



176398

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
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The Committee on Criminal Justice (Margolis) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The



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13 office may:

14 (a) Investigate and prosecute the offenses of:

15 1. Bribery, burglary, criminal usury, extortion, gambling,  
16 kidnapping, larceny, murder, prostitution, perjury, robbery,  
17 carjacking, and home-invasion robbery;

18 2. Any crime involving narcotic or other dangerous drugs;

19 3. Any violation of the provisions of the Florida RICO  
20 (Racketeer Influenced and Corrupt Organization) Act, including  
21 any offense listed in the definition of racketeering activity in  
22 s. 895.02(1)(a), providing such listed offense is investigated  
23 in connection with a violation of s. 895.03 and is charged in a  
24 separate count of an information or indictment containing a  
25 count charging a violation of s. 895.03, the prosecution of  
26 which listed offense may continue independently if the  
27 prosecution of the violation of s. 895.03 is terminated for any  
28 reason;

29 4. Any violation of the provisions of the Florida Anti-  
30 Fencing Act;

31 5. Any violation of the provisions of the Florida Antitrust  
32 Act of 1980, as amended;

33 6. Any crime involving, or resulting in, fraud or deceit  
34 upon any person;

35 7. Any violation of s. 847.0135, relating to computer  
36 pornography and child exploitation prevention, or any offense  
37 related to a violation of s. 847.0135 or any violation of  
38 chapter 827 where the crime is facilitated by or connected to  
39 the use of the Internet or any device capable of electronic data  
40 storage or transmission;

41 8. Any violation of the provisions of chapter 815;



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42 9. Any criminal violation of part I of chapter 499;

43 10. Any violation of the provisions of the Florida Motor  
44 Fuel Tax Relief Act of 2004;

45 11. Any criminal violation of s. 409.920 or s. 409.9201;

46 12. Any crime involving voter registration, voting, or  
47 candidate or issue petition activities;

48 13. Any criminal violation of the Florida Money Laundering  
49 Act; ~~or~~

50 14. Any criminal violation of the Florida Securities and  
51 Investor Protection Act; or

52 15. Any violation of the provisions of chapter 787, as well  
53 as any and all offenses related to a violation of the provisions  
54 of chapter 787;

55  
56 or any attempt, solicitation, or conspiracy to commit any of the  
57 crimes specifically enumerated above. The office shall have such  
58 power only when any such offense is occurring, or has occurred,  
59 in two or more judicial circuits as part of a related  
60 transaction, or when any such offense is connected with an  
61 organized criminal conspiracy affecting two or more judicial  
62 circuits. Informations or indictments charging such offenses  
63 shall contain general allegations stating the judicial circuits  
64 and counties in which crimes are alleged to have occurred or the  
65 judicial circuits and counties in which crimes affecting such  
66 circuits or counties are alleged to have been connected with an  
67 organized criminal conspiracy.

68 Section 2. Section 480.0535, Florida Statutes, is created  
69 to read:

70 480.0535 Documents required while working in a massage



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71 establishment.-

72 (1) In order to provide the department and law enforcement  
73 agencies the means to more effectively identify, investigate,  
74 and arrest persons engaging in human trafficking, a person  
75 employed by a massage establishment and any person performing  
76 massage therein must immediately present, upon the request of an  
77 investigator of the department or a law enforcement officer,  
78 valid government identification while in the establishment. A  
79 valid government identification for the purposes of this section  
80 is:

81 (a) A valid, unexpired driver license issued by any state,  
82 territory, or district of the United States;

83 (b) A valid, unexpired identification card issued by any  
84 state, territory, or district of the United States;

85 (c) A valid, unexpired United States passport;

86 (d) A naturalization certificate issued by the United  
87 States Department of Homeland Security;

88 (e) A valid, unexpired alien registration receipt card  
89 (green card); or

90 (f) A valid, unexpired employment authorization card issued  
91 by the United States Department of Homeland Security.

92 (2) A person operating a massage establishment must:

93 (a) Immediately present, upon the request of an  
94 investigator of the department or a law enforcement officer:

95 1. Valid government identification while in the  
96 establishment.

97 2. A copy of the documentation specified in paragraph  
98 (1)(a) for each employee and any person performing massage in  
99 the establishment.



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100           (b) Ensure that each employee and any person performing  
101 massage in the massage establishment is able to immediately  
102 present, upon the request of an investigator of the department  
103 or a law enforcement officer, valid government identification  
104 while in the establishment.

105           (3) A person who violates any provision of this section  
106 commits:

107           (a) For a first violation, a misdemeanor of the second  
108 degree, punishable as provided in s. 775.082 or s. 775.083.

109           (b) For a second violation, a misdemeanor of the first  
110 degree, punishable as provided in s. 775.082 or s. 775.083.

111           (c) For a third or subsequent violation, a felony of the  
112 third degree, punishable as provided in s. 775.082, s. 775.083,  
113 or s. 775.084.

114           Section 3. Paragraph (a) of subsection (4) of section  
115 775.21, Florida Statutes, is amended to read:

116           775.21 The Florida Sexual Predators Act.—

117           (4) SEXUAL PREDATOR CRITERIA.—

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

123           1. The felony is:

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



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129           b. Any felony violation, or any attempt thereof, of s.  
130 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
131 minor and the defendant is not the victim's parent or guardian;  
132 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
133 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
134 825.1025(2)(b); s. 827.071; s. 847.0135(5); s. 847.0145; or s.  
135 985.701(1); or a violation of a similar law of another  
136 jurisdiction, and the offender has previously been convicted of  
137 or found to have committed, or has pled nolo contendere or  
138 guilty to, regardless of adjudication, any violation of s.  
139 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
140 minor and the defendant is not the victim's parent or guardian;  
141 s. 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
142 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
143 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
144 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a  
145 similar law of another jurisdiction;

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

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

152           Section 4. Section 787.05, Florida Statutes, is repealed.

153           Section 5. Section 787.06, Florida Statutes, is amended to  
154 read:

155           787.06 Human trafficking.—

156           (1)(a) The Legislature finds that human trafficking is a  
157 form of modern-day slavery. Victims of human trafficking are



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158 young children, teenagers, and adults. Thousands of victims are  
159 trafficked annually across international borders worldwide. Many  
160 of these victims are trafficked into this state. Victims of  
161 human trafficking also include citizens of the United States and  
162 those persons trafficked domestically within the borders of the  
163 United States. The Legislature finds that victims of human  
164 trafficking are subjected to force, fraud, or coercion for the  
165 purpose of sexual exploitation or forced labor.

166 (b) The Legislature finds that while many victims of human  
167 trafficking are forced to work in prostitution or the sexual  
168 entertainment industry, trafficking also occurs in forms of  
169 labor exploitation, such as domestic servitude, restaurant work,  
170 janitorial work, sweatshop factory work, and migrant  
171 agricultural work.

172 (c) The Legislature finds that traffickers use various  
173 techniques to instill fear in victims and to keep them enslaved.  
174 Some traffickers keep their victims under lock and key. However,  
175 the most frequently used practices are less obvious techniques  
176 that include isolating victims from the public and family  
177 members; confiscating passports, visas, or other identification  
178 documents; using or threatening to use violence toward victims  
179 or their families; telling victims that they will be imprisoned  
180 or deported for immigration violations if they contact  
181 authorities; and controlling the victims' funds by holding the  
182 money ostensibly for safekeeping.

183 (d) It is the intent of the Legislature that the  
184 perpetrators of human trafficking be penalized for their illegal  
185 conduct and that the victims of trafficking be protected and  
186 assisted by this state and its agencies. In furtherance of this



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187 policy, it is the intent of the Legislature that the state  
188 Supreme Court, The Florida Bar, and relevant state agencies  
189 prepare and implement training programs in order that judges,  
190 attorneys, law enforcement personnel, investigators, and others  
191 are able to identify traffickers and victims of human  
192 trafficking and direct victims to appropriate agencies for  
193 assistance. It is the intent of the Legislature that the  
194 Department of Children and Family Services and other state  
195 agencies cooperate with other state and federal agencies to  
196 ensure that victims of human trafficking can access social  
197 services and benefits to alleviate their plight.

198 (2) As used in this section, the term:

199 ~~(a) "Financial harm" includes extortionate extension of~~  
200 ~~credit, loan sharking as defined in s. 687.071, or employment~~  
201 ~~contracts that violate the statute of frauds as provided in s.~~  
202 ~~725.01.~~

203 ~~(a)(b) "Coercion" "Forced labor or services" means labor or~~  
204 ~~services obtained from a person by:~~

205 1. Using or threatening to use physical force against any  
206 ~~that person or another person;~~

207 2. Restraining, isolating, or confining or threatening to  
208 restrain, isolate, or confine any ~~that person or another person~~  
209 without lawful authority and against her or his will;

210 3. Using lending or other credit methods to establish a  
211 debt by any ~~that person or another person~~ when labor or services  
212 are pledged as a security for the debt, if the value of the  
213 labor or services as reasonably assessed is not applied toward  
214 the liquidation of the debt, the length and nature of the labor  
215 or services are not respectively limited and defined;





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216 4. Destroying, concealing, removing, confiscating,  
217 withholding, or possessing any actual or purported passport,  
218 visa, or other immigration document, or any other actual or  
219 purported government identification document, of any ~~that~~ person  
220 ~~or another person~~;

221 5. Causing or threatening to cause financial harm to any  
222 person; ~~or~~

223 6. Enticing or luring any person by fraud or deceit  
224 ~~coercion~~; or

225 7. Providing a controlled substance as outlined in Schedule  
226 I or Schedule II of s. 893.03 to any person for the purpose of  
227 exploitation of that person.

228 (b) "Commercial sexual activity" means any violation of  
229 chapter 796 or an attempt to commit any such offense, and  
230 includes sexually explicit performances and the production of  
231 pornography.

232 (c) "Financial harm" includes extortionate extension of  
233 credit, loan sharking as defined in s. 687.071, or employment  
234 contracts that violate the statute of frauds as provided in s.  
235 725.01.

236 (d) ~~(e)~~ "Human trafficking" means transporting, soliciting,  
237 recruiting, harboring, providing, enticing, maintaining, or  
238 obtaining another person for the purpose of exploitation of that  
239 person for transport.

240 (e) "Labor" means work of economic or financial value.

241 (f) ~~(d)~~ "Maintain~~r~~" means, when used in relation to labor or  
242 services, means to secure or make possible continued performance  
243 thereof, regardless of any initial agreement on the part of the  
244 victim to perform such type service.



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245 (g) "Obtain" means, in relation to labor or services, to  
246 secure performance thereof.

247 (h) "Services" means any act committed at the behest of,  
248 under the supervision of, or for the benefit of another. The  
249 term includes, but is not limited to, forced marriage,  
250 servitude, or the removal of organs.

251 (i) "Sexually explicit performance" means an act or show,  
252 whether public or private, that is live, photographed, recorded,  
253 or videotaped and intended to arouse or satisfy the sexual  
254 desires or appeal to the prurient interest.

255 (j) "Unauthorized alien" means an alien who is not  
256 authorized under federal law to be employed in the United  
257 States, as provided in 8 U.S.C. s. 1324a(h) (3). The term shall  
258 be interpreted consistently with that section and any applicable  
259 federal rules or regulations.

260 (k) "Venture" means any group of two or more individuals  
261 associated in fact, whether or not a legal entity.

262 (3) Any person who knowingly, or in reckless disregard of  
263 the facts, engages in, or attempts to engage in, or benefits  
264 financially by receiving anything of value from participation in  
265 a venture that has subjected a person to human trafficking:

266 (a) Using coercion for labor or services Engages, or  
267 attempts to engage, in human trafficking with the intent or  
268 knowledge that the trafficked person will be subjected to forced  
269 labor or services; or

270 (b) Benefits financially by receiving anything of value  
271 from participation in a venture that has subjected a person to  
272 forced labor or services; commits a felony of the first ~~second~~  
273 degree, punishable as provided in s. 775.082, s. 775.083, or s.



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274 775.084.

275 (b) Using coercion for commercial sexual activity commits a  
276 felony of the first degree, punishable as provided in s.  
277 775.082, s. 775.083, or s. 775.084.

278 (c) Using coercion for labor or services of any individual  
279 who is an unauthorized alien commits a felony of the first  
280 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
281 775.084.

282 (d) Using coercion for commercial sexual activity of any  
283 individual who is an unauthorized alien commits a felony of the  
284 first degree, punishable as provided in s. 775.082, s. 775.083,  
285 or s. 775.084.

286 (e) Using coercion for labor or services who does so by the  
287 transfer or transport of any individual from outside this state  
288 to within the state commits a felony of the first degree,  
289 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

290 (f) Using coercion for commercial sexual activity who does  
291 so by the transfer or transport of any individual from outside  
292 this state to within the state commits a felony of the first  
293 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
294 775.084.

295 (g) For commercial sexual activity in which any child under  
296 the age of 18 is involved commits a felony of the first degree,  
297 punishable by imprisonment for a term of years not exceeding  
298 life, or as provided in s. 775.082, s. 775.083, or s. 775.084.  
299 In a prosecution under this paragraph in which the defendant had  
300 a reasonable opportunity to observe the person who was subject  
301 to human trafficking, the state need not prove that the  
302 defendant knew that the person had not attained the age of 18



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303 years.

304 (h) For commercial sexual activity in which any child under  
305 the age of 15 is involved commits a life felony, punishable as  
306 provided in s. 775.082, s. 775.083, or s. 775.084. In a  
307 prosecution under this paragraph in which the defendant had a  
308 reasonable opportunity to observe the person who was subject to  
309 human trafficking, the state need not prove that the defendant  
310 knew that the person had not attained the age of 15 years.

311  
312 For each instance of human trafficking of any individual under  
313 this subsection, a separate crime is committed and a separate  
314 punishment is authorized.

315 (4) Any parent, legal guardian, or other person having  
316 custody or control of a minor who sells or otherwise transfers  
317 custody or control of such minor, or offers to sell or otherwise  
318 transfer custody of such minor, with knowledge or in reckless  
319 disregard of the fact that, as a consequence of the sale or  
320 transfer, the minor will be subject to human trafficking commits  
321 a first degree felony, punishable as provided in s. 775.082, s.  
322 775.083, or s. 775.084.

323 (5)~~(4)~~ The Criminal Justice Standards and Training  
324 Commission shall establish standards for basic and advanced  
325 training programs for law enforcement officers in the subjects  
326 of investigating and preventing human trafficking crimes. ~~After~~  
327 January 1, 2007, Every basic skills course required for law  
328 enforcement officers to obtain initial certification must  
329 include training on human trafficking crime prevention and  
330 investigation.

331 (6)~~(5)~~ Each state attorney shall develop standards of



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332 instruction for prosecutors to receive training on the  
333 investigation and prosecution of human trafficking crimes and  
334 shall provide for periodic and timely instruction.

335 (7) Any real property or personal property that was used,  
336 attempted to be used, or intended to be used in violation of any  
337 provision of this section may be seized and shall be forfeited  
338 subject to the provisions of the Florida Contraband Forfeiture  
339 Act.

340 Section 6. Section 787.07, Florida Statutes, is amended to  
341 read:

342 787.07 Human smuggling.—

343 (1) A person who transports into this state an individual  
344 who the person knows, or should know, is illegally entering the  
345 United States from another country commits a felony ~~misdemeanor~~  
346 of the third ~~first~~ degree, punishable as provided in s. 775.082,  
347 ~~or~~ s. 775.083, or s. 775.084.

348 (2) A person commits a separate offense for each individual  
349 he or she transports into this state in violation of this  
350 section.

351 Section 7. Section 796.035, Florida Statutes, is amended to  
352 read:

353 796.035 Selling or buying of minors into ~~sex trafficking or~~  
354 prostitution; penalties.—Any parent, legal guardian, or other  
355 person having custody or control of a minor who sells or  
356 otherwise transfers custody or control of such minor, or offers  
357 to sell or otherwise transfer custody of such minor, with  
358 knowledge or in reckless disregard of the fact that, as a  
359 consequence of the sale or transfer, the minor will engage in  
360 prostitution, ~~perform naked for compensation, or otherwise~~



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361 ~~participate in the trade of sex trafficking,~~ commits a felony of  
362 the first degree, punishable as provided in s. 775.082, s.  
363 775.083, or s. 775.084.

364 Section 8. Section 796.045, Florida Statutes, is repealed.

365 Section 9. Subsections (11) and (12) of section 905.34,  
366 Florida Statutes, are amended, and subsection (13) is added to  
367 that section, to read:

368 905.34 Powers and duties; law applicable.—The jurisdiction  
369 of a statewide grand jury impaneled under this chapter shall  
370 extend throughout the state. The subject matter jurisdiction of  
371 the statewide grand jury shall be limited to the offenses of:

372 (11) Any criminal violation of the Florida Money Laundering  
373 Act; ~~or~~

374 (12) Any criminal violation of the Florida Securities and  
375 Investor Protection Act; or

376 (13) Any violation of chapter 787, as well as any and all  
377 offenses related to a violation of chapter 787;

378  
379 or any attempt, solicitation, or conspiracy to commit any  
380 violation of the crimes specifically enumerated above, when any  
381 such offense is occurring, or has occurred, in two or more  
382 judicial circuits as part of a related transaction or when any  
383 such offense is connected with an organized criminal conspiracy  
384 affecting two or more judicial circuits. The statewide grand  
385 jury may return indictments and presentments irrespective of the  
386 county or judicial circuit where the offense is committed or  
387 triable. If an indictment is returned, it shall be certified and  
388 transferred for trial to the county where the offense was  
389 committed. The powers and duties of, and law applicable to,



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390 county grand juries shall apply to a statewide grand jury except  
391 when such powers, duties, and law are inconsistent with the  
392 provisions of ss. 905.31-905.40.

393 Section 10. Paragraph (a) of subsection (1) of section  
394 934.07, Florida Statutes, is amended to read:

395 934.07 Authorization for interception of wire, oral, or  
396 electronic communications.-

397 (1) The Governor, the Attorney General, the statewide  
398 prosecutor, or any state attorney may authorize an application  
399 to a judge of competent jurisdiction for, and such judge may  
400 grant in conformity with ss. 934.03-934.09 an order authorizing  
401 or approving the interception of, wire, oral, or electronic  
402 communications by:

403 (a) The Department of Law Enforcement or any law  
404 enforcement agency as defined in s. 934.02 having responsibility  
405 for the investigation of the offense as to which the application  
406 is made when such interception may provide or has provided  
407 evidence of the commission of the offense of murder, kidnapping,  
408 aircraft piracy, arson, gambling, robbery, burglary, theft,  
409 dealing in stolen property, criminal usury, bribery, or  
410 extortion; any felony violation of ss. 790.161-790.166,  
411 inclusive; any violation of s. 787.06; any violation of chapter  
412 893; any violation of the provisions of the Florida Anti-Fencing  
413 Act; any violation of chapter 895; any violation of chapter 896;  
414 any violation of chapter 815; any violation of chapter 847; any  
415 violation of s. 827.071; any violation of s. 944.40; or any  
416 conspiracy or solicitation to commit any violation of the laws  
417 of this state relating to the crimes specifically enumerated in  
418 this paragraph.



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419 Section 11. Paragraph (a) of subsection (1) of section  
420 943.0435, Florida Statutes, is amended to read:

421 943.0435 Sexual offenders required to register with the  
422 department; penalty.—

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

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

427 a.(I) Has been convicted of committing, or attempting,  
428 soliciting, or conspiring to commit, any of the criminal  
429 offenses proscribed in the following statutes in this state or  
430 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
431 or s. 787.025(2)(c), where the victim is a minor and the  
432 defendant is not the victim's parent or guardian; s.  
433 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
434 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
435 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
436 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
437 985.701(1); or any similar offense committed in this state which  
438 has been redesignated from a former statute number to one of  
439 those listed in this sub-sub-subparagraph; and

440 (II) Has been released on or after October 1, 1997, from  
441 the sanction imposed for any conviction of an offense described  
442 in sub-sub-subparagraph (I). For purposes of sub-sub-  
443 subparagraph (I), a sanction imposed in this state or in any  
444 other jurisdiction includes, but is not limited to, a fine,  
445 probation, community control, parole, conditional release,  
446 control release, or incarceration in a state prison, federal  
447 prison, private correctional facility, or local detention





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448 facility;

449       b. Establishes or maintains a residence in this state and  
450 who has not been designated as a sexual predator by a court of  
451 this state but who has been designated as a sexual predator, as  
452 a sexually violent predator, or by another sexual offender  
453 designation in another state or jurisdiction and was, as a  
454 result of such designation, subjected to registration or  
455 community or public notification, or both, or would be if the  
456 person were a resident of that state or jurisdiction, without  
457 regard to whether the person otherwise meets the criteria for  
458 registration as a sexual offender;

459       c. Establishes or maintains a residence in this state who  
460 is in the custody or control of, or under the supervision of,  
461 any other state or jurisdiction as a result of a conviction for  
462 committing, or attempting, soliciting, or conspiring to commit,  
463 any of the criminal offenses proscribed in the following  
464 statutes or similar offense in another jurisdiction: s. 787.01,  
465 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
466 the defendant is not the victim's parent or guardian; s.  
467 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.  
468 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.  
469 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
470 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
471 985.701(1); or any similar offense committed in this state which  
472 has been redesignated from a former statute number to one of  
473 those listed in this sub-subparagraph; or

474       d. On or after July 1, 2007, has been adjudicated  
475 delinquent for committing, or attempting, soliciting, or  
476 conspiring to commit, any of the criminal offenses proscribed in



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477 the following statutes in this state or similar offenses in  
478 another jurisdiction when the juvenile was 14 years of age or  
479 older at the time of the offense:

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

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

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

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

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

491  
492 For each violation of a qualifying offense listed in this  
493 subsection, the court shall make a written finding of the age of  
494 the victim at the time of the offense. For a violation of s.  
495 800.04(4), the court shall additionally make a written finding  
496 indicating that the offense did or did not involve sexual  
497 activity and indicating that the offense did or did not involve  
498 force or coercion. For a violation of s. 800.04(5), the court  
499 shall additionally make a written finding that the offense did  
500 or did not involve unclothed genitals or genital area and that  
501 the offense did or did not involve the use of force or coercion.

502 Section 12. Paragraph (b) of subsection (1) of section  
503 944.606, Florida Statutes, is amended to read:

504 944.606 Sexual offenders; notification upon release.-

505 (1) As used in this section:



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506 (b) "Sexual offender" means a person who has been convicted  
507 of committing, or attempting, soliciting, or conspiring to  
508 commit, any of the criminal offenses proscribed in the following  
509 statutes in this state or similar offenses in another  
510 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
511 the victim is a minor and the defendant is not the victim's  
512 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.  
513 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
514 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
515 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
516 847.0145; or s. 985.701(1); or any similar offense committed in  
517 this state which has been redesignated from a former statute  
518 number to one of those listed in this subsection, when the  
519 department has received verified information regarding such  
520 conviction; an offender's computerized criminal history record  
521 is not, in and of itself, verified information.

522 Section 13. Paragraph (a) of subsection (1) of section  
523 944.607, Florida Statutes, is amended to read:

524 944.607 Notification to Department of Law Enforcement of  
525 information on sexual offenders.—

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

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

530 1. On or after October 1, 1997, as a result of a conviction  
531 for committing, or attempting, soliciting, or conspiring to  
532 commit, any of the criminal offenses proscribed in the following  
533 statutes in this state or similar offenses in another  
534 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where



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535 the victim is a minor and the defendant is not the victim's  
536 parent or guardian; s. 787.06(3)(b), (d), (f), (g), or (h); s.  
537 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s.  
538 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
539 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
540 847.0145; or s. 985.701(1); or any similar offense committed in  
541 this state which has been redesignated from a former statute  
542 number to one of those listed in this paragraph; or

543 2. Who establishes or maintains a residence in this state  
544 and who has not been designated as a sexual predator by a court  
545 of this state but who has been designated as a sexual predator,  
546 as a sexually violent predator, or by another sexual offender  
547 designation in another state or jurisdiction and was, as a  
548 result of such designation, subjected to registration or  
549 community or public notification, or both, or would be if the  
550 person were a resident of that state or jurisdiction, without  
551 regard as to whether the person otherwise meets the criteria for  
552 registration as a sexual offender.

553 Section 14. Paragraphs (b) and (c) of subsection (2) of  
554 section 90.404, Florida Statutes, are amended to read:

555 90.404 Character evidence; when admissible.—

556 (2) OTHER CRIMES, WRONGS, OR ACTS.—

557 (b)1. In a criminal case in which the defendant is charged  
558 with a crime involving child molestation, evidence of the  
559 defendant's commission of other crimes, wrongs, or acts of child  
560 molestation is admissible and may be considered for its bearing  
561 on any matter to which it is relevant.

562 2. For the purposes of this paragraph, the term "child  
563 molestation" means conduct proscribed by s. 787.025(2)(c), s.



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564 787.06(3)(g) and (h), s. 794.011, excluding s. 794.011(10), s.  
565 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s. 800.04, s.  
566 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when  
567 committed against a person 16 years of age or younger.

568 (c)1. In a criminal case in which the defendant is charged  
569 with a sexual offense, evidence of the defendant's commission of  
570 other crimes, wrongs, or acts involving a sexual offense is  
571 admissible and may be considered for its bearing on any matter  
572 to which it is relevant.

573 2. For the purposes of this paragraph, the term "sexual  
574 offense" means conduct proscribed by s. 787.025(2)(c), s.  
575 787.06(3)(b), (d), (f), (g), or (h), s. 794.011, excluding s.  
576 794.011(10), s. 794.05, s. 796.03, s. 796.035, ~~s. 796.045~~, s.  
577 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.  
578 985.701(1).

579 Section 15. Paragraph (a) of subsection (1) of section  
580 772.102, Florida Statutes, is amended to read:

581 772.102 Definitions.—As used in this chapter, the term:

582 (1) "Criminal activity" means to commit, to attempt to  
583 commit, to conspire to commit, or to solicit, coerce, or  
584 intimidate another person to commit:

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

587 1. Section 210.18, relating to evasion of payment of  
588 cigarette taxes.

589 2. Section 414.39, relating to public assistance fraud.

590 3. Section 440.105 or s. 440.106, relating to workers'  
591 compensation.

592 4. Part IV of chapter 501, relating to telemarketing.



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- 593           5. Chapter 517, relating to securities transactions.  
594           6. Section 550.235 or s. 550.3551, relating to dogracing  
595 and horseracing.  
596           7. Chapter 550, relating to jai alai frontons.  
597           8. Chapter 552, relating to the manufacture, distribution,  
598 and use of explosives.  
599           9. Chapter 562, relating to beverage law enforcement.  
600           10. Section 624.401, relating to transacting insurance  
601 without a certificate of authority, s. 624.437(4)(c)1., relating  
602 to operating an unauthorized multiple-employer welfare  
603 arrangement, or s. 626.902(1)(b), relating to representing or  
604 aiding an unauthorized insurer.  
605           11. Chapter 687, relating to interest and usurious  
606 practices.  
607           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
608 real estate timeshare plans.  
609           13. Chapter 782, relating to homicide.  
610           14. Chapter 784, relating to assault and battery.  
611           15. Chapter 787, relating to kidnapping or human  
612 trafficking.  
613           16. Chapter 790, relating to weapons and firearms.  
614           17. Section 796.03, s. 796.04, ~~s. 796.045~~, s. 796.05, or s.  
615 796.07, relating to prostitution.  
616           18. Chapter 806, relating to arson.  
617           19. Section 810.02(2)(c), relating to specified burglary of  
618 a dwelling or structure.  
619           20. Chapter 812, relating to theft, robbery, and related  
620 crimes.  
621           21. Chapter 815, relating to computer-related crimes.



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622           22. Chapter 817, relating to fraudulent practices, false  
623 pretenses, fraud generally, and credit card crimes.

624           23. Section 827.071, relating to commercial sexual  
625 exploitation of children.

626           24. Chapter 831, relating to forgery and counterfeiting.

627           25. Chapter 832, relating to issuance of worthless checks  
628 and drafts.

629           26. Section 836.05, relating to extortion.

630           27. Chapter 837, relating to perjury.

631           28. Chapter 838, relating to bribery and misuse of public  
632 office.

633           29. Chapter 843, relating to obstruction of justice.

634           30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
635 s. 847.07, relating to obscene literature and profanity.

636           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
637 849.25, relating to gambling.

638           32. Chapter 893, relating to drug abuse prevention and  
639 control.

640           33. Section 914.22 or s. 914.23, relating to witnesses,  
641 victims, or informants.

642           34. Section 918.12 or s. 918.13, relating to tampering with  
643 jurors and evidence.

644           Section 16. Subsection (1) of section 794.056, Florida  
645 Statutes, is amended to read:

646           794.056 Rape Crisis Program Trust Fund.—

647           (1) The Rape Crisis Program Trust Fund is created within  
648 the Department of Health for the purpose of providing funds for  
649 rape crisis centers in this state. Trust fund moneys shall be  
650 used exclusively for the purpose of providing services for



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651 victims of sexual assault. Funds credited to the trust fund  
652 consist of those funds collected as an additional court  
653 assessment in each case in which a defendant pleads guilty or  
654 nolo contendere to, or is found guilty of, regardless of  
655 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
656 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
657 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
658 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
659 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
660 s. 796.03; s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s.  
661 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
662 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
663 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
664 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
665 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
666 fund also shall include revenues provided by law, moneys  
667 appropriated by the Legislature, and grants from public or  
668 private entities.

669 Section 17. Paragraph (a) of subsection (1) of section  
670 895.02, Florida Statutes, is amended to read:

671 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

672 (1) "Racketeering activity" means to commit, to attempt to  
673 commit, to conspire to commit, or to solicit, coerce, or  
674 intimidate another person to commit:

675 (a) Any crime that is chargeable by petition, indictment,  
676 or information under the following provisions of the Florida  
677 Statutes:

678 1. Section 210.18, relating to evasion of payment of  
679 cigarette taxes.





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- 680           2. Section 316.1935, relating to fleeing or attempting to  
681 elude a law enforcement officer and aggravated fleeing or  
682 eluding.
- 683           3. Section 403.727(3)(b), relating to environmental  
684 control.
- 685           4. Section 409.920 or s. 409.9201, relating to Medicaid  
686 fraud.
- 687           5. Section 414.39, relating to public assistance fraud.
- 688           6. Section 440.105 or s. 440.106, relating to workers'  
689 compensation.
- 690           7. Section 443.071(4), relating to creation of a fictitious  
691 employer scheme to commit unemployment compensation fraud.
- 692           8. Section 465.0161, relating to distribution of medicinal  
693 drugs without a permit as an Internet pharmacy.
- 694           9. Section 499.0051, relating to crimes involving  
695 contraband and adulterated drugs.
- 696           10. Part IV of chapter 501, relating to telemarketing.
- 697           11. Chapter 517, relating to sale of securities and  
698 investor protection.
- 699           12. Section 550.235 or s. 550.3551, relating to dogracing  
700 and horseracing.
- 701           13. Chapter 550, relating to jai alai frontons.
- 702           14. Section 551.109, relating to slot machine gaming.
- 703           15. Chapter 552, relating to the manufacture, distribution,  
704 and use of explosives.
- 705           16. Chapter 560, relating to money transmitters, if the  
706 violation is punishable as a felony.
- 707           17. Chapter 562, relating to beverage law enforcement.
- 708           18. Section 624.401, relating to transacting insurance



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709 without a certificate of authority, s. 624.437(4)(c)1., relating  
710 to operating an unauthorized multiple-employer welfare  
711 arrangement, or s. 626.902(1)(b), relating to representing or  
712 aiding an unauthorized insurer.

713 19. Section 655.50, relating to reports of currency  
714 transactions, when such violation is punishable as a felony.

715 20. Chapter 687, relating to interest and usurious  
716 practices.

717 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
718 real estate timeshare plans.

719 22. Section 775.13(5)(b), relating to registration of  
720 persons found to have committed any offense for the purpose of  
721 benefiting, promoting, or furthering the interests of a criminal  
722 gang.

723 23. Section 777.03, relating to commission of crimes by  
724 accessories after the fact.

725 24. Chapter 782, relating to homicide.

726 25. Chapter 784, relating to assault and battery.

727 26. Chapter 787, relating to kidnapping or human  
728 trafficking.

729 27. Chapter 790, relating to weapons and firearms.

730 28. Chapter 794, relating to sexual battery, but only if  
731 such crime was committed with the intent to benefit, promote, or  
732 further the interests of a criminal gang, or for the purpose of  
733 increasing a criminal gang member's own standing or position  
734 within a criminal gang.

735 29. Section 796.03, s. 796.035, s. 796.04, ~~s. 796.045~~, s.  
736 796.05, or s. 796.07, relating to prostitution and sex  
737 trafficking.



- 738           30. Chapter 806, relating to arson and criminal mischief.  
739           31. Chapter 810, relating to burglary and trespass.  
740           32. Chapter 812, relating to theft, robbery, and related  
741 crimes.  
742           33. Chapter 815, relating to computer-related crimes.  
743           34. Chapter 817, relating to fraudulent practices, false  
744 pretenses, fraud generally, and credit card crimes.  
745           35. Chapter 825, relating to abuse, neglect, or  
746 exploitation of an elderly person or disabled adult.  
747           36. Section 827.071, relating to commercial sexual  
748 exploitation of children.  
749           37. Chapter 831, relating to forgery and counterfeiting.  
750           38. Chapter 832, relating to issuance of worthless checks  
751 and drafts.  
752           39. Section 836.05, relating to extortion.  
753           40. Chapter 837, relating to perjury.  
754           41. Chapter 838, relating to bribery and misuse of public  
755 office.  
756           42. Chapter 843, relating to obstruction of justice.  
757           43. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
758 s. 847.07, relating to obscene literature and profanity.  
759           44. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
760 849.25, relating to gambling.  
761           45. Chapter 874, relating to criminal gangs.  
762           46. Chapter 893, relating to drug abuse prevention and  
763 control.  
764           47. Chapter 896, relating to offenses related to financial  
765 transactions.  
766           48. Sections 914.22 and 914.23, relating to tampering with



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767 or harassing a witness, victim, or informant, and retaliation  
768 against a witness, victim, or informant.

769 49. Sections 918.12 and 918.13, relating to tampering with  
770 jurors and evidence.

771 Section 18. Section 938.085, Florida Statutes, is amended  
772 to read:

773 938.085 Additional cost to fund rape crisis centers.—In  
774 addition to any sanction imposed when a person pleads guilty or  
775 nolo contendere to, or is found guilty of, regardless of  
776 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
777 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
778 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
779 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
780 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; s. 796.03;  
781 s. 796.035; s. 796.04; ~~s. 796.045~~; s. 796.05; s. 796.06; s.  
782 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
783 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
784 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
785 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a), (13), and  
786 (14) (c); or s. 985.701(1), the court shall impose a surcharge of  
787 \$151. Payment of the surcharge shall be a condition of  
788 probation, community control, or any other court-ordered  
789 supervision. The sum of \$150 of the surcharge shall be deposited  
790 into the Rape Crisis Program Trust Fund established within the  
791 Department of Health by chapter 2003-140, Laws of Florida. The  
792 clerk of the court shall retain \$1 of each surcharge that the  
793 clerk of the court collects as a service charge of the clerk's  
794 office.

795 Section 19. Paragraphs (d), (g), (h), (i), and (j) of



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796 subsection (3) of section 921.0022, Florida Statutes, are  
797 amended to read:  
798 921.0022 Criminal Punishment Code; offense severity ranking  
799 chart.—

800

801 (3) OFFENSE SEVERITY RANKING CHART

802 (d) LEVEL 4

803

Florida Statute	Felony Degree	Description
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804

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.
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805

499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
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806

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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807

499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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808

784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
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809



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810	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
811	784.075	3rd	Battery on detention or commitment facility staff.
812	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
813	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
814	784.081 (3)	3rd	Battery on specified official or employee.
815	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
816	784.083 (3)	3rd	Battery on code inspector.
817	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
818	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove child beyond



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state limits with criminal intent  
pending custody proceedings.

819

787.04(3) 3rd Carrying child beyond state lines with  
criminal intent to avoid producing child  
at custody hearing or delivering to  
designated person.

820

787.07 3rd Human smuggling.

821

822

790.115(1) 3rd Exhibiting firearm or weapon within  
1,000 feet of a school.

823

790.115(2)(b) 3rd Possessing electric weapon or device,  
destructive device, or other weapon on  
school property.

824

790.115(2)(c) 3rd Possessing firearm on school property.

825

800.04(7)(c) 3rd Lewd or lascivious exhibition; offender  
less than 18 years.

826

810.02(4)(a) 3rd Burglary, or attempted burglary, of an  
unoccupied structure; unarmed; no  
assault or battery.

827

810.02(4)(b) 3rd Burglary, or attempted burglary, of an  
unoccupied conveyance; unarmed; no



828			assault or battery.
829	810.06	3rd	Burglary; possession of tools.
830	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
831	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
832	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
833	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
834	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
835	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
836	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.





837	837.02(1)	3rd	Perjury in official proceedings.
838	837.021(1)	3rd	Make contradictory statements in official proceedings.
839	838.022	3rd	Official misconduct.
840	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
841	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
842	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
844	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
845	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
846	874.05(1)	3rd	Encouraging or recruiting another to



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join a criminal gang.

847

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).

848

914.14(2)            3rd      Witnesses accepting bribes.

849

914.22(1)            3rd      Force, threaten, etc., witness, victim,  
or informant.

850

914.23(2)            3rd      Retaliation against a witness, victim,  
or informant, no bodily injury.

851

918.12                3rd      Tampering with jurors.

852

934.215               3rd      Use of two-way communications device to  
facilitate commission of a crime.

853

854                    (g) LEVEL 7

855

Florida Statute	Felony Degree	Description
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856

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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857

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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858



859	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.
860	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
861	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
862	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
863	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
864	456.065 (2)	3rd	Practicing a health care profession without a license.
865	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.



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866	458.327(1)	3rd	Practicing medicine without a license.
867	459.013(1)	3rd	Practicing osteopathic medicine without a license.
868	460.411(1)	3rd	Practicing chiropractic medicine without a license.
869	461.012(1)	3rd	Practicing podiatric medicine without a license.
870	462.17	3rd	Practicing naturopathy without a license.
871	463.015(1)	3rd	Practicing optometry without a license.
872	464.016(1)	3rd	Practicing nursing without a license.
873	465.015(2)	3rd	Practicing pharmacy without a license.
874	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
875	467.201	3rd	Practicing midwifery without a license.
876	468.366	3rd	Delivering respiratory care services without a license.
	483.828(1)	3rd	Practicing as clinical laboratory



personnel without a license.

877

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

878

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

879

484.053 3rd Dispensing hearing aids without a license.

880

494.0018(2) 1st Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

881

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

882

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

883

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



884	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
885	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
886	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
887	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
888	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
889	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
890	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).



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891	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
892	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
893	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
894	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
895	784.048 (7)	3rd	Aggravated stalking; violation of court order.
896	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
897	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
898	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
899	784.081 (1)	1st	Aggravated battery on specified official or employee.
900			



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901	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
902			
903	784.083 (1)	1st	Aggravated battery on code inspector.
904			
905			
906	<u>787.06 (3) (a)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services.</u>
907			
908	<u>787.06 (3) (e)</u>	<u>1st</u>	<u>Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.</u>
909			
910	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
911			
912	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
913	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.





914	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
915	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
916	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
917	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
918	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
919	796.03	2nd	Procuring any person under 16 years for prostitution.
920	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.



921	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.
922	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
923	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
924	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
925	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
926	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
927	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.
928	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.



929	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
930	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
931	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
932	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
933	812.131 (2) (a)	2nd	Robbery by sudden snatching.
934	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
935	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
936	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
937	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.



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.
938		
825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
939		
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.
940		
827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
941		
827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
942		
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
943		
838.015	2nd	Bribery.
944		
838.016	2nd	Unlawful compensation or reward for



official behavior.

945

838.021(3)(a) 2nd Unlawful harm to a public servant.

946

838.22 2nd Bid tampering.

947

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

948

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

949

872.06 2nd Abuse of a dead human body.

950

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

951

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.

952

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine



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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.

953

893.13(4)(a) 1st Deliver to minor cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs).

954

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

955

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

956

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

957

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

958

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

959

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

960

893.135 1st Trafficking in flunitrazepam, 4 grams



961	(1) (g) 1.a.		or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
962	(1) (h) 1.a.		
	893.135	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
963	(1) (j) 1.a.		
	893.135	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
964	(1) (k) 2.a.		
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
965			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
966			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
967			
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.



968	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
969	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
970	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
971	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
972	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
973	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
974	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
975	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.





976	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
977	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
978	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
979			
980	(h) LEVEL 8		
981			
	Florida Statute	Felony Degree	Description
982	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
983	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
984	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
985	499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
986	499.0051(8)	1st	Knowing forgery of prescription labels



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or prescription drug labels.

987

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.

988

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.

989

655.50(10)(b)2.      2nd      Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

990

777.03(2)(a)      1st      Accessory after the fact, capital felony.

991

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 unlawfully discharging bomb.

992

782.051(2)      1st      Attempted felony murder while perpetrating or attempting to



perpetrate a felony not enumerated in  
s. 782.04(3).

993

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

994

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

995

787.06(3)(b) 1st Human trafficking using coercion for  
commercial sexual activity.

996

787.06(3)(c) 1st Human trafficking using coercion for  
labor and services of an unauthorized  
alien.

997

998

787.06(3)(f) 1st Human trafficking using coercion for  
commercial sexual activity by the  
transfer or transport of any individual  
from outside Florida to within the  
state.

999

1000

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

1001



1002	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
1003	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1004	800.04 (4)	2nd	Lewd or lascivious battery.
1005	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1006	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1007	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1008	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1009	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1010	812.13 (2) (b)	1st	Robbery with a weapon.



1011	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1012	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1013	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1014	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1015	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
1016	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
1017	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1018	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.



1019	860.16	1st	Aircraft piracy.
1020	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).
1021	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1022	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1023	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1024	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1025	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1026	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
1027	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.



1028	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1029	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1030	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1031	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1032	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1033	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1034	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1035	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.



1036	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
1037	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1038	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.
1039			
1040	(i) LEVEL 9		
1041			
	Florida Statute	Felony Degree	Description
1042	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
1043	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
1044	409.920(2)(b)1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1045			





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1046	499.0051(9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1047	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1048	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1049	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1050	775.0844	1st	Aggravated white collar crime.
1051	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1052	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





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age of 18.

- |                  |            |  |
|------------------|------------|--|
| <u>787.06(4)</u> | <u>1st</u> | <u>Selling or buying of minors into human trafficking.</u>   |
| 790.161          | 1st        | Attempted capital destructive device offense.  |
| 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 less than 12 years of age.  |
| 794.011(2)       | Life       | Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.        |
| 794.011(4)       | 1st        | Sexual battery; victim 12 years or older, certain circumstances.   |
| 794.011(8)(b)    | 1st        | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |



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1070	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
1071	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1072	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
1073	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
1074	812.135(2)(b)	1st	Home-invasion robbery with weapon.
1075	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.
1076	827.03(2)	1st	Aggravated child abuse.
1077	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1078	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.



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1079	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.
1080	893.135	1st	Attempted capital trafficking offense.
1081	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1082	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1083	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1084	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1085	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1086	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1087	893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.



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1088	893.135	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
	(1) (j) 1.c.		
1089	893.135	1st	Trafficking in Phenethylamines, 400 grams or more.
	(1) (k) 2.c.		
1090	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
1091	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
1092			
1093	(j) LEVEL 10		
1094			
	Florida	Felony	
	Statute	Degree	Description
1095	499.0051 (10)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
1096	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
1097	<u>782.07 (3)</u>	<u>1st</u>	<u>Aggravated manslaughter of a child.</u>
1098			



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1099  
1100

787.01(1)(a)3. 1st,PBL Kidnapping; inflict bodily harm upon or  
terrorize victim.

1101

787.01(3)(a) Life Kidnapping; child under age 13,  
perpetrator also commits aggravated  
child abuse, sexual battery, or lewd or  
lascivious battery, molestation,  
conduct, or exhibition.

1102

787.06(3)(h) Life Human trafficking for commercial sexual  
activity of a child under the age of 15.

1103  
1104

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

1105

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.

1106

812.135(2)(a) 1st,PBL Home-invasion robbery with firearm or  
other deadly weapon.

1107  
1108

876.32 1st Treason against the state.

1109

Section 20. This act shall take effect July 1, 2012.



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1110  
1111 ===== T I T L E A M E N D M E N T =====

1112 And the title is amended as follows:

1113 Delete everything before the enacting clause  
1114 and insert:

1115 A bill to be entitled  
1116 An act relating to human trafficking; amending s.  
1117 16.56, F.S.; adding violations of ch. 787, F.S., to  
1118 the jurisdiction of the Office of Statewide  
1119 Prosecution; creating s. 480.0535, F.S.; requiring an  
1120 employee of a massage establishment and any person  
1121 performing massage therein to present, upon request of  
1122 an investigator, valid government identification while  
1123 in the establishment; providing documentation  
1124 requirements for the operator of a massage  
1125 establishment; providing criminal penalties; amending  
1126 s. 775.21, F.S.; adding additional offenses to the  
1127 list of sexual predator qualifying offenses; repealing  
1128 s. 787.05, F.S., relating to unlawfully obtaining  
1129 labor or services; amending s. 787.06, F.S.; revising  
1130 legislative findings relating to human trafficking;  
1131 revising definitions; creating additional offenses  
1132 relating to human trafficking; providing criminal  
1133 penalties; increasing criminal penalties for certain  
1134 offenses; providing for forfeiture of property used,  
1135 attempted to be used, or intended to be used in  
1136 violation of specified human trafficking provisions;  
1137 amending s. 787.07, F.S.; increasing criminal penalty  
1138 for human smuggling; amending s. 796.035, F.S.;





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1139           revising provisions relating to selling or buying of  
1140 minors into sex trafficking or prostitution; repealing  
1141 s. 796.045, F.S., relating to sex trafficking;  
1142 amending s. 905.34, F.S.; adding violations of ch.  
1143 787, F.S., to the jurisdiction of a statewide grand  
1144 jury; amending s. 934.07, F.S.; providing additional  
1145 authorization for the interception of wire, oral, or  
1146 electronic communications; amending ss. 943.0435,  
1147 944.606, and 944.607, F.S.; adding additional offenses  
1148 to the list of sexual offender qualifying offenses;  
1149 amending ss. 90.404, 772.102, 794.056, 895.02, and  
1150 938.085, F.S.; conforming cross-references; amending  
1151 s. 921.0022, F.S.; ranking offenses on the sentencing  
1152 guidelines chart of the Criminal Punishment Code;  
1153 providing an effective date.