

1 A bill to be entitled  
2 An act relating to sex trafficking; amending s. 772.102,  
3 F.S.; expanding the definition of the term "criminal  
4 activity" to include the offense of facilitating certain  
5 offenses for purposes of seeking civil remedies for  
6 criminal offenses; amending s. 775.21, F.S.; conforming  
7 cross-references; creating s. 796.011, F.S.; providing  
8 definitions; amending s. 796.03, F.S.; increasing  
9 penalties for procuring a minor for prostitution; amending  
10 s. 796.04, F.S.; providing enhanced penalties for forcing,  
11 compelling, or coercing another to become a prostitute;  
12 renumbering and amending s. 796.035, F.S., and amending s.  
13 796.045, F.S.; increasing penalties for selling or buying  
14 minors into sex trafficking or prostitution; revising  
15 provisions relating to sex trafficking; increasing  
16 penalties; amending s. 796.05, F.S.; revising provisions  
17 prohibiting deriving support or maintenance from earnings  
18 of prostitution; providing penalties; amending s. 796.06,  
19 F.S.; revising provisions prohibiting rental of certain  
20 facilities for prohibited activities; amending s. 796.07,  
21 F.S.; revising provisions prohibiting prostitution,  
22 lewdness, and assignation; providing penalties; amending  
23 s. 796.09, F.S.; revising provisions providing a civil  
24 action against persons who coerce or induce certain  
25 activities; requiring the court to award prevailing  
26 plaintiffs reasonable attorney's fees and costs; creating  
27 s. 796.10, F.S.; defining the term "business entity";  
28 providing that a business entity convicted of a violation

29 of chapter 796, F.S., may be subject to specified  
 30 sanctions and forfeiture of property; amending s. 823.05,  
 31 F.S.; providing that a place used for specified violations  
 32 relating to prostitution may be may be declared a public  
 33 nuisance and abated or enjoined; amending s. 893.138,  
 34 F.S.; providing additional prostitution offenses that may  
 35 subject a place to being declared a public nuisance by a  
 36 county or municipality and abated pursuant to specified  
 37 provisions; amending s. 895.02, F.S.; redefining the term  
 38 "racketeering activity" to revise the offenses included  
 39 for purposes of the Florida RICO Act; amending s.  
 40 921.0022, F.S.; conforming the offense severity ranking  
 41 chart of the Criminal Punishment Code; amending ss.  
 42 322.28, 943.0435, 944.606, and 944.607, F.S.; conforming  
 43 cross-references; providing an effective date.

44  
 45 Be It Enacted by the Legislature of the State of Florida:

46  
 47 Section 1. Paragraph (a) of subsection (1) of section  
 48 772.102, Florida Statutes, is amended to read:

49 772.102 Definitions.--As used in this chapter, the term:

50 (1) "Criminal activity" means to commit, to attempt to  
 51 commit, to conspire to commit, or to solicit, coerce, or  
 52 intimidate another person to commit:

53 (a) Any crime that is chargeable by indictment or  
 54 information under the following provisions:

55 1. Section 210.18, relating to evasion of payment of  
 56 cigarette taxes.

HB 1151

2008

- 57 | 2. Section 414.39, relating to public assistance fraud.
- 58 | 3. Section 440.105 or s. 440.106, relating to workers'
- 59 | compensation.
- 60 | 4. Part IV of chapter 501, relating to telemarketing.
- 61 | 5. Chapter 517, relating to securities transactions.
- 62 | 6. Section 550.235, s. 550.3551, or s. 550.3605, relating
- 63 | to dogracing and horseracing.
- 64 | 7. Chapter 550, relating to jai alai frontons.
- 65 | 8. Chapter 552, relating to the manufacture, distribution,
- 66 | and use of explosives.
- 67 | 9. Chapter 562, relating to beverage law enforcement.
- 68 | 10. Section 624.401, relating to transacting insurance
- 69 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 70 | to operating an unauthorized multiple-employer welfare
- 71 | arrangement, or s. 626.902(1)(b), relating to representing or
- 72 | aiding an unauthorized insurer.
- 73 | 11. Chapter 687, relating to interest and usurious
- 74 | practices.
- 75 | 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 76 | real estate timeshare plans.
- 77 | 13. Chapter 782, relating to homicide.
- 78 | 14. Chapter 784, relating to assault and battery.
- 79 | 15. Chapter 787, relating to kidnapping or human
- 80 | trafficking.
- 81 | 16. Chapter 790, relating to weapons and firearms.
- 82 | 17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, s.
- 83 | 796.06, or s. 796.07, relating to prostitution.
- 84 | 18. Chapter 806, relating to arson.

- 85 |           19. Section 810.02(2)(c), relating to specified burglary
- 86 | of a dwelling or structure.
- 87 |           20. Chapter 812, relating to theft, robbery, and related
- 88 | crimes.
- 89 |           21. Chapter 815, relating to computer-related crimes.
- 90 |           22. Chapter 817, relating to fraudulent practices, false
- 91 | pretenses, fraud generally, and credit card crimes.
- 92 |           23. Section 827.071, relating to commercial sexual
- 93 | exploitation of children.
- 94 |           24. Chapter 831, relating to forgery and counterfeiting.
- 95 |           25. Chapter 832, relating to issuance of worthless checks
- 96 | and drafts.
- 97 |           26. Section 836.05, relating to extortion.
- 98 |           27. Chapter 837, relating to perjury.
- 99 |           28. Chapter 838, relating to bribery and misuse of public
- 100 | office.
- 101 |           29. Chapter 843, relating to obstruction of justice.
- 102 |           30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 103 | s. 847.07, relating to obscene literature and profanity.
- 104 |           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 105 | 849.25, relating to gambling.
- 106 |           32. Chapter 893, relating to drug abuse prevention and
- 107 | control.
- 108 |           33. Section 914.22 or s. 914.23, relating to witnesses,
- 109 | victims, or informants.
- 110 |           34. Section 918.12 or s. 918.13, relating to tampering
- 111 | with jurors and evidence.
- 112 |           Section 2. Paragraph (a) of subsection (4) and paragraph

HB 1151

2008

113 (b) of subsection (10) of section 775.21, Florida Statutes, are  
 114 amended to read:

115 775.21 The Florida Sexual Predators Act.--

116 (4) SEXUAL PREDATOR CRITERIA.--

117 (a) For a current offense committed on or after October 1,  
 118 1993, upon conviction, an offender shall be designated as a  
 119 "sexual predator" under subsection (5), and subject to  
 120 registration under subsection (6) and community and public  
 121 notification under subsection (7) if:

122 1. The felony is:

123 a. A capital, life, or first-degree felony violation, or  
 124 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 125 is a minor and the defendant is not the victim's parent or  
 126 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
 127 violation of a similar law of another jurisdiction; or

128 b. Any felony violation, or any attempt thereof, of s.  
 129 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
 130 minor and the defendant is not the victim's parent or guardian;  
 131 s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03;  
 132 former s. 796.035; s. 796.045(2); s. 800.04; s. 825.1025(2)(b);  
 133 s. 827.071; s. 847.0145; or s. 985.701(1); or a violation of a  
 134 similar law of another jurisdiction, and the offender has  
 135 previously been convicted of or found to have committed, or has  
 136 pled nolo contendere or guilty to, regardless of adjudication,  
 137 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 138 where the victim is a minor and the defendant is not the  
 139 victim's parent or guardian; s. 794.011, excluding s.  
 140 794.011(10); s. 794.05; s. 796.03; former s. 796.035; s.

HB 1151

2008

141 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 142 847.0135, excluding s. 847.0135(4); s. 847.0145; or s.  
 143 985.701(1); or a violation of a similar law of another  
 144 jurisdiction;

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

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

151 (10) PENALTIES.--

152 (b) A sexual predator who has been convicted of or found  
 153 to have committed, or has pled nolo contendere or guilty to,  
 154 regardless of adjudication, any violation, or attempted  
 155 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 156 the victim is a minor and the defendant is not the victim's  
 157 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
 158 794.05; s. 796.03; former s. 796.035; s. 796.045(2); s. 800.04;  
 159 s. 827.071; s. 847.0133; s. 847.0145; or s. 985.701(1); or a  
 160 violation of a similar law of another jurisdiction when the  
 161 victim of the offense was a minor, and who works, whether for  
 162 compensation or as a volunteer, at any business, school, day  
 163 care center, park, playground, or other place where children  
 164 regularly congregate, commits a felony of the third degree,  
 165 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

166 Section 3. Section 796.011, Florida Statutes, is created  
 167 to read:

168 796.011 Definitions.--As used in this chapter, the term:

169           (1) "Assignment" means the making of any appointment or  
 170 engagement for prostitution or lewdness or any act in  
 171 furtherance of such appointment or engagement.

172           (2) "Coerces" means uses force or intimidation, or any  
 173 practice of domination or restraint, in order to bring about or  
 174 cause a person to take certain action. The term includes, but is  
 175 not limited to, the use of:

176           (a) Physical force or threat of physical force.

177           (b) Physical or mental torture.

178           (c) Kidnapping.

179           (d) Blackmail.

180           (e) Extortion or claims of indebtedness.

181           (f) Threat of legal complaint or report of delinquency.

182           (g) Threat to interfere with parental rights or  
 183 responsibilities, whether by judicial or administrative action  
 184 or otherwise.

185           (h) Restraint of speech or communication with others.

186           (i) Exploitation of a condition of developmental  
 187 disability, cognitive limitation, affective disorder, or  
 188 substance dependency.

189           (j) Exploitation of victimization by sexual abuse.

190           (k) Exploitation of pornographic performance.

191           (l) Exploitation of human needs for food, shelter, safety,  
 192 or affection.

193           (3) "Induces" means offers, promises, or withholds or  
 194 threatens to withhold, a benefit or advantage, whether legal,  
 195 financial, or otherwise, such as a promise of marriage,

196 employment, or material support or advantage, in order to bring  
 197 about or cause a person to take certain action.

198 (4) "Lewdness" means any indecent or obscene act.

199 (5) "Prostitution" means the giving or receiving of the  
 200 body for sexual activity for hire; however, the term does not  
 201 include sexual activity between spouses.

202 (6) "Sexual activity" means oral, anal, or vaginal  
 203 penetration by, or union with, the sexual organ of another; anal  
 204 or vaginal penetration of another by any other object; or the  
 205 handling or fondling of the sexual organ of another for the  
 206 purpose of masturbation; however, the term does not include acts  
 207 done for bona fide medical purposes.

208 Section 4. Section 796.03, Florida Statutes, is amended to  
 209 read:

210 796.03 Procuring minor ~~person under age of 18~~ for  
 211 prostitution.--A person who procures for prostitution, or causes  
 212 to be prostituted, any minor ~~person who is under the age of 18~~  
 213 ~~years~~ commits a felony of the first ~~second~~ degree, punishable as  
 214 provided in s. 775.082, s. 775.083, or s. 775.084.

215 Section 5. Section 796.04, Florida Statutes, is amended to  
 216 read:

217 796.04 Forcing, compelling, or coercing another to become  
 218 a prostitute.--

219 ~~(1) After May 1, 1943, It is shall be~~ unlawful for anyone  
 220 to force, compel, or coerce another to become a prostitute.

221 ~~(2) A person anyone~~ violating this section commits shall  
 222 ~~be guilty of~~ a felony of the first ~~third~~ degree, punishable as  
 223 provided in s. 775.082, s. 775.083, or s. 775.084.



224 Section 6. Section 796.035, Florida Statutes, is  
 225 renumbered as subsection (2) of section 796.045, Florida  
 226 Statutes, and amended, and section 796.045, Florida Statutes, is  
 227 amended, to read:

228 796.045 Sex trafficking; penalties.--

229 (1) (a) Any person who knowingly recruits, entices,  
 230 harbors, transports, provides, or obtains by any means a person,  
 231 knowing that force, fraud, or coercion will be used to cause  
 232 that person to engage in prostitution, commits the offense of  
 233 sex trafficking, a felony of the first ~~second~~ degree, punishable  
 234 as provided in s. 775.082, s. 775.083, or s. 775.084.

235 (b) A person commits a life felony ~~of the first degree~~,  
 236 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 237 if the offense ~~of sex trafficking~~ is committed against a minor  
 238 ~~person who is under the age of 14 or the~~ if such offense results  
 239 in death.

240 (2) ~~796.035 Selling or buying of minors into sex~~  
 241 ~~trafficking or prostitution; penalties.--~~Any parent, legal  
 242 guardian, or other person having custody or control of a minor  
 243 who sells or otherwise transfers custody or control of such  
 244 minor, or offers to sell or otherwise transfer custody of such  
 245 minor, with knowledge that, as a consequence of the sale or  
 246 transfer, force, fraud, or coercion will be used to cause the  
 247 minor to engage in prostitution or otherwise participate in the  
 248 trade of sex trafficking, commits a life felony ~~of the first~~  
 249 ~~degree~~, punishable as provided in s. 775.082, s. 775.083, or s.  
 250 775.084.

HB 1151

2008

251 Section 7. Section 796.05, Florida Statutes, is amended to  
 252 read:

253 796.05 Deriving support from the proceeds of  
 254 prostitution.--

255 (1) It shall be unlawful for any person with reasonable  
 256 belief or knowing another person is engaged in prostitution to  
 257 live or derive support or maintenance in whole or in part,  
 258 directly or indirectly, from what is believed to be the earnings  
 259 or proceeds of such person's prostitution.

260 (2) Anyone violating this section commits a felony of the  
 261 third degree, punishable as provided in s. 775.082, s. 775.083,  
 262 or s. 775.084.

263 Section 8. Section 796.06, Florida Statutes, is amended to  
 264 read:

265 796.06 Use of space for prohibited activities; sanctions  
 266 ~~Renting space to be used for lewdness, assignation, or~~  
 267 ~~prostitution.--~~

268 (1) Any person who owns, lets, rents, maintains, controls,  
 269 or operates ~~It is unlawful to let, or rent~~ any place, structure,  
 270 building, or part thereof, or trailer or other conveyance, with  
 271 ~~the knowledge~~ or reasonable cause to believe that it is being  
 272 used, or will be used, in whole or in part, for the purpose of  
 273 any activity prohibited under this chapter commits a felony of  
 274 the third degree, punishable as provided in s. 775.082, s.  
 275 775.083, or s. 775.084. ~~lewdness, assignation, or prostitution.~~

276 ~~(2) A person who violates this section commits:~~

277 ~~(a) A misdemeanor of the second degree for a first~~  
 278 ~~violation, punishable as provided in s. 775.082 or s. 775.083.~~

279 ~~(b) A misdemeanor of the first degree for a second or~~  
 280 ~~subsequent violation, punishable as provided in s. 775.082 or s.~~  
 281 ~~775.083.~~

282 Section 9. Section 796.07, Florida Statutes, is amended to  
 283 read:

284 796.07 Prohibiting prostitution, lewdness, and assignation  
 285 ~~etc.; evidence; penalties; definitions.--~~

286 ~~(1) As used in this section:~~

287 ~~(a) "Prostitution" means the giving or receiving of the~~  
 288 ~~body for sexual activity for hire but excludes sexual activity~~  
 289 ~~between spouses.~~

290 ~~(b) "Lewdness" means any indecent or obscene act.~~

291 ~~(c) "Assignation" means the making of any appointment or~~  
 292 ~~engagement for prostitution or lewdness, or any act in~~  
 293 ~~furtherance of such appointment or engagement.~~

294 ~~(d) "Sexual activity" means oral, anal, or vaginal~~  
 295 ~~penetration by, or union with, the sexual organ of another; anal~~  
 296 ~~or vaginal penetration of another by any other object; or the~~  
 297 ~~handling or fondling of the sexual organ of another for the~~  
 298 ~~purpose of masturbation; however, the term does not include acts~~  
 299 ~~done for bona fide medical purposes.~~

300 ~~(1)(2)~~ It is unlawful for a person:

301 ~~(a) To own, establish, maintain, or operate any place,~~  
 302 ~~structure, building, or conveyance for the purpose of lewdness,~~  
 303 ~~assignation, or prostitution.~~

304 ~~(a)(b)~~ To offer, or to offer or agree to secure, any  
 305 person ~~another~~ for the purpose of prostitution, lewdness, or  
 306 assignation ~~or for any other lewd or indecent act.~~

307        (b)~~(e)~~ To receive, or to offer or agree to receive, any  
 308 person into any place, structure, building, or trailer or other  
 309 conveyance for the purpose of prostitution, lewdness, or  
 310 assignation, ~~or to permit any person to remain there for such~~  
 311 ~~purpose.~~

312        (c)~~(d)~~ To direct, take, or transport, or to offer or agree  
 313 to direct, take, or transport, any person to any place,  
 314 structure, ~~or~~ building, or trailer or other conveyance or to any  
 315 other person, with knowledge or reasonable cause to believe that  
 316 the purpose of such directing, taking, or transporting is  
 317 prostitution, lewdness, or assignation.

318        (d)~~(e)~~ To offer to commit, or to commit, or to engage in,  
 319 prostitution, lewdness, or assignation.

320        (e)~~(f)~~ To solicit, induce, entice, or procure any person  
 321 ~~another~~ to commit prostitution, lewdness, or assignation.

322        (f)~~(g)~~ To reside in, enter, or remain in, any place,  
 323 structure, or building, or to enter or remain in any trailer or  
 324 other conveyance, for the purpose of prostitution, lewdness, or  
 325 assignation.

326        (g)~~(h)~~ To aid, abet, or participate in prostitution,  
 327 lewdness, or assignation ~~any of the acts or things enumerated in~~  
 328 ~~this subsection.~~

329        (h)~~(i)~~ To purchase the services of any person engaged in  
 330 prostitution.

331        (2)~~(3)~~(a) In the trial of a person charged with a  
 332 violation of this section, testimony concerning the reputation  
 333 of any place, structure, building, or trailer or other  
 334 conveyance involved in the charge;— testimony concerning the

HB 1151

2008

335 reputation of any person residing in, operating, or frequenting  
336 such place, structure, building, or trailer or other  
337 conveyance; ~~and~~ and testimony concerning the reputation of the  
338 defendant is admissible in evidence in support of the charge.

339 (b) Notwithstanding any other provision of law, a police  
340 officer may testify as an offended party in an action regarding  
341 charges filed pursuant to this section.

342 ~~(3)(4)~~ Except as otherwise provided in this chapter, a  
343 person who violates any provision of this section commits:

344 (a) A misdemeanor of the second degree for a first  
345 violation, punishable as provided in s. 775.082 or s. 775.083.

346 (b) A misdemeanor of the first degree for a second  
347 violation, punishable as provided in s. 775.082 or s. 775.083.

348 (c) A felony of the third degree for a third or subsequent  
349 violation, punishable as provided in s. 775.082, s. 775.083, or  
350 s. 775.084.

351 ~~(4)(5)~~ A person who is charged with a third or subsequent  
352 violation of this section shall be offered admission to a  
353 pretrial intervention program or a substance-abuse treatment  
354 program as provided in s. 948.08.

355 ~~(5)(6)~~ In addition to the punishment provided in  
356 subsection (3), a person who violates paragraph (1)(e) ~~(2)(f)~~  
357 shall be assessed a civil penalty of \$500 if the violation  
358 results in any judicial disposition other than acquittal or  
359 dismissal. The proceeds from penalties assessed under this  
360 subsection shall be paid to the circuit court administrator for  
361 the sole purpose of paying the administrative costs of  
362 treatment-based drug court programs provided under s. 397.334.

363 Section 10. Section 796.09, Florida Statutes, is amended  
 364 to read:

365 796.09 Coercion or inducement; civil cause of action;  
 366 evidence; defenses; attorney's fees.--

367 (1) A person has a cause of action for compensatory and  
 368 punitive damages against:

369 (a) A person who coerces or induces ~~coerced~~ that person  
 370 into prostitution.†

371 (b) A person who coerces or induces that person to remain  
 372 in prostitution.†~~or~~

373 (c) A person who collects or receives ~~uses coercion to~~  
 374 ~~collect or receive~~ any part of another ~~that~~ person's earnings  
 375 derived from prostitution.

376 ~~(2) As used in this section, the term "prostitution" has~~  
 377 ~~the same meaning as in s. 796.07.~~

378 ~~(3) As used in this section, the term "coercion" means any~~  
 379 ~~practice of domination, restraint, or inducement for the purpose~~  
 380 ~~of or with the reasonably foreseeable effect of causing another~~  
 381 ~~person to engage in or remain in prostitution or to relinquish~~  
 382 ~~earnings derived from prostitution, and includes, but is not~~  
 383 ~~limited to:~~

384 ~~(a) Physical force or threats of physical force.~~

385 ~~(b) Physical or mental torture.~~

386 ~~(c) Kidnapping.~~

387 ~~(d) Blackmail.~~

388 ~~(e) Extortion or claims of indebtedness.~~

389 ~~(f) Threat of legal complaint or report of delinquency.~~

390 ~~(g) Threat to interfere with parental rights or~~  
 391 ~~responsibilities, whether by judicial or administrative action~~  
 392 ~~or otherwise.~~

393 ~~(h) Promise of legal benefit.~~

394 ~~(i) Promise of greater financial rewards.~~

395 ~~(j) Promise of marriage.~~

396 ~~(k) Restraint of speech or communication with others.~~

397 ~~(l) Exploitation of a condition of developmental~~  
 398 ~~disability, cognitive limitation, affective disorder, or~~  
 399 ~~substance dependency.~~

400 ~~(m) Exploitation of victimization by sexual abuse.~~

401 ~~(n) Exploitation of pornographic performance.~~

402 ~~(o) Exploitation of human needs for food, shelter, safety,~~  
 403 ~~or affection.~~

404 (2)(4) In the course of litigation under this section, any  
 405 transaction about which a plaintiff testifies or produces  
 406 evidence does not subject such plaintiff to criminal prosecution  
 407 or any penalty or forfeiture. Further, any testimony or  
 408 evidence, documentary or otherwise, or information directly or  
 409 indirectly derived from such testimony or evidence which is  
 410 given or produced by a plaintiff or a witness for a plaintiff  
 411 shall not be used against these persons in any other  
 412 investigation or proceeding. Such testimony or evidence,  
 413 however, may be used against a plaintiff or a witness for a  
 414 plaintiff upon any criminal investigation or proceeding for  
 415 perjury committed while giving such testimony or producing such  
 416 evidence.

417        (3)~~(5)~~ It does not constitute a defense to a complaint  
 418 under this section that:

419            (a) The plaintiff was paid or otherwise compensated for  
 420 acts of prostitution or other acts prohibited under this  
 421 chapter;

422            (b) The plaintiff engaged in acts of prostitution or other  
 423 acts prohibited under this chapter prior to any involvement with  
 424 the defendant; ~~or~~

425            (c) The plaintiff made no attempt to escape, flee, or  
 426 otherwise terminate contact with the defendant;;

427            (d) In the case of a cause of action based on inducement,  
 428 the victim consented; or

429            (e) The plaintiff stipulated or otherwise agreed that the  
 430 prohibited acts did not occur as a result of coercion.

431        (4)~~(6)~~ Evidence of convictions for prostitution or other  
 432 acts prohibited under this chapter ~~or prostitution-related~~  
 433 ~~offenses~~ are inadmissible in a proceeding brought under this  
 434 section for purposes of attacking the plaintiff's credibility.

435        (5)~~(7)~~ In any action brought under this section, the court  
 436 shall, in its discretion, may award prevailing plaintiffs  
 437 reasonable attorney's fees and costs.

438        Section 11. Section 796.10, Florida Statutes, is created  
 439 to read:

440        796.10 Violations by a business entity; sanctions.--

441        (1) For purposes of this section, the term "business  
 442 entity" includes, but is not limited to, any corporation,  
 443 syndicate, association, firm, joint venture, partnership,  
 444 limited liability company, or business trust.



445           (2) If a business entity is convicted of a violation of  
 446 this chapter, the court may, when appropriate, order:  
 447           (a) Its dissolution or reorganization;  
 448           (b) The suspension or revocation of any license,  
 449 including, but not limited to, any occupational license, license  
 450 under chapter 561, permit, or prior approval granted to the  
 451 business entity by a state agency; or  
 452           (c) The surrender of its charter, if organized under the  
 453 laws of this state, or any certificate to conduct business in  
 454 this state, if it is not organized by the laws of this state.  
 455           (3) All property, real or personal, including money, used  
 456 in the course of, intended for use in the course of, derived  
 457 from, or realized through conduct in violation of a provision of  
 458 this chapter is subject to civil forfeiture to the state under  
 459 ss. 932.701-932.706.

460           Section 12. Section 823.05, Florida Statutes, is amended  
 461 to read:

462           823.05 Places declared a nuisance; abatement ~~may be abated~~  
 463 and injunction enjoined.--

464           (1) Whoever shall erect, establish, continue, or maintain,  
 465 own or lease any building, booth, tent or place which tends to  
 466 annoy the community or injure the health of the community, or  
 467 become manifestly injurious to the morals or manners of the  
 468 people as described in s. 823.01, or shall be frequented by the  
 469 class of persons mentioned in s. 856.02, or any house or place  
 470 of prostitution, assignation, lewdness or place or building  
 471 where games of chance are engaged in violation of law or any  
 472 place where any law of the state is violated, shall be deemed

HB 1151

2008

473 guilty of maintaining a nuisance, and the building, erection,  
 474 place, tent or booth and the furniture, fixtures and contents  
 475 are declared a nuisance. All such places or persons shall be  
 476 abated or enjoined as provided in ss. 60.05 and 60.06.

477 (2) Any place, structure, building, or part thereof, or  
 478 trailer or other conveyance that has been used as provided in s.  
 479 893.138(2), may be declared a public nuisance and abated or  
 480 enjoined as provided in ss. 60.05 and 60.06.

481 Section 13. Paragraph (a) of subsection (2) of section  
 482 893.138, Florida Statutes, is amended to read:

483 893.138 Local administrative action to abate drug-related,  
 484 prostitution-related, or stolen-property-related public  
 485 nuisances and criminal street gang activity.--

486 (2) Any place or premises that has been used:

487 (a) On more than two occasions within a 6-month period, as  
 488 the site of a violation of chapter 796 ~~s. 796.07~~;

489  
 490 may be declared to be a public nuisance, and such nuisance may  
 491 be abated pursuant to the procedures provided in this section.

492 Section 14. Paragraph (a) of subsection (1) of section  
 493 895.02, Florida Statutes, is amended to read:

494 895.02 Definitions.--As used in ss. 895.01-895.08, the  
 495 term:

496 (1) "Racketeering activity" means to commit, to attempt to  
 497 commit, to conspire to commit, or to solicit, coerce, or  
 498 intimidate another person to commit:

- 499           (a) Any crime that is chargeable by indictment or  
 500 information under the following provisions of the Florida  
 501 Statutes:
- 502           1. Section 210.18, relating to evasion of payment of  
 503 cigarette taxes.
  - 504           2. Section 403.727(3)(b), relating to environmental  
 505 control.
  - 506           3. Section 409.920 or s. 409.9201, relating to Medicaid  
 507 fraud.
  - 508           4. Section 414.39, relating to public assistance fraud.
  - 509           5. Section 440.105 or s. 440.106, relating to workers'  
 510 compensation.
  - 511           6. Section 443.071(4), relating to creation of a  
 512 fictitious employer scheme to commit unemployment compensation  
 513 fraud.
  - 514           7. Section 465.0161, relating to distribution of medicinal  
 515 drugs without a permit as an Internet pharmacy.
  - 516           8. Sections 499.0051, 499.0052, 499.00535, 499.00545, and  
 517 499.0691, relating to crimes involving contraband and  
 518 adulterated drugs.
  - 519           9. Part IV of chapter 501, relating to telemarketing.
  - 520           10. Chapter 517, relating to sale of securities and  
 521 investor protection.
  - 522           11. Section 550.235, s. 550.3551, or s. 550.3605, relating  
 523 to dogracing and horseracing.
  - 524           12. Chapter 550, relating to jai alai frontons.
  - 525           13. Section 551.109, relating to slot machine gaming.

- 526           14. Chapter 552, relating to the manufacture,  
 527 distribution, and use of explosives.
- 528           15. Chapter 560, relating to money transmitters, if the  
 529 violation is punishable as a felony.
- 530           16. Chapter 562, relating to beverage law enforcement.
- 531           17. Section 624.401, relating to transacting insurance  
 532 without a certificate of authority, s. 624.437(4)(c)1., relating  
 533 to operating an unauthorized multiple-employer welfare  
 534 arrangement, or s. 626.902(1)(b), relating to representing or  
 535 aiding an unauthorized insurer.
- 536           18. Section 655.50, relating to reports of currency  
 537 transactions, when such violation is punishable as a felony.
- 538           19. Chapter 687, relating to interest and usurious  
 539 practices.
- 540           20. Section 721.08, s. 721.09, or s. 721.13, relating to  
 541 real estate timeshare plans.
- 542           21. Chapter 782, relating to homicide.
- 543           22. Chapter 784, relating to assault and battery.
- 544           23. Chapter 787, relating to kidnapping or human  
 545 trafficking.
- 546           24. Chapter 790, relating to weapons and firearms.
- 547           25. Section 796.03, ~~s. 796.035~~, s. 796.04, s. 796.045, s.  
 548 796.05, s. 796.06, or s. 796.07, relating to prostitution and  
 549 sex trafficking.
- 550           26. Chapter 806, relating to arson.
- 551           27. Section 810.02(2)(c), relating to specified burglary  
 552 of a dwelling or structure.

- 553           28. Chapter 812, relating to theft, robbery, and related
- 554 crimes.
- 555           29. Chapter 815, relating to computer-related crimes.
- 556           30. Chapter 817, relating to fraudulent practices, false
- 557 pretenses, fraud generally, and credit card crimes.
- 558           31. Chapter 825, relating to abuse, neglect, or
- 559 exploitation of an elderly person or disabled adult.
- 560           32. Section 827.071, relating to commercial sexual
- 561 exploitation of children.
- 562           33. Chapter 831, relating to forgery and counterfeiting.
- 563           34. Chapter 832, relating to issuance of worthless checks
- 564 and drafts.
- 565           35. Section 836.05, relating to extortion.
- 566           36. Chapter 837, relating to perjury.
- 567           37. Chapter 838, relating to bribery and misuse of public
- 568 office.
- 569           38. Chapter 843, relating to obstruction of justice.
- 570           39. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 571 s. 847.07, relating to obscene literature and profanity.
- 572           40. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 573 849.25, relating to gambling.
- 574           41. Chapter 874, relating to criminal street gangs.
- 575           42. Chapter 893, relating to drug abuse prevention and
- 576 control.
- 577           43. Chapter 896, relating to offenses related to financial
- 578 transactions.

HB 1151

2008

579 44. Sections 914.22 and 914.23, relating to tampering with  
 580 a witness, victim, or informant, and retaliation against a  
 581 witness, victim, or informant.

582 45. Sections 918.12 and 918.13, relating to tampering with  
 583 jurors and evidence.

584 Section 15. Paragraphs (a), (b), (d), (g), (h), and (i) of  
 585 subsection (3) of section 921.0022, Florida Statutes, are  
 586 amended to read:

587 921.0022 Criminal Punishment Code; offense severity  
 588 ranking chart.--

589 (3) OFFENSE SEVERITY RANKING CHART

590 (a) LEVEL 1

591

Florida	Felony	Description
Statute	Degree	

592

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
--------------	-----	----------------------------------------------

593

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
---------------	-----	--------------------------------------------------------------------------

594

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
--------------	-----	---------------------------------------------------------------------------------

595

HB 1151

2008

596	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
597	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
598	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
599	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
600	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.
601	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.
602	322.212 (5) (a)	3rd	False application for driver's license or identification card.
	414.39 (2)	3rd	Unauthorized use, possession,

HB 1151

2008

forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.

603

414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.

604

443.071(1) 3rd False statement or representation to obtain or increase unemployment compensation benefits.

605

509.151(1) 3rd Defraud an innkeeper, food or lodging value greater than \$300.

606

517.302(1) 3rd Violation of the Florida Securities and Investor Protection Act.

607

562.27(1) 3rd Possess still or still apparatus.

608

713.69 3rd Tenant removes property upon which lien has accrued, value more than \$50.

609

796.07(3)(c) 3rd Prostitution, 3rd or subsequent violation.

610



HB 1151

2008

611	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
612	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
613	815.04 (4) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
614	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
615	817.569 (2)	3rd	Use of public record or public records information to facilitate commission of a felony.
616	826.01	3rd	Bigamy.
617	828.122 (3)	3rd	Fighting or baiting animals.
618	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

HB 1151

2008

619	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
620	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
621	832.05(2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
622	838.15(2)	3rd	Commercial bribe receiving.
623	838.16	3rd	Commercial bribery.
624	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
625	847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
626	849.01	3rd	Keeping gambling house.
	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise

HB 1151

2008

drawing for prizes, or dispose of property or money by means of lottery.

627

849.23 3rd Gambling-related machines; "common offender" as to property rights.

628

849.25 (2) 3rd Engaging in bookmaking.

629

860.08 3rd Interfere with a railroad signal.

630

860.13 (1) (a) 3rd Operate aircraft while under the influence.

631

893.13 (2) (a) 2. 3rd Purchase of cannabis.

632

893.13 (6) (a) 3rd Possession of cannabis (more than 20 grams).

633

934.03 (1) (a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

634

635 (b) LEVEL 2

636

Florida	Felony	Description
Statute	Degree	

637

HB 1151

2008

638	370.12 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
639	370.12 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
640	403.413 (5) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
641	517.07	3rd	Registration of securities and furnishing of prospectus required.
642	590.28 (1)	3rd	Willful, malicious, or intentional burning.
643	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
644	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

HB 1151

2008

645	<u>796.06</u>	<u>3rd</u>	<u>Use of space for activity prohibited in chapter 796.</u>
646	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
647	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
648	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
649	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
650	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
651	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
652	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.

HB 1151

2008

653	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
654	817.52 (3)	3rd	Failure to redeliver hired vehicle.
655	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
656	817.60 (5)	3rd	Dealing in credit cards of another.
657	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
658	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
659	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
660	831.01	3rd	Forgery.
661	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.

HB 1151

2008

662	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
663	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
664	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
665	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
666	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
667	843.08	3rd	Falsely impersonating an officer.
668	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs other than cannabis.
669	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
670	(d) LEVEL 4		
671			

HB 1151

2008

	Florida Statute	Felony Degree	Description
672	316.1935 (3) (a)	2nd	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.
673	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
674	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
675	499.0051 (6)	2nd	Sale or delivery, or possession with intent to sell, contraband legend drugs.
676	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
677	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
678	784.075	3rd	Battery on detention or commitment



HB 1151

2008

facility staff.

679

784.078 3rd Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.

680

784.08 (2) (c) 3rd Battery on a person 65 years of age or older.

681

784.081 (3) 3rd Battery on specified official or employee.

682

784.082 (3) 3rd Battery by detained person on visitor or other detainee.

683

784.083 (3) 3rd Battery on code inspector.

684

784.085 3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

685

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

686

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

687

HB 1151

2008

688	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
689	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
690	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
691	790.115 (2) (c)	3rd	Possessing firearm on school property.
692	<u>796.05</u>	<u>3rd</u>	<u>Deriving support from prostitution proceeds.</u>
693	800.04 (7) (d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
694	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed;

HB 1151

2008

no assault or battery.

695

810.06 3rd Burglary; possession of tools.

696

810.08 (2) (c) 3rd Trespass on property, armed with  
firearm or dangerous weapon.

697

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or  
more but less than \$20,000.

698

812.014 (2) (c) 4.- 3rd Grand theft, 3rd degree, a will,  
10. firearm, motor vehicle, livestock,  
etc.

699

812.0195 (2) 3rd Dealing in stolen property by use of  
the Internet; property stolen \$300  
or more.

700

817.563 (1) 3rd Sell or deliver substance other than  
controlled substance agreed upon,  
excluding s. 893.03 (5) drugs.

701

817.568 (2) (a) 3rd Fraudulent use of personal  
identification information.

702

817.625 (2) (a) 3rd Fraudulent use of scanning device or  
reencoder.

703

HB 1151

2008

704	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
705	837.02 (1)	3rd	Perjury in official proceedings.
706	837.021 (1)	3rd	Make contradictory statements in official proceedings.
707	838.022	3rd	Official misconduct.
708	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
709	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
710	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
711	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

HB 1151

2008

712	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
713	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal street gang.
714	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
715	914.14 (2)	3rd	Witnesses accepting bribes.
716	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
717	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
718	918.12	3rd	Tampering with jurors.
719	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
720	(g) LEVEL 7		
721			

HB 1151

2008

	Florida Statute	Felony Degree	Description
722	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
723	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
724	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
725	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
726	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
727	409.920(2)	3rd	Medicaid provider fraud.
728			

HB 1151

2008

729	456.065 (2)	3rd	Practicing a health care profession without a license.
730	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
731	458.327 (1)	3rd	Practicing medicine without a license.
732	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
733	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
734	461.012 (1)	3rd	Practicing podiatric medicine without a license.
735	462.17	3rd	Practicing naturopathy without a license.
736	463.015 (1)	3rd	Practicing optometry without a license.
737	464.016 (1)	3rd	Practicing nursing without a license.

HB 1151

2008

738	465.015 (2)	3rd	Practicing pharmacy without a license.
739	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
740	467.201	3rd	Practicing midwifery without a license.
741	468.366	3rd	Delivering respiratory care services without a license.
742	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
743	483.901 (9)	3rd	Practicing medical physics without a license.
744	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
745	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully



HB 1151

2008

obtained exceeded \$50,000 and there were five or more victims.

746

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

747

560.125 (5) (a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

748

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

749

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

750

775.21 (10) (b) 3rd Sexual predator working where children regularly congregate.

751

775.21 (10) (g) 3rd Failure to report or providing false

HB 1151

2008

information about a sexual predator;  
harbor or conceal a sexual predator.

752

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

753

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

754

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

755

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

756

784.045(1)(a)1.              2nd              Aggravated battery; intentionally  
causing great bodily harm or  
disfigurement.

757

784.045(1)(a)2.              2nd              Aggravated battery; using deadly  
weapon.

758

HB 1151

2008

759	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
760	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
761	784.048 (7)	3rd	Aggravated stalking; violation of court order.
762	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
763	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
764	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
765	784.081 (1)	1st	Aggravated battery on specified official or employee.
766	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
767	784.083 (1)	1st	Aggravated battery on code inspector.

HB 1151

2008

768	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
769	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
770	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
771	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
772	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
773	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim

HB 1151

2008

			younger than 18 years of age.
774	796.03	<u>1st</u> <del>2nd</del>	Procuring any <u>minor</u> <del>person under 16</del> <del>years</del> for prostitution.
775	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
776	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.
777	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
778	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
779	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
780	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
781	810.02 (3) (e)	2nd	Burglary of authorized emergency

HB 1151

2008

vehicle.

782

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.

783

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

784

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

785

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

786

812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.

787

812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

788

HB 1151

2008

789	812.131 (2) (a)	2nd	Robbery by sudden snatching.
790	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
791	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
792	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
793	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
794	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
795	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

HB 1151

2008

796	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
797	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
798	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
799	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
800	838.015	2nd	Bribery.
801	838.016	2nd	Unlawful compensation or reward for official behavior.
802	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
803	838.22	2nd	Bid tampering.
	847.0135 (3)	3rd	Solicitation of a child, via a



HB 1151

2008

computer service, to commit an unlawful sex act.

804

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

805

872.06 2nd Abuse of a dead human body.

806

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.

807

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.

808

893.13(4)(a) 1st Deliver to minor cocaine (or other

HB 1151

2008

s. 893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)4. drugs).

809

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

810

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

811

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

812

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

813

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

814

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

815

893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4  
grams or more, less than 14 grams.

816

893.135(1)(h)1.a. 1st Trafficking in gamma-hydroxybutyric  
acid (GHB), 1 kilogram or more, less

HB 1151

2008

than 5 kilograms.

817

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

818

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

819

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

820

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

821

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

822

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

823

HB 1151

2008

824	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
825	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
826	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
827	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
828	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
829	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
830	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

HB 1151

2008

to the taking of a digitized  
 photograph.

831 985.4815 (12) 3rd Failure to report or providing false  
 information about a sexual offender;  
 harbor or conceal a sexual offender.

832 985.4815 (13) 3rd Sexual offender; failure to report  
 and reregister; failure to respond  
 to address verification.

833  
 834 (h) LEVEL 8

835 Florida Felony Description  
 Statute Degree

836 316.193 (3) (c) 3.a. 2nd DUI manslaughter.

837 316.1935 (4) (b) 1st Aggravated fleeing or attempted  
 eluding with serious bodily injury  
 or death.

838 327.35 (3) (c) 3. 2nd Vessel BUI manslaughter.

839 499.0051 (7) 1st Forgery of prescription or legend  
 drug labels.

840

HB 1151

2008

841	499.0052	1st	Trafficking in contraband legend drugs.
842	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
843	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
844	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
845	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or

HB 1151

2008

unlawfully discharging bomb.

846

782.051(2) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony not enumerated  
in s. 782.04(3).

847

782.071(1)(b) 1st Committing vehicular homicide and  
failing to render aid or give  
information.

848

782.072(2) 1st Committing vessel homicide and  
failing to render aid or give  
information.

849

790.161(3) 1st Discharging a destructive device  
which results in bodily harm or  
property damage.

850

794.011(5) 2nd Sexual battery, victim 12 years or  
over, offender does not use physical  
force likely to cause serious  
injury.

851

794.08(3) 2nd Female genital mutilation, removal  
of a victim younger than 18 years of  
age from this state.

852

HB 1151

2008

853	<u>796.045 (1) (a)</u>	<u>1st</u>	<u>Sex trafficking.</u>
854	800.04 (4)	2nd	Lewd or lascivious battery.
855	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
856	810.02 (2) (a)	1st, PB L	Burglary with assault or battery.
857	810.02 (2) (b)	1st, PB L	Burglary; armed with explosives or dangerous weapon.
858	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
859	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
860	812.13 (2) (b)	1st	Robbery with a weapon.
861	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.



HB 1151

2008

862	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
863	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
864	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
865	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
866	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
867	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
868	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
869	860.16	1st	Aircraft piracy.

HB 1151

2008

870	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
871	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
872	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
873	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
874	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
875	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
876	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
877	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

HB 1151

2008

878	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
879	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
880	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
881	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
882	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
883	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
884	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of

HB 1151

2008

racketeering activity.

885

896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

886

896.104(4)(a)2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

887

888 (i) LEVEL 9

889

Florida	Felony	Description
Statute	Degree	

890

316.193(3)(c)3.b. 1st DUI manslaughter; failing to render aid or give information.

891

327.35(3)(c)3.b. 1st BUI manslaughter; failing to render aid or give information.

892

499.00535 1st Sale or purchase of contraband legend drugs resulting in great bodily harm.

893

HB 1151

2008

894	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
895	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
896	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
897	775.0844	1st	Aggravated white collar crime.
898	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
899	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s.

HB 1151

2008

782.04(3).

900

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

901

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

902

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

903

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

904

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.

905

790.161 1st Attempted capital destructive device offense.

906

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass

HB 1151

2008

destruction.

907

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

908

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

909

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

910

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

911

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

912

796.045(1)(b) Life Sex trafficking involving a minor or resulting in death.

913

796.045(2) Life Selling or buying of minors into sex trafficking or prostitution.

914

HB 1151

2008

915	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
916	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
917	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
918	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
919	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.
920	827.03 (2)	1st	Aggravated child abuse.
921	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
922	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.



HB 1151

2008

923	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.
924	893.135	1st	Attempted capital trafficking offense.
925	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
926	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
927	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
928	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
929	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
930	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.

HB 1151

2008

- 931 893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
- 932 893.135(1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.
- 933 893.135(1)(k)2.c. 1st Trafficking in Phenethylamines, 400 grams or more.
- 934 896.101(5)(c) 1st Money laundering, financial instruments totaling or exceeding \$100,000.
- 935 896.104(4)(a)3. 1st Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

936 Section 16. Subsection (7) of section 322.28, Florida  
 937 Statutes, is amended to read:

938 322.28 Period of suspension or revocation.--

939 (7) Following a second or subsequent violation of s.  
 940 796.07(1)(e)~~(2)(f)~~ which involves a motor vehicle and which  
 941 results in any judicial disposition other than acquittal or  
 942 dismissal, in addition to any other sentence imposed, the court  
 943 shall revoke the person's driver's license or driving privilege,  
 944 effective upon the date of the disposition, for a period of not  
 945 less than 1 year. A person sentenced under this subsection may

946 request a hearing under s. 322.271.

947 Section 17. Paragraph (a) of subsection (1) of section  
948 943.0435, Florida Statutes, is amended to read:

949 943.0435 Sexual offenders required to register with the  
950 department; penalty.--

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

952 (a)1. "Sexual offender" means a person who meets the  
953 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
954 subparagraph c., or sub-subparagraph d., as follows:

955 a.(I) Has been convicted of committing, or attempting,  
956 soliciting, or conspiring to commit, any of the criminal  
957 offenses proscribed in the following statutes in this state or  
958 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
959 or s. 787.025(2)(c), where the victim is a minor and the  
960 defendant is not the victim's parent or guardian; s. 794.011,  
961 excluding s. 794.011(10); s. 794.05; s. 796.03; former s.  
962 796.035; s. 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s.  
963 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s.  
964 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense  
965 committed in this state which has been redesignated from a  
966 former statute number to one of those listed in this sub-sub-  
967 subparagraph; and

968 (II) Has been released on or after October 1, 1997, from  
969 the sanction imposed for any conviction of an offense described  
970 in sub-sub-subparagraph (I). For purposes of sub-sub-  
971 subparagraph (I), a sanction imposed in this state or in any  
972 other jurisdiction includes, but is not limited to, a fine,  
973 probation, community control, parole, conditional release,

974 control release, or incarceration in a state prison, federal  
 975 prison, private correctional facility, or local detention  
 976 facility;

977       b. Establishes or maintains a residence in this state and  
 978 who has not been designated as a sexual predator by a court of  
 979 this state but who has been designated as a sexual predator, as  
 980 a sexually violent predator, or by another sexual offender  
 981 designation in another state or jurisdiction and was, as a  
 982 result of such designation, subjected to registration or  
 983 community or public notification, or both, or would be if the  
 984 person were a resident of that state or jurisdiction, without  
 985 regard to whether the person otherwise meets the criteria for  
 986 registration as a sexual offender;

987       c. Establishes or maintains a residence in this state who  
 988 is in the custody or control of, or under the supervision of,  
 989 any other state or jurisdiction as a result of a conviction for  
 990 committing, or attempting, soliciting, or conspiring to commit,  
 991 any of the criminal offenses proscribed in the following  
 992 statutes or similar offense in another jurisdiction: s. 787.01,  
 993 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 994 the defendant is not the victim's parent or guardian; s.  
 995 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; former  
 996 s. 796.035; s. 796.045(2); s. 800.04; s. 825.1025; s. 827.071;  
 997 s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137;  
 998 s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar  
 999 offense committed in this state which has been redesignated from  
 1000 a former statute number to one of those listed in this sub-  
 1001 subparagraph; or

1002           d. On or after July 1, 2007, has been adjudicated  
 1003 delinquent for committing, or attempting, soliciting, or  
 1004 conspiring to commit, any of the criminal offenses proscribed in  
 1005 the following statutes in this state or similar offenses in  
 1006 another jurisdiction when the juvenile was 14 years of age or  
 1007 older at the time of the offense:

1008           (I) Section 794.011, excluding s. 794.011(10);

1009           (II) Section 800.04(4)(b) where the victim is under 12  
 1010 years of age or where the court finds sexual activity by the use  
 1011 of force or coercion;

1012           (III) Section 800.04(5)(c)1. where the court finds  
 1013 molestation involving unclothed genitals; or

1014           (IV) Section 800.04(5)(d) where the court finds the use of  
 1015 force or coercion and unclothed genitals.

1016           2. For all qualifying offenses listed in sub-subparagraph  
 1017 (1)(a)1.d., the court shall make a written finding of the age of  
 1018 the offender at the time of the offense.

1019  
 1020 For each violation of a qualifying offense listed in this  
 1021 subsection, the court shall make a written finding of the age of  
 1022 the victim at the time of the offense. For a violation of s.  
 1023 800.04(4), the court shall additionally make a written finding  
 1024 indicating that the offense did or did not involve sexual  
 1025 activity and indicating that the offense did or did not involve  
 1026 force or coercion. For a violation of s. 800.04(5), the court  
 1027 shall additionally make a written finding that the offense did  
 1028 or did not involve unclothed genitals or genital area and that  
 1029 the offense did or did not involve the use of force or coercion.

HB 1151

2008

1030 Section 18. Paragraph (b) of subsection (1) of section  
 1031 944.606, Florida Statutes, is amended to read:

1032 944.606 Sexual offenders; notification upon release.--

1033 (1) As used in this section:

1034 (b) "Sexual offender" means a person who has been  
 1035 convicted of committing, or attempting, soliciting, or  
 1036 conspiring to commit, any of the criminal offenses proscribed in  
 1037 the following statutes in this state or similar offenses in  
 1038 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 1039 where the victim is a minor and the defendant is not the  
 1040 victim's parent or guardian; s. 794.011, excluding s.  
 1041 794.011(10); s. 794.05; s. 796.03; former s. 796.035; s.  
 1042 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 1043 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.  
 1044 847.0145; or s. 985.701(1); or any similar offense committed in  
 1045 this state which has been redesignated from a former statute  
 1046 number to one of those listed in this subsection, when the  
 1047 department has received verified information regarding such  
 1048 conviction; an offender's computerized criminal history record  
 1049 is not, in and of itself, verified information.

1050 Section 19. Paragraph (a) of subsection (1) of section  
 1051 944.607, Florida Statutes, is amended to read:

1052 944.607 Notification to Department of Law Enforcement of  
 1053 information on sexual offenders.--

1054 (1) As used in this section, the term:

1055 (a) "Sexual offender" means a person who is in the custody  
 1056 or control of, or under the supervision of, the department or is  
 1057 in the custody of a private correctional facility:

HB 1151

2008

1058           1. On or after October 1, 1997, as a result of a  
 1059 conviction for committing, or attempting, soliciting, or  
 1060 conspiring to commit, any of the criminal offenses proscribed in  
 1061 the following statutes in this state or similar offenses in  
 1062 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 1063 where the victim is a minor and the defendant is not the  
 1064 victim's parent or guardian; s. 794.011, excluding s.  
 1065 794.011(10); s. 794.05; s. 796.03; former s. 796.035; s.  
 1066 796.045(2); s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 1067 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s.  
 1068 847.0145; or s. 985.701(1); or any similar offense committed in  
 1069 this state which has been redesignated from a former statute  
 1070 number to one of those listed in this paragraph; or

1071           2. Who establishes or maintains a residence in this state  
 1072 and who has not been designated as a sexual predator by a court  
 1073 of this state but who has been designated as a sexual predator,  
 1074 as a sexually violent predator, or by another sexual offender  
 1075 designation in another state or jurisdiction and was, as a  
 1076 result of such designation, subjected to registration or  
 1077 community or public notification, or both, or would be if the  
 1078 person were a resident of that state or jurisdiction, without  
 1079 regard as to whether the person otherwise meets the criteria for  
 1080 registration as a sexual offender.

1081           Section 20. This act shall take effect July 1, 2008.