person.</td>
</tr>
</tbody>
</table>
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, grand theft in 2nd degree.

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

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

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

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

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

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
adult.

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

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

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

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

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

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

836.05 2nd Threats; extortion.

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

CODING: Words stricken are deletions; words underlined are additions.
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<tr>
<td>843.12</td>
<td>3rd</td>
<td>Aids or assists person to escape.</td>
</tr>
<tr>
<td>847.011</td>
<td>3rd</td>
<td>Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.</td>
</tr>
<tr>
<td>847.012</td>
<td>3rd</td>
<td>Knowingly using a minor in the production of materials harmful to minors.</td>
</tr>
<tr>
<td>847.0135(2)</td>
<td>3rd</td>
<td>Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.</td>
</tr>
<tr>
<td>914.23</td>
<td>2nd</td>
<td>Retaliation against a witness, victim, or informant, with bodily injury.</td>
</tr>
<tr>
<td>944.35(3)(a)2.</td>
<td>3rd</td>
<td>Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.</td>
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<tr>
<td>944.40</td>
<td>2nd</td>
<td>Escapes.</td>
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<tr>
<td>944.46</td>
<td>3rd</td>
<td>Harboring, concealing, aiding escaped prisoners.</td>
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</tbody>
</table>
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CS/CSPCS/CHB 1355, Engrossed 2

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

3rd Intoxicating drug, firearm, or weapon introduced into county facility.

(g) LEVEL 7

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tbody>
<tr>
<td>316.027(1)(b)</td>
<td>1st</td>
<td>Accident involving death, failure to stop; leaving scene.</td>
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<tr>
<td>316.193(3)(c)2.</td>
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<td>DUI resulting in serious bodily injury.</td>
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<tr>
<td>316.1935(3)(b)</td>
<td>1st</td>
<td>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.</td>
</tr>
<tr>
<td>327.35(3)(c)2.</td>
<td>3rd</td>
<td>Vessel BUI resulting in serious bodily injury.</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

409.920 3rd Medicaid provider fraud; $10,000 or less.
(2)(b)1.a.

409.920 2nd Medicaid provider fraud; more than $10,000, but less than $50,000.
(2)(b)1.b.

456.065(2) 3rd Practicing a health care profession without a license.

456.065(2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

458.327(1) 3rd Practicing medicine without a license.

459.013(1) 3rd Practicing osteopathic medicine without a license.

460.411(1) 3rd Practicing chiropractic medicine without a license.

461.012(1) 3rd Practicing podiatric medicine without a
license.

462.17  3rd Practicing naturopathy without a license.

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

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

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

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

467.201  3rd Practicing midwifery without a license.

468.366  3rd Delivering respiratory care services without a license.

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

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

484.013(1)(c)  3rd Preparing or dispensing optical devices without a prescription.
484.053  3rd  Dispensing hearing aids without a license.

494.001B(2)  1st  Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.

560.123(8)(b)1.  3rd  Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.

560.125(5)(a)  3rd  Money services 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 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.
775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

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

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

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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

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

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.
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<td>Aggravated battery; perpetrator aware victim pregnant.</td>
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<td>784.048(4)</td>
<td>3rd</td>
<td>Aggravated stalking; violation of injunction or court order.</td>
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<tr>
<td>784.048(7)</td>
<td>3rd</td>
<td>Aggravated stalking; violation of court order.</td>
</tr>
<tr>
<td>784.07(2)(d)</td>
<td>1st</td>
<td>Aggravated battery on law enforcement officer.</td>
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<tr>
<td>784.074(1)(a)</td>
<td>1st</td>
<td>Aggravated battery on sexually violent predators facility staff.</td>
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<tr>
<td>784.08(2)(a)</td>
<td>1st</td>
<td>Aggravated battery on a person 65 years of age or older.</td>
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<tr>
<td>784.081(1)</td>
<td>1st</td>
<td>Aggravated battery on specified official or employee.</td>
</tr>
<tr>
<td>784.082(1)</td>
<td>1st</td>
<td>Aggravated battery by detained person on visitor or other detainee.</td>
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<tr>
<td>Section</td>
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<td>Description</td>
</tr>
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</tr>
<tr>
<td>784.083(1)</td>
<td>1st</td>
<td>Aggravated battery on code inspector.</td>
</tr>
<tr>
<td>790.07(4)</td>
<td>1st</td>
<td>Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).</td>
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<tr>
<td>790.16(1)</td>
<td>1st</td>
<td>Discharge of a machine gun under specified circumstances.</td>
</tr>
<tr>
<td>790.165(2)</td>
<td>2nd</td>
<td>Manufacture, sell, possess, or deliver hoax bomb.</td>
</tr>
<tr>
<td>790.165(3)</td>
<td>2nd</td>
<td>Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.</td>
</tr>
<tr>
<td>790.166(3)</td>
<td>2nd</td>
<td>Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.</td>
</tr>
<tr>
<td>790.166(4)</td>
<td>2nd</td>
<td>Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.</td>
</tr>
<tr>
<td>790.23</td>
<td>1st, PBL</td>
<td>Possession of a firearm by a person who qualifies for the penalty enhancements</td>
</tr>
</tbody>
</table>
provided for in s. 874.04.

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.

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

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

800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.

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

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

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

810.02(3)(e)  2nd  Burglary of authorized emergency vehicle.

812.014(2)(a)1.  1st  Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

812.014(2)(b)2.  2nd  Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.

812.014(2)(b)3.  2nd  Property stolen, emergency medical equipment; 2nd degree grand theft.

812.014(2)(b)4.  2nd  Property stolen, law enforcement equipment from authorized emergency vehicle.

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

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

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

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

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

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

817.2341 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.

825.102(3)(b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
<table>
<thead>
<tr>
<th>Code</th>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>825.103(2)(b)</td>
<td>2nd</td>
<td>Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.</td>
<td></td>
</tr>
<tr>
<td>827.03(2)(b)</td>
<td>2nd</td>
<td>Neglect of a child causing great bodily harm, disability, or disfigurement.</td>
<td></td>
</tr>
<tr>
<td>827.03(3)(b)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>827.04(3)</td>
<td>3rd</td>
<td>Impregnation of a child under 16 years of age by person 21 years of age or older.</td>
<td></td>
</tr>
<tr>
<td>837.05(2)</td>
<td>3rd</td>
<td>Giving false information about alleged capital felony to a law enforcement officer.</td>
<td></td>
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<tr>
<td>838.015</td>
<td>2nd</td>
<td>Bribery.</td>
<td></td>
</tr>
<tr>
<td>838.016</td>
<td>2nd</td>
<td>Unlawful compensation or reward for official behavior.</td>
<td></td>
</tr>
<tr>
<td>838.021(3)(a)</td>
<td>2nd</td>
<td>Unlawful harm to a public servant.</td>
<td></td>
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</tbody>
</table>
838.22  2nd  Bid tampering.

847.0135(3)  3rd  Solicitation of a child, via a computer service, to commit an unlawful sex act.

847.0135(4)  2nd  Traveling to meet a minor to commit an unlawful sex act.

872.06  2nd  Abuse of a dead human body.

874.10  1st, PBL  Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

893.13(1)(c)1.  1st  Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

893.13(1)(e)1.  1st  Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a),
(2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

Traffic in cannabis, more than 25 lbs., less than 2,000 lbs.

Traffic in cocaine, more than 28 grams, less than 200 grams.

Traffic in illegal drugs, more than 4 grams, less than 14 grams.

Traffic in phencyclidine, more than 28 grams, less than 200 grams.

Traffic in methaqualone, more than 200 grams, less than 5 kilograms.

Traffic in amphetamine, more than 14 grams, less than 28 grams.

Traffic in flunitrazepam, 4 grams
(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.

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

893.135 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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

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

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

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residence; failure to comply with reporting requirements.

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

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

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

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

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

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

944.607(12)  3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)  3rd  Sexual offender; failure to report and reregister; failure to respond to address verification.

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

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

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

(i) LEVEL 9

<table>
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<tr>
<th>Florida Statute</th>
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<tr>
<td>316.193(3)(c)3.b</td>
<td>1st</td>
<td>DUI manslaughter; failing to render aid or give information.</td>
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<td>327.35(3)(c)3.b</td>
<td>1st</td>
<td>BUI manslaughter; failing to render aid or give information.</td>
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<tr>
<td>409.920</td>
<td>1st</td>
<td>Medicaid provider fraud; $50,000 or</td>
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Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

Failure to report currency or payment instruments totaling or exceeding $100,000 by money transmitter.

Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding $100,000.

Failure to report financial transactions totaling or exceeding $100,000 by financial institution.

Aggravated white collar crime.

Attempt, conspire, or solicit to commit premeditated murder.

Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified
782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

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

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

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

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

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
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<tr>
<th>Section</th>
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<td>790.161</td>
<td>1st</td>
<td>Attempted capital destructive device offense.</td>
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<td>790.166(2)</td>
<td>1st,PBL</td>
<td>Possessing, selling, using, or attempting to use a weapon of mass destruction.</td>
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<td>794.011(2)</td>
<td>1st</td>
<td>Attempted sexual battery; victim less than 12 years of age.</td>
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<tr>
<td>794.011(2)</td>
<td>Life</td>
<td>Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.</td>
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<td>794.011(4)</td>
<td>1st</td>
<td>Sexual battery; victim 12 years or older, certain circumstances.</td>
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<td>794.011(8)(b)</td>
<td>1st</td>
<td>Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.</td>
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<tr>
<td>794.08(2)</td>
<td>1st</td>
<td>Female genital mutilation; victim younger than 18 years of age.</td>
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<tr>
<td>800.04(5)(b)</td>
<td>Life</td>
<td>Lewd or lascivious molestation; victim less than 12 years; offender 18 years</td>
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</table>
or older.

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

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

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

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

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

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

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

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.

893.135 1st Attempted capital trafficking offense.

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

893.135 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

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

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

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

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

893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
ENROLLED
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893.135 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.
(1)(j)1.c.

895

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

Section 14. Subsection (1) of section 948.062, Florida Statutes, is amended to read:
948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.—
(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:
(a) Any murder as provided in s. 782.04;
(b) Any sexual battery as provided in s. 794.011 or s. 794.023;
(c) Any sexual performance by a child as provided in s. 827.071;
(d) Any kidnapping, false imprisonment, or luring of a...
child as provided in s. 787.01, s. 787.02, or s. 787.025;
(e) Any lewd and lascivious battery or lewd and lascivious
molestation as provided in s. 800.04(4) or (5);
(f) Any aggravated child abuse as provided in s.
827.03(2)(a) s.—827.03(2);
(g) Any robbery with a firearm or other deadly weapon,
home invasion robbery, or carjacking as provided in s.
812.13(2)(a), s. 812.135, or s. 812.133;
(h) Any aggravated stalking as provided in s. 784.048(3),
(4), or (5);
(i) Any forcible felony as provided in s. 776.08,
committed by a any person on probation or community control who
is designated as a sexual predator; or
(j) Any DUI manslaughter as provided in s. 316.193(3)(c),
or vehicular or vessel homicide as provided in s. 782.071 or s.
782.072, committed by a any person who is on probation or
community control for an offense involving death or injury
resulting from a driving incident.

Section 15. Paragraphs (a) and (b) of subsection (3) and
subsection (14) of section 960.03, Florida Statutes, are amended
to read:
960.03 Definitions; ss. 960.01-960.28.—As used in ss.
960.01-960.28, unless the context otherwise requires, the term:
(3) "Crime" means:
(a) A felony or misdemeanor offense committed by either an
adult or a juvenile which results in physical injury or death,
or a felony or misdemeanor offense of child abuse committed by
an adult or a juvenile which results in a mental injury, as
defined in s. 827.03, to a person younger than 18 years of age who was not physically injured by the criminal act. The mental injury to the minor must be verified by a psychologist licensed under chapter 490, by a physician licensed in this state under chapter 458 or chapter 459 who has completed an accredited residency in psychiatry, or by a physician who has obtained certification as an expert witness pursuant to s. 458.3175.

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

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

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

(d) A Any violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138, related to online sexual exploitation
and child pornography.

(14) "Victim" means:

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

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

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

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

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