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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to crimes against minors; amending ss. 787.01 and 787.02, F.S.; revising the elements of the crimes of kidnapping a minor child and false imprisonment of a minor child; amending s. 787.025, F.S.; revising the elements of the crime of luring or enticing a minor child for an unlawful purpose; increasing the penalty imposed for the offense of luring or enticing a minor child for an unlawful purpose; reenacting ss. 435.03(2)(j) and (k), 435.04(2)(k) and (l), 775.21(4), 903.133, and 910.14, F.S., relating to screening standards, the Florida Sexual Predators Act, bail on appeal, and kidnapping, to incorporate the amendments to ss. 787.01, 787.02, and 787.025, F.S., in references thereto; reenacting and amending s. 921.0022(3)(i) and (j), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments to ss. 787.01 and 787.02, F.S., in references thereto; conforming provisions



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29 | to changes made by the act; reenacting ss. 943.0435(1)(a),  
 30 | 943.0585, 943.059, 944.606(1)(b), 944.607(1)(a),  
 31 | 948.01(15), and 948.06(2)(a), F.S., relating to the  
 32 | registration of sexual offenders, expunction and court-  
 33 | ordered sealing of criminal history records, the  
 34 | definition of the term "sexual offender," and probation  
 35 | and community control, to incorporate the amendments to  
 36 | ss. 787.01, 787.02, and 787.025, F.S., in references  
 37 | thereto; providing an effective date.

38

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

40

41 | Section 1. Section 787.01, Florida Statutes, is amended to  
 42 | read:

43 | 787.01 Kidnapping; kidnapping of child under age 16 ~~13~~,  
 44 | aggravating circumstances.--

45 | (1)(a) The term "kidnapping" means forcibly, secretly, or  
 46 | by threat confining, abducting, or imprisoning another person  
 47 | against her or his will and without lawful authority, with  
 48 | intent to:

- 49 | 1. Hold for ransom or reward or as a shield or hostage.
- 50 | 2. Commit or facilitate commission of any felony.
- 51 | 3. Inflict bodily harm upon or to terrorize the victim or
- 52 | another person.
- 53 | 4. Interfere with the performance of any governmental or
- 54 | political function.

55 | (b) Confinement of a child under the age of 16 ~~13~~ is  
 56 | against her or his will within the meaning of this subsection if



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57 | such confinement is without the consent of her or his parent or  
58 | legal guardian.

59 |       (2) A person who kidnaps a person is guilty of a felony of  
60 | the first degree, punishable by imprisonment for a term of years  
61 | not exceeding life or as provided in s. 775.082, s. 775.083, or  
62 | s. 775.084.

63 |       (3)(a) A person who commits the offense of kidnapping upon  
64 | a child under the age of 16 ~~13~~ and who, in the course of  
65 | committing the offense, commits one or more of the following:

66 |           1. Aggravated child abuse, as defined in s. 827.03;  
67 |           2. Sexual battery, as defined in chapter 794, against the  
68 | child;

69 |           3. Lewd or lascivious battery, lewd or lascivious  
70 | molestation, lewd or lascivious conduct, or lewd or lascivious  
71 | exhibition, in violation of s. 800.04;

72 |           4. A violation of s. 796.03 or s. 796.04, relating to  
73 | prostitution, upon the child; or

74 |           5. Exploitation of the child or allowing the child to be  
75 | exploited, in violation of s. 450.151,

76 |  
77 | commits a life felony, punishable as provided in s. 775.082, s.  
78 | 775.083, or s. 775.084.

79 |       (b) Pursuant to s. 775.021(4), nothing contained herein  
80 | shall be construed to prohibit the imposition of separate  
81 | judgments and sentences for the life felony described in  
82 | paragraph (a) and for each separate offense enumerated in  
83 | subparagraphs (a)1.-5.



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84 Section 2. Section 787.02, Florida Statutes, is amended to  
85 read:

86 787.02 False imprisonment; false imprisonment of child  
87 under age 16 ~~13~~, aggravating circumstances.--

88 (1)(a) The term "false imprisonment" means forcibly, by  
89 threat, or secretly confining, abducting, imprisoning, or  
90 restraining another person without lawful authority and against  
91 her or his will.

92 (b) Confinement of a child under the age of 16 ~~13~~ is  
93 against her or his will within the meaning of this section if  
94 such confinement is without the consent of her or his parent or  
95 legal guardian.

96 (2) A person who commits the offense of false imprisonment  
97 is guilty of a felony of the third degree, punishable as  
98 provided in s. 775.082, s. 775.083, or s. 775.084.

99 (3)(a) A person who commits the offense of false  
100 imprisonment upon a child under the age of 16 ~~13~~ and who, in the  
101 course of committing the offense, commits any offense enumerated  
102 in subparagraphs 1.-5., commits a felony of the first degree,  
103 punishable by imprisonment for a term of years not exceeding  
104 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

- 105 1. Aggravated child abuse, as defined in s. 827.03;
- 106 2. Sexual battery, as defined in chapter 794, against the  
107 child;
- 108 3. Lewd or lascivious battery, lewd or lascivious  
109 molestation, lewd or lascivious conduct, or lewd or lascivious  
110 exhibition, in violation of s. 800.04;



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111 4. A violation of s. 796.03 or s. 796.04, relating to  
112 prostitution, upon the child; or

113 5. Exploitation of the child or allowing the child to be  
114 exploited, in violation of s. 450.151.

115 (b) Pursuant to s. 775.021(4), nothing contained herein  
116 shall be construed to prohibit the imposition of separate  
117 judgments and sentences for the first degree offense described  
118 in paragraph (a) and for each separate offense enumerated in  
119 subparagraphs (a)1.-5.

120 Section 3. Section 787.025, Florida Statutes, is amended  
121 to read:

122 787.025 Luring or enticing a child.--

123 (1) As used in this section, the term:

124 (a) "Structure" means a building of any kind, either  
125 temporary or permanent, which has a roof over it, together with  
126 the curtilage thereof.

127 (b) "Dwelling" means a building or conveyance of any kind,  
128 either temporary or permanent, mobile or immobile, which has a  
129 roof over it and is designed to be occupied by people lodging  
130 together therein at night, together with the curtilage thereof.

131 (c) "Conveyance" means any motor vehicle, ship, vessel,  
132 railroad car, trailer, aircraft, or sleeping car.

133 (2)(a) A person over the age of 18 who, ~~having been~~  
134 ~~previously convicted of a violation of chapter 794 or s. 800.04,~~  
135 ~~or a violation of a similar law of another jurisdiction,~~  
136 intentionally lures or entices, or attempts to lure or entice, a  
137 child under the age of 16 ~~12~~ into a structure, dwelling, or  
138 conveyance for other than a lawful purpose commits a felony of



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139 the second ~~third~~ degree, punishable as provided in s. 775.082,  
140 s. 775.083, or s. 775.084.

141 (b) For purposes of this section, the luring or enticing,  
142 or attempted luring or enticing, of a child under the age of 16  
143 ~~12~~ into a structure, dwelling, or conveyance without the consent  
144 of the child's parent or legal guardian shall be prima facie  
145 evidence of other than a lawful purpose.

146 (3) It is an affirmative defense to a prosecution under  
147 this section that:

148 (a) The person reasonably believed that his or her action  
149 was necessary to prevent the child from being seriously injured.

150 (b) The person lured or enticed, or attempted to lure or  
151 entice, the child under the age of 16 ~~12~~ into a structure,  
152 dwelling, or conveyance for a lawful purpose.

153 (c) The person's actions were reasonable under the  
154 circumstances and the defendant did not have any intent to harm  
155 the health, safety, or welfare of the child.

156 Section 4. For the purpose of incorporating the amendments  
157 made by this act to sections 787.01 and 787.02, Florida  
158 Statutes, in references thereto, paragraphs (j) and(k) of  
159 subsection (2) of section 435.03, Florida Statutes, are  
160 reenacted to read:

161 435.03 Level 1 screening standards.--

162 (2) Any person for whom employment screening is required  
163 by statute must not have been found guilty of, regardless of  
164 adjudication, or entered a plea of nolo contendere or guilty to,  
165 any offense prohibited under any of the following provisions of



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166 the Florida Statutes or under any similar statute of another  
167 jurisdiction:

168 (j) Section 787.01, relating to kidnapping.

169 (k) Section 787.02, relating to false imprisonment.

170 Section 5. For the purpose of incorporating the amendments  
171 made by this act to sections 787.01 and 787.02, Florida  
172 Statutes, in references thereto, paragraphs (k) and (l) of  
173 subsection (2) of section 435.04, Florida Statutes, are  
174 reenacted to read:

175 435.04 Level 2 screening standards.--

176 (2) The security background investigations under this  
177 section must ensure that no persons subject to the provisions of  
178 this section have been found guilty of, regardless of  
179 adjudication, or entered a plea of nolo contendere or guilty to,  
180 any offense prohibited under any of the following provisions of  
181 the Florida Statutes or under any similar statute of another  
182 jurisdiction:

183 (k) Section 787.01, relating to kidnapping.

184 (l) Section 787.02, relating to false imprisonment.

185 Section 6. For the purpose of incorporating the amendments  
186 made by this act to sections 787.01, 787.02, and 787.025,  
187 Florida Statutes, in references thereto, subsection (4) of  
188 section 775.21, Florida Statutes, is reenacted to read:

189 775.21 The Florida Sexual Predators Act; definitions;  
190 legislative findings, purpose, and intent; criteria;  
191 designation; registration; community and public notification;  
192 immunity; penalties.--

193 (4) SEXUAL PREDATOR CRITERIA.--



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194 (a) For a current offense committed on or after October 1,  
195 1993, upon conviction, an offender shall be designated as a  
196 "sexual predator" under subsection (5), and subject to  
197 registration under subsection (6) and community and public  
198 notification under subsection (7) if:

199 1. The felony is:

200 a. A capital, life, or first-degree felony violation, or  
201 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
202 is a minor and the defendant is not the victim's parent, or of  
203 chapter 794, s. 800.04, or s. 847.0145, or a violation of a  
204 similar law of another jurisdiction; or

205 b. Any felony violation, or any attempt thereof, of s.  
206 787.01, s. 787.02, or s. 787.025, where the victim is a minor  
207 and the defendant is not the victim's parent; chapter 794,  
208 excluding ss. 794.011(10) and 794.0235; s. 796.03; s. 800.04; s.  
209 825.1025(2)(b); s. 827.071; or s. 847.0145; or a violation of a  
210 similar law of another jurisdiction, and the offender has  
211 previously been convicted of or found to have committed, or has  
212 pled nolo contendere or guilty to, regardless of adjudication,  
213 any violation of s. 787.01, s. 787.02, or s. 787.025, where the  
214 victim is a minor and the defendant is not the victim's parent;  
215 s. 794.011(2), (3), (4), (5), or (8); s. 794.05; s. 796.03; s.  
216 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135; or s.  
217 847.0145, or a violation of a similar law of another  
218 jurisdiction;

219 2. The offender has not received a pardon for any felony  
220 or similar law of another jurisdiction that is necessary for the  
221 operation of this paragraph; and





222           3. A conviction of a felony or similar law of another  
223 jurisdiction necessary to the operation of this paragraph has  
224 not been set aside in any postconviction proceeding.

225           (b) In order to be counted as a prior felony for purposes  
226 of this subsection, the felony must have resulted in a  
227 conviction sentenced separately, or an adjudication of  
228 delinquency entered separately, prior to the current offense and  
229 sentenced or adjudicated separately from any other felony  
230 conviction that is to be counted as a prior felony. If the  
231 offender's prior enumerated felony was committed more than 10  
232 years before the primary offense, it shall not be considered a  
233 prior felony under this subsection if the offender has not been  
234 convicted of any other crime for a period of 10 consecutive  
235 years from the most recent date of release from confinement,  
236 supervision, or sanction, whichever is later.

237           (c) If an offender has been registered as a sexual  
238 predator by the Department of Corrections, the department, or  
239 any other law enforcement agency and if:

240           1. The court did not, for whatever reason, make a written  
241 finding at the time of sentencing that the offender was a sexual  
242 predator; or

243           2. The offender was administratively registered as a  
244 sexual predator because the Department of Corrections, the  
245 department, or any other law enforcement agency obtained  
246 information that indicated that the offender met the criteria  
247 for designation as a sexual predator based on a violation of a  
248 similar law in another jurisdiction,

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250 the department shall remove that offender from the department's  
251 list of sexual predators and, for an offender described under  
252 subparagraph 1., shall notify the state attorney who prosecuted  
253 the offense that met the criteria for administrative designation  
254 as a sexual predator, and, for an offender described under this  
255 subparagraph, shall notify the state attorney of the county  
256 where the offender establishes or maintains a permanent or  
257 temporary residence. The state attorney shall bring the matter  
258 to the court's attention in order to establish that the offender  
259 meets the criteria for designation as a sexual predator. If the  
260 court makes a written finding that the offender is a sexual  
261 predator, the offender must be designated as a sexual predator,  
262 must register or be registered as a sexual predator with the  
263 department as provided in subsection (6), and is subject to the  
264 community and public notification as provided in subsection (7).  
265 If the court does not make a written finding that the offender  
266 is a sexual predator, the offender may not be designated as a  
267 sexual predator with respect to that offense and is not required  
268 to register or be registered as a sexual predator with the  
269 department.

270 Section 7. For the purpose of incorporating the amendments  
271 made by this act to section 787.01, Florida Statutes, in  
272 references thereto, section 903.133, Florida Statutes, is  
273 reenacted to read:

274 903.133 Bail on appeal; prohibited for certain felony  
275 convictions.--Notwithstanding the provisions of s. 903.132, no  
276 person adjudged guilty of a felony of the first degree for a  
277 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.



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278 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
 279 violation of s. 794.011(2) or (3), shall be admitted to bail  
 280 pending review either by posttrial motion or appeal.

281 Section 8. For the purpose of incorporating the amendments  
 282 made by this act to sections 787.01 and 787.02, Florida  
 283 Statutes, in references thereto, section 910.14, Florida  
 284 Statutes, is reenacted to read:

285 910.14 Kidnapping.--A person who commits an offense  
 286 provided for in s. 787.01 or s. 787.02 may be tried in any  
 287 county in which the person's victim has been taken or confined  
 288 during the course of the offense.

289 Section 9. For the purpose of incorporating the amendments  
 290 made by this act to sections 787.01 and 787.02, Florida  
 291 Statutes, in references thereto, paragraphs (i) and (j) of  
 292 subsection (3) of section 921.0022, Florida Statutes, are  
 293 reenacted and amended to read:

294 921.0022 Criminal Punishment Code; offense severity  
 295 ranking chart.--

296 (3) OFFENSE SEVERITY RANKING CHART

| Florida<br>Statute | Felony<br>Degree | Description   |
|--------------------|------------------|---|
|                    |                  | (i) LEVEL 9   |
| 316.193(3)(c)3.b.  | 1st              | DUI manslaughter; failing to<br>render aid or give information. |
| 327.35(3)(c)3.b.   | 1st              | BUI manslaughter; failing to<br>render aid or give information. |



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| 300 | 560.123(8)(b)3. | 1st     | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.              |
| 301 | 560.125(5)(c)   | 1st     | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 302 | 655.50(10)(b)3. | 1st     | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.                   |
| 303 | 775.0844        | 1st     | Aggravated white collar crime.   |
| 304 | 782.04(1)       | 1st     | Attempt, conspire, or solicit to commit premeditated murder.   |
| 305 | 782.04(3)       | 1st,PBL | Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.      |
| 306 | 782.051(1)      | 1st     | Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).          |
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|-----|----------------|---------|--|
| 308 | 782.07(2)      | 1st     | Aggravated manslaughter of an elderly person or disabled adult.  |
| 309 | 787.01(1)(a)1. | 1st,PBL | Kidnapping; hold for ransom or reward or as a shield or hostage.   |
| 310 | 787.01(1)(a)2. | 1st,PBL | Kidnapping with intent to commit or facilitate commission of any felony.   |
| 311 | 787.01(1)(a)4. | 1st,PBL | Kidnapping with intent to interfere with performance of any governmental or political function.  |
| 312 | 787.02(3)(a)   | 1st     | False imprisonment; child under age <u>16</u> <del>13</del> ; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 313 | 790.161        | 1st     | Attempted capital destructive device offense.  |
| 314 | 790.166(2)     | 1st,PBL | Possessing, selling, using, or attempting to use a weapon of mass destruction.   |
|     | 794.011(2)     | 1st     | Attempted sexual battery; victim   |



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|     |               |          |  |
|-----|---------------|----------|--|
|     |               |          | less than 12 years of age.   |
| 315 | 794.011(2)    | Life     | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.        |
| 316 | 794.011(4)    | 1st      | Sexual battery; victim 12 years or older, certain circumstances.   |
| 317 | 794.011(8)(b) | 1st      | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 318 | 800.04(5)(b)  | 1st      | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.                           |
| 319 | 812.13(2)(a)  | 1st, PBL | Robbery with firearm or other deadly weapon.   |
| 320 | 812.133(2)(a) | 1st, PBL | Carjacking; firearm or other deadly weapon.  |
| 321 | 827.03(2)     | 1st      | Aggravated child abuse.  |
| 322 | 847.0145(1)   | 1st      | Selling, or otherwise transferring custody or control, of a minor.   |
| 323 | 847.0145(2)   | 1st      | Purchasing, or otherwise obtaining   |



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|     |                   |     |  |
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| 324 | 859.01            | 1st | custody or control, of a minor.<br>Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person. |
| 325 | 893.135           | 1st | Attempted capital trafficking offense.   |
| 326 | 893.135(1)(a)3.   | 1st | Trafficking in cannabis, more than 10,000 lbs.   |
| 327 | 893.135(1)(b)1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms.  |
| 328 | 893.135(1)(c)1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.  |
| 329 | 893.135(1)(d)1.c. | 1st | Trafficking in phencyclidine, more than 400 grams.   |
| 330 | 893.135(1)(e)1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms.   |
| 331 | 893.135(1)(f)1.c. | 1st | Trafficking in amphetamine, more   |



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|     |                   |         |   |
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|     |                   |         | than 200 grams.   |
| 332 | 893.135(1)(h)1.c. | 1st     | Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.   |
| 333 | 893.135(1)(j)1.c. | 1st     | Trafficking in 1,4-Butanediol, 10 kilograms or more.  |
| 334 | 893.135(1)(k)2.c. | 1st     | Trafficking in Phenethylamines, 400 grams or more.  |
| 335 | 896.101(5)(c)     | 1st     | Money laundering, financial instruments totaling or exceeding \$100,000.  |
| 336 | 896.104(4)(a)3.   | 1st     | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000. |
| 337 |                   |         | (j) LEVEL 10  |
| 338 | 782.04(2)         | 1st,PBL | Unlawful killing of human; act is homicide, unpremeditated.   |
| 339 | 787.01(1)(a)3.    | 1st,PBL | Kidnapping; inflict bodily harm upon or terrorize victim.   |
| 340 | 787.01(3)(a)      | Life    | Kidnapping; child under age <u>16</u> <del>13</del> ,   |





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perpetrator also commits  
aggravated child abuse, sexual  
battery, or lewd or lascivious  
battery, molestation, conduct, or  
exhibition.

341 782.07(3) 1st Aggravated manslaughter of a  
child.

342 794.011(3) Life Sexual battery; victim 12 years or  
older, offender uses or threatens  
to use deadly weapon or physical  
force to cause serious injury.

343 876.32 1st Treason against the state.

344  
345 Section 10. For the purpose of incorporating the  
346 amendments made by this act to sections 787.01, 787.02, and  
347 787.025, Florida Statutes, in references thereto, paragraph (a)  
348 of subsection (1) of section 943.0435, Florida Statutes, is  
349 amended to read:

350 943.0435 Sexual offenders required to register with the  
351 department; penalty.--

352 (1) As used in this section, the term:

353 (a) "Sexual offender" means a person who:

354 1. Has been convicted of committing, or attempting,  
355 soliciting, or conspiring to commit, any of the criminal  
356 offenses proscribed in the following statutes in this state or  
357 similar offenses in another jurisdiction: s. 787.01, s. 787.02,



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358 or s. 787.025, where the victim is a minor and the defendant is  
359 not the victim's parent; chapter 794, excluding ss. 794.011(10)  
360 and 794.0235; s. 796.03; s. 800.04; s. 825.1025; s. 827.071; s.  
361 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or  
362 any similar offense committed in this state which has been  
363 redesignated from a former statute number to one of those listed  
364 in this subparagraph; and

365 2. Has been released on or after October 1, 1997, from the  
366 sanction imposed for any conviction of an offense described in  
367 subparagraph 1. For purposes of subparagraph 1., a sanction  
368 imposed in this state or in any other jurisdiction includes, but  
369 is not limited to, a fine, probation, community control, parole,  
370 conditional release, control release, or incarceration in a  
371 state prison, federal prison, private correctional facility, or  
372 local detention facility; or

373 3. Establishes or maintains a residence in this state and  
374 who has not been designated as a sexual predator by a court of  
375 this state but who has been designated as a sexual predator, as  
376 a sexually violent predator, or by another sexual offender  
377 designation in another state or jurisdiction and was, as a  
378 result of such designation, subjected to registration or  
379 community or public notification, or both, or would be if the  
380 person were a resident of that state or jurisdiction; or

381 4. Establishes or maintains a residence in this state who  
382 is in the custody or control of, or under the supervision of,  
383 any other state or jurisdiction as a result of a conviction for  
384 committing, or attempting, soliciting, or conspiring to commit,  
385 any of the criminal offenses proscribed in the following



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386 statutes or similar offense in another jurisdiction: s. 787.01,  
387 s. 787.02, or s. 787.025, where the victim is a minor and the  
388 defendant is not the victim's parent; chapter 794, excluding ss.  
389 794.011(10) and 794.0235; s. 796.03; s. 800.04; s. 825.1025; s.  
390 827.071; s. 847.0133; s. 847.0135; s. 847.0137; s. 847.0138; s.  
391 847.0145; or any similar offense committed in this state which  
392 has been redesignated from a former statute number to one of  
393 those listed in this subparagraph.

394 Section 11. For the purpose of incorporating the  
395 amendments made by this act to section 787.025, Florida  
396 Statutes, in references thereto, section 943.0585, Florida  
397 Statutes, is reenacted to read:

398 943.0585 Court-ordered expunction of criminal history  
399 records.--The courts of this state have jurisdiction over their  
400 own procedures, including the maintenance, expunction, and  
401 correction of judicial records containing criminal history  
402 information to the extent such procedures are not inconsistent  
403 with the conditions, responsibilities, and duties established by  
404 this section. Any court of competent jurisdiction may order a  
405 criminal justice agency to expunge the criminal history record  
406 of a minor or an adult who complies with the requirements of  
407 this section. The court shall not order a criminal justice  
408 agency to expunge a criminal history record until the person  
409 seeking to expunge a criminal history record has applied for and  
410 received a certificate of eligibility for expunction pursuant to  
411 subsection (2). A criminal history record that relates to a  
412 violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
413 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.



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414 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in  
415 s. 907.041 may not be expunged, without regard to whether  
416 adjudication was withheld, if the defendant was found guilty of  
417 or pled guilty or nolo contendere to the offense, or if the  
418 defendant, as a minor, was found to have committed, or pled  
419 guilty or nolo contendere to committing, the offense as a  
420 delinquent act. The court may only order expunction of a  
421 criminal history record pertaining to one arrest or one incident  
422 of alleged criminal activity, except as provided in this  
423 section. The court may, at its sole discretion, order the  
424 expunction of a criminal history record pertaining to more than  
425 one arrest if the additional arrests directly relate to the  
426 original arrest. If the court intends to order the expunction of  
427 records pertaining to such additional arrests, such intent must  
428 be specified in the order. A criminal justice agency may not  
429 expunge any record pertaining to such additional arrests if the  
430 order to expunge does not articulate the intention of the court  
431 to expunge a record pertaining to more than one arrest. This  
432 section does not prevent the court from ordering the expunction  
433 of only a portion of a criminal history record pertaining to one  
434 arrest or one incident of alleged criminal activity.  
435 Notwithstanding any law to the contrary, a criminal justice  
436 agency may comply with laws, court orders, and official requests  
437 of other jurisdictions relating to expunction, correction, or  
438 confidential handling of criminal history records or information  
439 derived therefrom. This section does not confer any right to the  
440 expunction of any criminal history record, and any request for



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441 expunction of a criminal history record may be denied at the  
442 sole discretion of the court.

443 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.--Each  
444 petition to a court to expunge a criminal history record is  
445 complete only when accompanied by:

446 (a) A certificate of eligibility for expunction issued by  
447 the department pursuant to subsection (2).

448 (b) The petitioner's sworn statement attesting that the  
449 petitioner:

450 1. Has never, prior to the date on which the petition is  
451 filed, been adjudicated guilty of a criminal offense or  
452 comparable ordinance violation or adjudicated delinquent for  
453 committing a felony or a misdemeanor specified in s.  
454 943.051(3)(b).

455 2. Has not been adjudicated guilty of, or adjudicated  
456 delinquent for committing, any of the acts stemming from the  
457 arrest or alleged criminal activity to which the petition  
458 pertains.

459 3. Has never secured a prior sealing or expunction of a  
460 criminal history record under this section, former s. 893.14,  
461 former s. 901.33, or former s. 943.058, or from any jurisdiction  
462 outside the state.

463 4. Is eligible for such an expunction to the best of his  
464 or her knowledge or belief and does not have any other petition  
465 to expunge or any petition to seal pending before any court.

466

467 Any person who knowingly provides false information on such  
468 sworn statement to the court commits a felony of the third



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469 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
470 775.084.

471 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to  
472 petitioning the court to expunge a criminal history record, a  
473 person seeking to expunge a criminal history record shall apply  
474 to the department for a certificate of eligibility for  
475 expunction. The department shall, by rule adopted pursuant to  
476 chapter 120, establish procedures pertaining to the application  
477 for and issuance of certificates of eligibility for expunction.  
478 The department shall issue a certificate of eligibility for  
479 expunction to a person who is the subject of a criminal history  
480 record if that person:

481 (a) Has obtained, and submitted to the department, a  
482 written, certified statement from the appropriate state attorney  
483 or statewide prosecutor which indicates:

484 1. That an indictment, information, or other charging  
485 document was not filed or issued in the case.

486 2. That an indictment, information, or other charging  
487 document, if filed or issued in the case, was dismissed or nolle  
488 prosequi by the state attorney or statewide prosecutor, or was  
489 dismissed by a court of competent jurisdiction.

490 3. That the criminal history record does not relate to a  
491 violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
492 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
493 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in  
494 s. 907.041, where the defendant was found guilty of, or pled  
495 guilty or nolo contendere to any such offense, or that the  
496 defendant, as a minor, was found to have committed, or pled



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497 guilty or nolo contendere to committing, such an offense as a  
498 delinquent act, without regard to whether adjudication was  
499 withheld.

500 (b) Remits a \$75 processing fee to the department for  
501 placement in the Department of Law Enforcement Operating Trust  
502 Fund, unless such fee is waived by the executive director.

503 (c) Has submitted to the department a certified copy of  
504 the disposition of the charge to which the petition to expunge  
505 pertains.

506 (d) Has never, prior to the date on which the application  
507 for a certificate of eligibility is filed, been adjudicated  
508 guilty of a criminal offense or comparable ordinance violation  
509 or adjudicated delinquent for committing a felony or a  
510 misdemeanor specified in s. 943.051(3)(b).

511 (e) Has not been adjudicated guilty of, or adjudicated  
512 delinquent for committing, any of the acts stemming from the  
513 arrest or alleged criminal activity to which the petition to  
514 expunge pertains.

515 (f) Has never secured a prior sealing or expunction of a  
516 criminal history record under this section, former s. 893.14,  
517 former s. 901.33, or former s. 943.058.

518 (g) Is no longer under court supervision applicable to the  
519 disposition of the arrest or alleged criminal activity to which  
520 the petition to expunge pertains.

521 (h) Is not required to wait a minimum of 10 years prior to  
522 being eligible for an expunction of such records because all  
523 charges related to the arrest or criminal activity to which the  
524 petition to expunge pertains were dismissed prior to trial,



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525 adjudication, or the withholding of adjudication. Otherwise,  
526 such criminal history record must be sealed under this section,  
527 former s. 893.14, former s. 901.33, or former s. 943.058 for at  
528 least 10 years before such record is eligible for expunction.

529 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

530 (a) In judicial proceedings under this section, a copy of  
531 the completed petition to expunge shall be served upon the  
532 appropriate state attorney or the statewide prosecutor and upon  
533 the arresting agency; however, it is not necessary to make any  
534 agency other than the state a party. The appropriate state  
535 attorney or the statewide prosecutor and the arresting agency  
536 may respond to the court regarding the completed petition to  
537 expunge.

538 (b) If relief is granted by the court, the clerk of the  
539 court shall certify copies of the order to the appropriate state  
540 attorney or the statewide prosecutor and the arresting agency.  
541 The arresting agency is responsible for forwarding the order to  
542 any other agency to which the arresting agency disseminated the  
543 criminal history record information to which the order pertains.  
544 The department shall forward the order to expunge to the Federal  
545 Bureau of Investigation. The clerk of the court shall certify a  
546 copy of the order to any other agency which the records of the  
547 court reflect has received the criminal history record from the  
548 court.

549 (c) For an order to expunge entered by a court prior to  
550 July 1, 1992, the department shall notify the appropriate state  
551 attorney or statewide prosecutor of an order to expunge which is  
552 contrary to law because the person who is the subject of the





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553 record has previously been convicted of a crime or comparable  
554 ordinance violation or has had a prior criminal history record  
555 sealed or expunged. Upon receipt of such notice, the appropriate  
556 state attorney or statewide prosecutor shall take action, within  
557 60 days, to correct the record and petition the court to void  
558 the order to expunge. The department shall seal the record until  
559 such time as the order is voided by the court.

560 (d) On or after July 1, 1992, the department or any other  
561 criminal justice agency is not required to act on an order to  
562 expunge entered by a court when such order does not comply with  
563 the requirements of this section. Upon receipt of such an order,  
564 the department must notify the issuing court, the appropriate  
565 state attorney or statewide prosecutor, the petitioner or the  
566 petitioner's attorney, and the arresting agency of the reason  
567 for noncompliance. The appropriate state attorney or statewide  
568 prosecutor shall take action within 60 days to correct the  
569 record and petition the court to void the order. No cause of  
570 action, including contempt of court, shall arise against any  
571 criminal justice agency for failure to comply with an order to  
572 expunge when the petitioner for such order failed to obtain the  
573 certificate of eligibility as required by this section or such  
574 order does not otherwise comply with the requirements of this  
575 section.

576 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
577 criminal history record of a minor or an adult which is ordered  
578 expunged by a court of competent jurisdiction pursuant to this  
579 section must be physically destroyed or obliterated by any  
580 criminal justice agency having custody of such record; except



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581 that any criminal history record in the custody of the  
582 department must be retained in all cases. A criminal history  
583 record ordered expunged that is retained by the department is  
584 confidential and exempt from the provisions of s. 119.07(1) and  
585 s. 24(a), Art. I of the State Constitution and not available to  
586 any person or entity except upon order of a court of competent  
587 jurisdiction. A criminal justice agency may retain a notation  
588 indicating compliance with an order to expunge.

589 (a) The person who is the subject of a criminal history  
590 record that is expunged under this section or under other  
591 provisions of law, including former s. 893.14, former s. 901.33,  
592 and former s. 943.058, may lawfully deny or fail to acknowledge  
593 the arrests covered by the expunged record, except when the  
594 subject of the record:

- 595 1. Is a candidate for employment with a criminal justice  
596 agency;
- 597 2. Is a defendant in a criminal prosecution;
- 598 3. Concurrently or subsequently petitions for relief under  
599 this section or s. 943.059;
- 600 4. Is a candidate for admission to The Florida Bar;
- 601 5. Is seeking to be employed or licensed by or to contract  
602 with the Department of Children and Family Services or the  
603 Department of Juvenile Justice or to be employed or used by such  
604 contractor or licensee in a sensitive position having direct  
605 contact with children, the developmentally disabled, the aged,  
606 or the elderly as provided in s. 110.1127(3), s. 393.063(15), s.  
607 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
608 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or



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609 |           6. Is seeking to be employed or licensed by the Office of  
610 | Teacher Education, Certification, Staff Development, and  
611 | Professional Practices of the Department of Education, any  
612 | district school board, or any local governmental entity that  
613 | licenses child care facilities.

614 |           (b) Subject to the exceptions in paragraph (a), a person  
615 | who has been granted an expunction under this section, former s.  
616 | 893.14, former s. 901.33, or former s. 943.058 may not be held  
617 | under any provision of law of this state to commit perjury or to  
618 | be otherwise liable for giving a false statement by reason of  
619 | such person's failure to recite or acknowledge an expunged  
620 | criminal history record.

621 |           (c) Information relating to the existence of an expunged  
622 | criminal history record which is provided in accordance with  
623 | paragraph (a) is confidential and exempt from the provisions of  
624 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
625 | except that the department shall disclose the existence of a  
626 | criminal history record ordered expunged to the entities set  
627 | forth in subparagraphs (a)1., 4., 5., and 6. for their  
628 | respective licensing and employment purposes, and to criminal  
629 | justice agencies for their respective criminal justice purposes.  
630 | It is unlawful for any employee of an entity set forth in  
631 | subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or  
632 | subparagraph (a)6. to disclose information relating to the  
633 | existence of an expunged criminal history record of a person  
634 | seeking employment or licensure with such entity or contractor,  
635 | except to the person to whom the criminal history record relates  
636 | or to persons having direct responsibility for employment or



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637 licensure decisions. Any person who violates this paragraph  
638 commits a misdemeanor of the first degree, punishable as  
639 provided in s. 775.082 or s. 775.083.

640 (5) STATUTORY REFERENCES.--Any reference to any other  
641 chapter, section, or subdivision of the Florida Statutes in this  
642 section constitutes a general reference under the doctrine of  
643 incorporation by reference.

644 Section 12. For the purpose of incorporating the  
645 amendments made by this act to section 787.025, Florida  
646 Statutes, in references thereto, section 943.059, Florida  
647 Statutes, is reenacted to read:

648 943.059 Court-ordered sealing of criminal history  
649 records.--The courts of this state shall continue to have  
650 jurisdiction over their own procedures, including the  
651 maintenance, sealing, and correction of judicial records  
652 containing criminal history information to the extent such  
653 procedures are not inconsistent with the conditions,  
654 responsibilities, and duties established by this section. Any  
655 court of competent jurisdiction may order a criminal justice  
656 agency to seal the criminal history record of a minor or an  
657 adult who complies with the requirements of this section. The  
658 court shall not order a criminal justice agency to seal a  
659 criminal history record until the person seeking to seal a  
660 criminal history record has applied for and received a  
661 certificate of eligibility for sealing pursuant to subsection  
662 (2). A criminal history record that relates to a violation of s.  
663 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.  
664 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s.



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665 847.0145, s. 893.135, or a violation enumerated in s. 907.041  
666 may not be sealed, without regard to whether adjudication was  
667 withheld, if the defendant was found guilty of or pled guilty or  
668 nolo contendere to the offense, or if the defendant, as a minor,  
669 was found to have committed or pled guilty or nolo contendere to  
670 committing the offense as a delinquent act. The court may only  
671 order sealing of a criminal history record pertaining to one  
672 arrest or one incident of alleged criminal activity, except as  
673 provided in this section. The court may, at its sole discretion,  
674 order the sealing of a criminal history record pertaining to  
675 more than one arrest if the additional arrests directly relate  
676 to the original arrest. If the court intends to order the  
677 sealing of records pertaining to such additional arrests, such  
678 intent must be specified in the order. A criminal justice agency  
679 may not seal any record pertaining to such additional arrests if  
680 the order to seal does not articulate the intention of the court  
681 to seal records pertaining to more than one arrest. This section  
682 does not prevent the court from ordering the sealing of only a  
683 portion of a criminal history record pertaining to one arrest or  
684 one incident of alleged criminal activity. Notwithstanding any  
685 law to the contrary, a criminal justice agency may comply with  
686 laws, court orders, and official requests of other jurisdictions  
687 relating to sealing, correction, or confidential handling of  
688 criminal history records or information derived therefrom. This  
689 section does not confer any right to the sealing of any criminal  
690 history record, and any request for sealing a criminal history  
691 record may be denied at the sole discretion of the court.



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692 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each  
693 petition to a court to seal a criminal history record is  
694 complete only when accompanied by:

695 (a) A certificate of eligibility for sealing issued by the  
696 department pursuant to subsection (2).

697 (b) The petitioner's sworn statement attesting that the  
698 petitioner:

699 1. Has never, prior to the date on which the petition is  
700 filed, been adjudicated guilty of a criminal offense or  
701 comparable ordinance violation or adjudicated delinquent for  
702 committing a felony or a misdemeanor specified in s.  
703 943.051(3)(b).

704 2. Has not been adjudicated guilty of or adjudicated  
705 delinquent for committing any of the acts stemming from the  
706 arrest or alleged criminal activity to which the petition to  
707 seal pertains.

708 3. Has never secured a prior sealing or expunction of a  
709 criminal history record under this section, former s. 893.14,  
710 former s. 901.33, former s. 943.058, or from any jurisdiction  
711 outside the state.

712 4. Is eligible for such a sealing to the best of his or  
713 her knowledge or belief and does not have any other petition to  
714 seal or any petition to expunge pending before any court.

715  
716 Any person who knowingly provides false information on such  
717 sworn statement to the court commits a felony of the third  
718 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
719 775.084.



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720 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to  
721 petitioning the court to seal a criminal history record, a  
722 person seeking to seal a criminal history record shall apply to  
723 the department for a certificate of eligibility for sealing. The  
724 department shall, by rule adopted pursuant to chapter 120,  
725 establish procedures pertaining to the application for and  
726 issuance of certificates of eligibility for sealing. The  
727 department shall issue a certificate of eligibility for sealing  
728 to a person who is the subject of a criminal history record  
729 provided that such person:

730 (a) Has submitted to the department a certified copy of  
731 the disposition of the charge to which the petition to seal  
732 pertains.

733 (b) Remits a \$75 processing fee to the department for  
734 placement in the Department of Law Enforcement Operating Trust  
735 Fund, unless such fee is waived by the executive director.

736 (c) Has never, prior to the date on which the application  
737 for a certificate of eligibility is filed, been adjudicated  
738 guilty of a criminal offense or comparable ordinance violation  
739 or adjudicated delinquent for committing a felony or a  
740 misdemeanor specified in s. 943.051(3)(b).

741 (d) Has not been adjudicated guilty of or adjudicated  
742 delinquent for committing any of the acts stemming from the  
743 arrest or alleged criminal activity to which the petition to  
744 seal pertains.

745 (e) Has never secured a prior sealing or expunction of a  
746 criminal history record under this section, former s. 893.14,  
747 former s. 901.33, or former s. 943.058.



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748 (f) Is no longer under court supervision applicable to the  
749 disposition of the arrest or alleged criminal activity to which  
750 the petition to seal pertains.

751 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

752 (a) In judicial proceedings under this section, a copy of  
753 the completed petition to seal shall be served upon the  
754 appropriate state attorney or the statewide prosecutor and upon  
755 the arresting agency; however, it is not necessary to make any  
756 agency other than the state a party. The appropriate state  
757 attorney or the statewide prosecutor and the arresting agency  
758 may respond to the court regarding the completed petition to  
759 seal.

760 (b) If relief is granted by the court, the clerk of the  
761 court shall certify copies of the order to the appropriate state  
762 attorney or the statewide prosecutor and to the arresting  
763 agency. The arresting agency is responsible for forwarding the  
764 order to any other agency to which the arresting agency  
765 disseminated the criminal history record information to which  
766 the order pertains. The department shall forward the order to  
767 seal to the Federal Bureau of Investigation. The clerk of the  
768 court shall certify a copy of the order to any other agency  
769 which the records of the court reflect has received the criminal  
770 history record from the court.

771 (c) For an order to seal entered by a court prior to July  
772 1, 1992, the department shall notify the appropriate state  
773 attorney or statewide prosecutor of any order to seal which is  
774 contrary to law because the person who is the subject of the  
775 record has previously been convicted of a crime or comparable





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776 ordinance violation or has had a prior criminal history record  
777 sealed or expunged. Upon receipt of such notice, the appropriate  
778 state attorney or statewide prosecutor shall take action, within  
779 60 days, to correct the record and petition the court to void  
780 the order to seal. The department shall seal the record until  
781 such time as the order is voided by the court.

782 (d) On or after July 1, 1992, the department or any other  
783 criminal justice agency is not required to act on an order to  
784 seal entered by a court when such order does not comply with the  
785 requirements of this section. Upon receipt of such an order, the  
786 department must notify the issuing court, the appropriate state  
787 attorney or statewide prosecutor, the petitioner or the  
788 petitioner's attorney, and the arresting agency of the reason  
789 for noncompliance. The appropriate state attorney or statewide  
790 prosecutor shall take action within 60 days to correct the  
791 record and petition the court to void the order. No cause of  
792 action, including contempt of court, shall arise against any  
793 criminal justice agency for failure to comply with an order to  
794 seal when the petitioner for such order failed to obtain the  
795 certificate of eligibility as required by this section or when  
796 such order does not comply with the requirements of this  
797 section.

798 (e) An order sealing a criminal history record pursuant to  
799 this section does not require that such record be surrendered to  
800 the court, and such record shall continue to be maintained by  
801 the department and other criminal justice agencies.

802 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal  
803 history record of a minor or an adult which is ordered sealed by



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804 a court of competent jurisdiction pursuant to this section is  
805 confidential and exempt from the provisions of s. 119.07(1) and  
806 s. 24(a), Art. I of the State Constitution and is available only  
807 to the person who is the subject of the record, to the subject's  
808 attorney, to criminal justice agencies for their respective  
809 criminal justice purposes, or to those entities set forth in  
810 subparagraphs (a)1., 4., 5., and 6. for their respective  
811 licensing and employment purposes.

812 (a) The subject of a criminal history record sealed under  
813 this section or under other provisions of law, including former  
814 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
815 deny or fail to acknowledge the arrests covered by the sealed  
816 record, except when the subject of the record:

- 817 1. Is a candidate for employment with a criminal justice  
818 agency;
- 819 2. Is a defendant in a criminal prosecution;
- 820 3. Concurrently or subsequently petitions for relief under  
821 this section or s. 943.0585;
- 822 4. Is a candidate for admission to The Florida Bar;
- 823 5. Is seeking to be employed or licensed by or to contract  
824 with the Department of Children and Family Services or the  
825 Department of Juvenile Justice or to be employed or used by such  
826 contractor or licensee in a sensitive position having direct  
827 contact with children, the developmentally disabled, the aged,  
828 or the elderly as provided in s. 110.1127(3), s. 393.063(15), s.  
829 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
830 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter  
831 400; or



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832           6. Is seeking to be employed or licensed by the Office of  
833 Teacher Education, Certification, Staff Development, and  
834 Professional Practices of the Department of Education, any  
835 district school board, or any local governmental entity which  
836 licenses child care facilities.

837           (b) Subject to the exceptions in paragraph (a), a person  
838 who has been granted a sealing under this section, former s.  
839 893.14, former s. 901.33, or former s. 943.058 may not be held  
840 under any provision of law of this state to commit perjury or to  
841 be otherwise liable for giving a false statement by reason of  
842 such person's failure to recite or acknowledge a sealed criminal  
843 history record.

844           (c) Information relating to the existence of a sealed  
845 criminal record provided in accordance with the provisions of  
846 paragraph (a) is confidential and exempt from the provisions of  
847 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
848 except that the department shall disclose the sealed criminal  
849 history record to the entities set forth in subparagraphs (a)1.,  
850 4., 5., and 6. for their respective licensing and employment  
851 purposes. It is unlawful for any employee of an entity set forth  
852 in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5.,  
853 or subparagraph (a)6. to disclose information relating to the  
854 existence of a sealed criminal history record of a person  
855 seeking employment or licensure with such entity or contractor,  
856 except to the person to whom the criminal history record relates  
857 or to persons having direct responsibility for employment or  
858 licensure decisions. Any person who violates the provisions of



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859 | this paragraph commits a misdemeanor of the first degree,  
860 | punishable as provided in s. 775.082 or s. 775.083.

861 |       (5) STATUTORY REFERENCES.--Any reference to any other  
862 | chapter, section, or subdivision of the Florida Statutes in this  
863 | section constitutes a general reference under the doctrine of  
864 | incorporation by reference.

865 |       Section 13. For the purpose of incorporating the  
866 | amendments made by this act to sections 787.01, 787.02, and  
867 | 787.025, Florida Statutes, in references thereto, paragraph (b)  
868 | of subsection (1) of section 944.606, Florida Statutes, is  
869 | reenacted to read:

870 |       944.606 Sexual offenders; notification upon release.--

871 |       (1) As used in this section:

872 |       (b) "Sexual offender" means a person who has been  
873 | convicted of committing, or attempting, soliciting, or  
874 | conspiring to commit, any of the criminal offenses proscribed in  
875 | the following statutes in this state or similar offenses in  
876 | another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where  
877 | the victim is a minor and the defendant is not the victim's  
878 | parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.  
879 | 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
880 | 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or any similar  
881 | offense committed in this state which has been redesignated from  
882 | a former statute number to one of those listed in this  
883 | subsection, when the department has received verified  
884 | information regarding such conviction; an offender's  
885 | computerized criminal history record is not, in and of itself,  
886 | verified information.



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887 Section 14. For the purpose of incorporating the  
888 amendments made by this act to sections 787.01, 787.02, and  
889 787.025, Florida Statutes, in references thereto, paragraph (a)  
890 of subsection (1) of section 944.607, Florida Statutes, is  
891 reenacted to read:

892 944.607 Notification to Department of Law Enforcement of  
893 information on sexual offenders.--

894 (1) As used in this section, the term:

895 (a) "Sexual offender" means a person who is in the custody  
896 or control of, or under the supervision of, the department or is  
897 in the custody of a private correctional facility:

898 1. On or after October 1, 1997, as a result of a  
899 conviction for committing, or attempting, soliciting, or  
900 conspiring to commit, any of the criminal offenses proscribed in  
901 the following statutes in this state or similar offenses in  
902 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025, where  
903 the victim is a minor and the defendant is not the victim's  
904 parent; chapter 794, excluding ss. 794.011(10) and 794.0235; s.  
905 796.03; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
906 847.0135; s. 847.0137; s. 847.0138; s. 847.0145; or any similar  
907 offense committed in this state which has been redesignated from  
908 a former statute number to one of those listed in this  
909 paragraph; or

910 2. Who establishes or maintains a residence in this state  
911 and who has not been designated as a sexual predator by a court  
912 of this state but who has been designated as a sexual predator,  
913 as a sexually violent predator, or by another sexual offender  
914 designation in another state or jurisdiction and was, as a



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915 result of such designation, subjected to registration or  
916 community or public notification, or both, or would be if the  
917 person were a resident of that state or jurisdiction.

918 Section 15. For the purpose of incorporating the  
919 amendments made by this act to sections 787.01, 787.02, and  
920 787.025, Florida Statutes, in references thereto, subsection  
921 (15) of section 948.01, Florida Statutes, is reenacted to read:

922 948.01 When court may place defendant on probation or into  
923 community control.--

924 (15) Effective for an offense committed on or after July  
925 1, 1998, a person is ineligible for placement on administrative  
926 probation if the person is sentenced to or is serving a term of  
927 probation or community control, regardless of the conviction or  
928 adjudication, for committing, or attempting, conspiring, or  
929 soliciting to commit, any of the felony offenses described in s.  
930 787.01 or s. 787.02, where the victim is a minor and the  
931 defendant is not the victim's parent; s. 787.025; chapter 794;  
932 s. 796.03; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
933 847.0133; s. 847.0135; or s. 847.0145.

934 Section 16. For the purpose of incorporating the  
935 amendments made by this act to section 787.025, Florida  
936 Statutes, in references thereto, paragraph (a) of subsection (2)  
937 of section 948.06, Florida Statutes, is reenacted to read:

938 948.06 Violation of probation or community control;  
939 revocation; modification; continuance; failure to pay  
940 restitution or cost of supervision.--

941 (2)(a) When any state or local law enforcement agency  
942 investigates or arrests a person for committing, or attempting,



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943 | soliciting, or conspiring to commit, a violation of s. 787.025,  
944 | chapter 794, s. 796.03, s. 800.04, s. 827.071, s. 847.0133, s.  
945 | 847.0135, or s. 847.0145, the law enforcement agency shall  
946 | contact the Department of Corrections to verify whether the  
947 | person under investigation or under arrest is on probation,  
948 | community control, parole, conditional release, or control  
949 | release.

950 |       Section 17. This act shall take effect October 1, 2003.

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