

1 A bill to be entitled

2 An act relating to human trafficking; amending s.  
3 450.021, F.S.; prohibiting the employment of minors in  
4 adult theaters; amending s. 450.045, F.S.; requiring  
5 adult theaters to verify the ages of employees and  
6 independent contractors and maintain specified  
7 documentation; amending s. 775.15, F.S.; eliminating  
8 the statute of limitations for prosecutions under a  
9 specified human trafficking provision; providing  
10 applicability; amending s. 787.06, F.S.; revising and  
11 providing penalties for various human trafficking  
12 offenses against minors and adults; amending s.  
13 775.082, F.S.; providing a life sentence for a  
14 specified felony; creating s. 796.001, F.S.; providing  
15 legislative intent concerning prosecutions of certain  
16 offenses by adults involving minors; repealing ss.  
17 796.03, 796.035, and 796.036, F.S., relating to  
18 procuring a person under the age of 18 for  
19 prostitution, selling or buying of minors into  
20 prostitution, and reclassification of certain  
21 violations involving minors, respectively; amending  
22 ss. 796.05 and 796.07, F.S.; revising and providing  
23 penalties for various prostitution offenses; amending  
24 s. 943.0583, F.S.; providing for expunction of  
25 criminal history records of certain criminal charges  
26 against victims of human trafficking that did not

27 result in convictions; requiring destruction of  
 28 investigative records related to such expunged  
 29 records; amending s. 921.0022, F.S.; conforming  
 30 provisions of the offense severity ranking chart of  
 31 the Criminal Punishment Code to changes made by the  
 32 act; amending ss. 39.01, 90.404, 772.102, 775.0877,  
 33 775.21, 787.01, 787.02, 794.056, 856.022, 895.02,  
 34 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606,  
 35 944.607, 948.013, and 948.32, F.S.; conforming cross-  
 36 references; providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Subsection (5) is added to section 450.021,  
 41 Florida Statutes, to read:

42 450.021 Minimum age; general.—

43 (5) In order to better ensure the elimination of minors  
 44 being exploited and becoming victims of human trafficking, a  
 45 person under the age of 18, whether or not such person's  
 46 disabilities of nonage have been removed by marriage or  
 47 otherwise, may not be employed, permitted, or suffered to work  
 48 in an adult theater, as defined in s. 847.001(2)(b).

49 Section 2. Subsection (3) is added to section 450.045,  
 50 Florida Statutes, to read:

51 450.045 Proof of identity and age; posting of notices.—

52 (3)(a) In order to provide the department and law

53 enforcement agencies the means to more effectively identify,  
54 investigate, and arrest persons engaging in human trafficking,  
55 an adult theater, as defined in s. 847.001(2)(b), shall obtain  
56 proof of the identity and age of each of its employees or  
57 independent contractors, and shall verify the validity of the  
58 identification and age verification document with the issuer,  
59 before his or her employment or provision of services as an  
60 independent contractor.

61 (b) The adult theater shall obtain and keep on record a  
62 photocopy of the person's driver license or state or federal  
63 government-issued photo identification card, along with a record  
64 of the verification of the validity of the identification and  
65 age verification document with the issuer, during the entire  
66 period of employment or business relationship with the  
67 independent contractor and for at least 3 years after the  
68 employee or independent contractor ceases employment or the  
69 provision of services.

70 (c) The department and its agents have the authority to  
71 enter during operating hours, unannounced and without prior  
72 notice, and inspect at any time a place or establishment covered  
73 by this subsection and to have access to age verification  
74 documents kept on file by the adult theater and such other  
75 records as may aid in the enforcement of this subsection.

76 Section 3. Subsection (18) is added to section 775.15,  
77 Florida Statutes, to read:

78 775.15 Time limitations; general time limitations;

79 exceptions.—

80 (18) A prosecution for a violation of s. 787.06 may be  
 81 commenced at any time. This subsection applies to any such  
 82 offense except an offense the prosecution of which would have  
 83 been barred by subsection (2) on or before October 1, 2014.

84 Section 4. Subsections (3) and (4) of section 787.06,  
 85 Florida Statutes, are amended, and subsection (8) is added to  
 86 that section, to read:

87 787.06 Human trafficking.—

88 (3) Any person who knowingly, or in reckless disregard of  
 89 the facts, engages in human trafficking, or attempts to engage  
 90 in human trafficking, or benefits financially by receiving  
 91 anything of value from participation in a venture that has  
 92 subjected a person to human trafficking:

93 (a)1. Using coercion For labor or services of any child  
 94 under the age of 18 commits a felony of the first degree,  
 95 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

96 2. Using coercion for labor or services of an adult  
 97 commits a felony of the first degree, punishable as provided in  
 98 s. 775.082, s. 775.083, or s. 775.084.

99 (b) Using coercion for commercial sexual activity of an  
 100 adult commits a felony of the first degree, punishable as  
 101 provided in s. 775.082, s. 775.083, or s. 775.084.

102 (c)1. Using coercion For labor or services of any child  
 103 under the age of 18 ~~individual~~ who is an unauthorized alien  
 104 commits a felony of the first degree, punishable as provided in

105 s. 775.082, s. 775.083, or s. 775.084.

106 2. Using coercion for labor or services of an adult who is  
107 an unauthorized alien commits a felony of the first degree,  
108 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

109 (d) Using coercion for commercial sexual activity of an  
110 adult ~~any individual~~ who is an unauthorized alien commits a  
111 felony of the first degree, punishable as provided in s.  
112 775.082, s. 775.083, or s. 775.084.

113 (e)1. ~~Using coercion~~ For labor or services who does so by  
114 the transfer or transport of any child under the age of 18  
115 ~~individual~~ from outside this state to within the state commits a  
116 felony of the first degree, punishable as provided in s.  
117 775.082, s. 775.083, or s. 775.084.

118 2. Using coercion for labor or services who does so by the  
119 transfer or transport of an adult from outside this state to  
120 within the state commits a felony of the first degree,  
121 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

122 (f)1. ~~Using coercion~~ For commercial sexual activity who  
123 does so by the transfer or transport of any child under the age  
124 of 18 ~~individual~~ from outside this state to within the state  
125 commits a felony of the first degree, punishable by imprisonment  
126 for a term of years not exceeding life, or as provided in s.  
127 775.082, s. 775.083, or s. 775.084.

128 2. Using coercion for commercial sexual activity who does  
129 so by the transfer or transport of an adult from outside this  
130 state to within the state commits a felony of the first degree,

131 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

132 (g) For commercial sexual activity in which any child  
133 under the age of 18, or in which any person who is mentally  
134 defective or mentally incapacitated as those terms are defined  
135 in s. 794.011(1), is involved commits a life felony of the first  
136 degree, punishable by imprisonment for a term of years not  
137 exceeding life, or as provided in s. 775.082(3)(a)5. 775.082, s.  
138 775.083, or s. 775.084. In a prosecution under this paragraph in  
139 which the defendant had a reasonable opportunity to observe the  
140 person who was subject to human trafficking, the state need not  
141 prove that the defendant knew that the person had not attained  
142 the age of 18 years.

143 ~~(h) For commercial sexual activity in which any child~~  
144 ~~under the age of 15 is involved commits a life felony,~~  
145 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~  
146 ~~In a prosecution under this paragraph in which the defendant had~~  
147 ~~a reasonable opportunity to observe the person who was subject~~  
148 ~~to human trafficking, the state need not prove that the~~  
149 ~~defendant knew that the person had not attained the age of 15~~  
150 ~~years.~~

151  
152 For each instance of human trafficking of any individual under  
153 this subsection, a separate crime is committed and a separate  
154 punishment is authorized.

155 (4)(a) Any parent, legal guardian, or other person having  
156 custody or control of a minor who sells or otherwise transfers

157 custody or control of such minor, or offers to sell or otherwise  
158 transfer custody of such minor, with knowledge or in reckless  
159 disregard of the fact that, as a consequence of the sale or  
160 transfer, the minor will be subject to human trafficking commits  
161 a life ~~first degree~~ felony, punishable as provided in s.  
162 775.082, s. 775.083, or s. 775.084.

163 (b) Any person who permanently brands, or directs to be  
164 branded, a victim of an offense under this section commits a  
165 second degree felony, punishable as provided in s. 775.082, s.  
166 775.083, or s. 775.084. For purposes of this subsection, the  
167 term "permanently branded" means a mark on the individual's body  
168 that, if it can be removed or repaired at all, can only be  
169 removed or repaired by surgical means, laser treatment, or other  
170 medical procedure.

171 (8) In a prosecution under this section, the defendant's  
172 ignorance of the victim's age, the victim's misrepresentation of  
173 his or her age, or the defendant's bona fide belief of the  
174 victim's age cannot be raised as a defense.

175 Section 5. Paragraph (a) of subsection (3) of section  
176 775.082, Florida Statutes, is amended to read:

177 775.082 Penalties; applicability of sentencing structures;  
178 mandatory minimum sentences for certain reoffenders previously  
179 released from prison.—

180 (3) A person who has been convicted of any other  
181 designated felony may be punished as follows:

182 (a)1. For a life felony committed prior to October 1,

183 1983, by a term of imprisonment for life or for a term of years  
 184 not less than 30.

185 2. For a life felony committed on or after October 1,  
 186 1983, by a term of imprisonment for life or by a term of  
 187 imprisonment not exceeding 40 years.

188 3. Except as provided in subparagraph 4., for a life  
 189 felony committed on or after July 1, 1995, by a term of  
 190 imprisonment for life or by imprisonment for a term of years not  
 191 exceeding life imprisonment.

192 4.a. Except as provided in sub-subparagraph b., for a life  
 193 felony committed on or after September 1, 2005, which is a  
 194 violation of s. 800.04(5)(b), by:

195 (I) A term of imprisonment for life; or

196 (II) A split sentence that is a term of not less than 25  
 197 years' imprisonment and not exceeding life imprisonment,  
 198 followed by probation or community control for the remainder of  
 199 the person's natural life, as provided in s. 948.012(4).

200 b. For a life felony committed on or after July 1, 2008,  
 201 which is a person's second or subsequent violation of s.  
 202 800.04(5)(b), by a term of imprisonment for life.

203 5. For a life felony committed on or after October 1,  
 204 2014, which is a violation of s. 787.06(3)(g), by a term of  
 205 imprisonment for life.

206 Section 6. Section 796.001, Florida Statutes, is created  
 207 to read:

208 796.001 Offenses by adults involving minors; intent.—It is

209 the intent of the Legislature that adults who involve minors in  
 210 any behavior prohibited under this chapter be prosecuted under  
 211 other laws of this state, such as, but not limited to, s.  
 212 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and  
 213 chapter 847. The Legislature finds that prosecution of such  
 214 adults under this chapter is inappropriate since a minor is  
 215 unable to consent to such behavior.

216 Section 7. Sections 796.03, 796.035, and 796.036, Florida  
 217 Statutes, are repealed.

218 Section 8. Section 796.05, Florida Statutes, is amended to  
 219 read:

220 796.05 Deriving support from the proceeds of  
 221 prostitution.—

222 (1) It shall be unlawful for any person with reasonable  
 223 belief or knowing another person is engaged in prostitution to  
 224 live or derive support or maintenance in whole or in part from  
 225 what is believed to be the earnings or proceeds of such person's  
 226 prostitution.

227 (2) Anyone violating this section commits:

228 (a) For a first offense, a felony of the second ~~third~~  
 229 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 230 775.084.

231 (b) For a second offense, a felony of the first degree,  
 232 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

233 (c) For a third or subsequent offense, a felony of the  
 234 first degree punishable as provided in s. 775.082, s. 775.083,

235 or s. 775.084, with a mandatory minimum term of imprisonment of  
 236 10 years.

237 Section 9. Subsection (2) and subsection (4) through (6)  
 238 of section 796.07, Florida Statutes, are amended to read:

239 796.07 Prohibiting prostitution and related acts.—

240 (2) It is unlawful:

241 (a) To own, establish, maintain, or operate any place,  
 242 structure, building, or conveyance for the purpose of lewdness,  
 243 assignation, or prostitution.

244 (b) To offer, or to offer or agree to secure, another for  
 245 the purpose of prostitution or for any other lewd or indecent  
 246 act.

247 (c) To receive, or to offer or agree to receive, any  
 248 person into any place, structure, building, or conveyance for  
 249 the purpose of prostitution, lewdness, or assignation, or to  
 250 permit any person to remain there for such purpose.

251 (d) To direct, take, or transport, or to offer or agree to  
 252 direct, take, or transport, any person to any place, structure,  
 253 or building, or to any other person, with knowledge or  
 254 reasonable cause to believe that the purpose of such directing,  
 255 taking, or transporting is prostitution, lewdness, or  
 256 assignation.

257 (e) To offer to commit, or to commit, or to engage in,  
 258 prostitution, lewdness, or assignation.

259 (f) To solicit, induce, entice, or procure another to  
 260 commit prostitution, lewdness, or assignation.

261 (g) To reside in, enter, or remain in, any place,  
 262 structure, or building, or to enter or remain in any conveyance,  
 263 for the purpose of prostitution, lewdness, or assignation.

264 (h) To aid or, abet, ~~or participate~~ in any of the acts or  
 265 things enumerated in this subsection.

266 (i) To purchase the services of any person engaged in  
 267 prostitution.

268 (4) A person who violates paragraph (2) (e) or (g) any  
 269 ~~provision of this section~~ commits:

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

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

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

277 (5) (a) A person who violates paragraphs (2) (a), (b), (c),  
 278 (d), (f), (h), or (i) commits:

279 1. For a first offense, a felony of the third degree,  
 280 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

281 2. For a second offense, a felony of the second degree,  
 282 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

283 3. For a third or subsequent offense, a felony of the  
 284 first degree, punishable as provided in s. 775.082, s. 775.083,  
 285 or s. 775.084. A person who is charged with a third or  
 286 ~~subsequent violation of this section shall be offered admission~~

287 ~~to a pretrial intervention program or a substance abuse~~  
 288 ~~treatment program as provided in s. 948.08.~~

289 (6) A person who violates paragraphs (2) (a), (b), (c),  
 290 (d), (f), (h), or (i) ~~paragraph (2) (f)~~ shall be assessed a  
 291 criminal ~~civil~~ penalty of \$5,000 if the violation results in any  
 292 judicial disposition other than acquittal or dismissal. Of the  
 293 proceeds from each penalty assessed under this subsection, the  
 294 first \$500 shall be paid to the circuit court administrator for  
 295 the sole purpose of paying the administrative costs of  
 296 treatment-based drug court programs provided under s. 397.334.  
 297 The remainder of the penalty assessed shall be deposited in the  
 298 Operations and Maintenance Trust Fund of the Department of  
 299 Children and Family Services for the sole purpose of funding  
 300 safe houses and short-term safe houses as provided in s.  
 301 409.1678.

302 Section 10. Subsection (3), paragraph (a) of subsection  
 303 (8), and paragraph (a) of subsection (10) of section 943.0583,  
 304 Florida Statutes, are amended to read:

305 943.0583 Human trafficking victim expunction.—

306 (3) A person who is a victim of human trafficking may  
 307 petition for the expunction of a criminal history record  
 308 resulting from the arrest or filing of charges ~~any conviction~~  
 309 for an offense committed or reported to have been committed  
 310 while the person ~~he or she~~ was a victim of human trafficking,  
 311 which offense was committed or reported to have been committed  
 312 as a part of the human trafficking scheme of which the person ~~he~~

313 ~~or she~~ was a victim or at the direction of an operator of the  
314 scheme, including, but not limited to, violations under chapters  
315 796 and 847, without regard to the disposition of the arrest or  
316 of any charges. However, this section does not apply to any  
317 offense listed in s. 775.084(1)(b)1. Determination of the  
318 petition under this section should be by a preponderance of the  
319 evidence. A conviction expunged under this section is deemed to  
320 have been vacated due to a substantive defect in the underlying  
321 criminal proceedings. If a person is adjudicated not guilty by  
322 reason of insanity or is found to be incompetent to stand trial  
323 for any such charge, the expunction of the criminal history  
324 record may not prevent the entry of the judgment or finding in  
325 state and national databases for use in determining eligibility  
326 to purchase or possess a firearm or to carry a concealed  
327 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.  
328 922(t), nor shall it prevent any governmental agency that is  
329 authorized by state or federal law to determine eligibility to  
330 purchase or possess a firearm or to carry a concealed firearm  
331 from accessing or using the record of the judgment or finding in  
332 the course of such agency's official duties.

333 (8)(a) Any criminal history record of a minor or an adult  
334 that is ordered expunged by the court of original jurisdiction  
335 over the charges ~~crime~~ sought to be expunged pursuant to this  
336 section must be physically destroyed or obliterated by any  
337 criminal justice agency having custody of such record, except  
338 that any criminal history record in the custody of the

339 department must be retained in all cases.

340 (10) (a) A criminal history record ordered expunged under  
 341 this section that is retained by the department is confidential  
 342 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 343 Constitution, except that the record shall be made available to  
 344 criminal justice agencies for their respective criminal justice  
 345 purposes and to any governmental agency that is authorized by  
 346 state or federal law to determine eligibility to purchase or  
 347 possess a firearm or to carry a concealed firearm for use in the  
 348 course of such agency's official duties. Otherwise, such record  
 349 shall not be disclosed to any person or entity except upon order  
 350 of a court of competent jurisdiction. A criminal justice agency  
 351 may retain a notation indicating compliance with an order to  
 352 expunge.

353 Section 11. Paragraphs (c), (e), and (g) through (j) of  
 354 subsection (3) of section 921.0022, Florida Statutes, are  
 355 amended to read:

356 921.0022 Criminal Punishment Code; offense severity  
 357 ranking chart.—

358 (3) OFFENSE SEVERITY RANKING CHART

359 (c) LEVEL 3

360

Florida	Felony	Description
Statute	Degree	

361

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2014

362	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
363	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
364	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
365	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
366	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
367	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
368	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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369	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
370	327.35 (2) (b)	3rd	Felony BUI.
371	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
372	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
373	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine

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turtles, marine turtle eggs, or  
 marine turtle nests in  
 violation of the Marine Turtle  
 Protection Act.

374

379.2431  
 (1) (e) 6.

3rd Soliciting to commit or  
 conspiring to commit a  
 violation of the Marine Turtle  
 Protection Act.

375

400.9935 (4)

3rd Operating a clinic without a  
 license or filing false license  
 application or other required  
 information.

376

440.1051 (3)

3rd False report of workers'  
 compensation fraud or  
 retaliation for making such a  
 report.

377

501.001 (2) (b)

2nd Tampers with a consumer product  
 or the container using  
 materially false/misleading  
 information.

378

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2014

379	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
380	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
381	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
382	697.08	3rd	Equity skimming.
383	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
384	<del>796.05 (1)</del>	<del>3rd</del>	<del>Live on earnings of a prostitute.</del>
385	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
	806.10 (2)	3rd	Interferes with or assaults

firefighter in performance of  
duty.

386

810.09(2)(c) 3rd Trespass on property other than  
structure or conveyance armed  
with firearm or dangerous  
weapon.

387

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but  
less than \$10,000.

388

812.0145(2)(c) 3rd Theft from person 65 years of  
age or older; \$300 or more but  
less than \$10,000.

389

815.04(4)(b) 2nd Computer offense devised to  
defraud or obtain property.

390

817.034(4)(a)3. 3rd Engages in scheme to defraud  
(Florida Communications Fraud  
Act), property valued at less  
than \$20,000.

391

817.233 3rd Burning to defraud insurer.

392

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2014

393	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
394	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
395	817.236	3rd	Filing a false motor vehicle insurance application.
396	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
397	817.413 (2)	3rd	Sale of used goods as new.
398	817.505 (4)	3rd	Patient brokering.
399	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28 (2) (a)	3rd	Counterfeiting a payment

instrument with intent to defraud or possessing a counterfeit payment instrument.

400

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

401

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

402

843.19 3rd Injure, disable, or kill police dog or horse.

403

860.15 (3) 3rd Overcharging for repairs and parts.

404

870.01 (2) 3rd Riot; inciting or encouraging.

405

893.13 (1) (a) 2. 3rd Sell, manufacture, or deliver cannabis (or other 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).

406

893.13 (1) (d) 2.            2nd    Sell, manufacture, or deliver  
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  
within 1,000 feet of  
university.

407

893.13 (1) (f) 2.            2nd    Sell, manufacture, or deliver  
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  
within 1,000 feet of public  
housing facility.

408

893.13 (6) (a)            3rd    Possession of any controlled  
substance other than felony  
possession of cannabis.

409

893.13 (7) (a) 8.            3rd    Withhold information from  
practitioner regarding previous  
receipt of or prescription for

a controlled substance.

410

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

411

893.13 (7) (a) 10. 3rd Affix false or forged label to package of controlled substance.

412

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

413

893.13 (8) (a) 1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

414

415 893.13 (8) (a) 2. 3rd Employ a trick or scheme in the  
practitioner's practice to  
assist a patient, other person,  
or owner of an animal in  
obtaining a controlled  
substance.

416 893.13 (8) (a) 3. 3rd Knowingly write a prescription  
for a controlled substance for  
a fictitious person.

417 893.13 (8) (a) 4. 3rd Write a prescription for a  
controlled substance for a  
patient, other person, or an  
animal if the sole purpose of  
writing the prescription is a  
monetary benefit for the  
practitioner.

418 918.13 (1) (a) 3rd Alter, destroy, or conceal  
investigation evidence.

419 944.47 3rd Introduce contraband to  
(1) (a) 1.-2. correctional facility.

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420	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
421	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
422	(e) LEVEL 5		
423	Florida Statute	Felony Degree	Description
424	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
425	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
426	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
427			

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428	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
429	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
430	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
431	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
432	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
433	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
	440.381 (2)	2nd	Submission of false, misleading, or incomplete

information with the purpose of  
avoiding or reducing workers'  
compensation premiums.

434 624.401 (4) (b) 2. 2nd Transacting insurance without a  
certificate or authority;  
premium collected \$20,000 or  
more but less than \$100,000.

435 626.902 (1) (c) 2nd Representing an unauthorized  
insurer; repeat offender.

436 790.01 (2) 3rd Carrying a concealed firearm.

437 790.162 2nd Threat to throw or discharge  
destructive device.

438 790.163 (1) 2nd False report of deadly  
explosive or weapon of mass  
destruction.

439 790.221 (1) 2nd Possession of short-barreled  
shotgun or machine gun.

440 790.23 2nd Felons in possession of

firearms, ammunition, or  
electronic weapons or devices.

441

796.05 (1)                      2nd      Live on earnings of a  
prostitute; 1st offense.

442

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

443

800.04 (7) (b)                      2nd      Lewd or lascivious exhibition;  
offender 18 years or older.

444

806.111 (1)                      3rd      Possess, manufacture, or  
dispense fire bomb with intent  
to damage any structure or  
property.

445

812.0145 (2) (b)                      2nd      Theft from person 65 years of  
age or older; \$10,000 or more  
but less than \$50,000.

446

812.015 (8)                      3rd      Retail theft; property stolen  
is valued at \$300 or more and  
one or more specified acts.

447

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448	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
449	812.131 (2) (b)	3rd	Robbery by sudden snatching.
450	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
451	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
452	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
453	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

454

817.625 (2) (b)            2nd    Second or subsequent fraudulent use of scanning device or reencoder.

455

825.1025 (4)            3rd    Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

456

827.071 (4)            2nd    Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

457

827.071 (5)            3rd    Possess, control, or intentionally view any photographic material, motion picture, etc., which includes

sexual conduct by a child.

458

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

459

843.01 3rd Resist officer with violence to person; resist arrest with violence.

460

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

461

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

462

847.0138 3rd Transmission of material (2) & (3) harmful to minors to a minor by electronic device or equipment.

463

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal

gang; second or subsequent offense.

464

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 to join a criminal gang.

465

893.13 (1) (a) 1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).

466

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other 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) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

467

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468	893.13(1)(d)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.</p>
469	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under 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) within 1,000 feet of property used for religious services or a specified business site.</p>
470	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>

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471	893.13(4)(b)	2nd	Deliver to minor cannabis (or other 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).
472	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
473	(g) LEVEL 7		
474	Florida Statute	Felony Degree	Description
475	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
476	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
477	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.

478 327.35 (3) (c) 2. 3rd Vessel BUI resulting in serious  
 bodily injury.

479 402.319 (2) 2nd Misrepresentation and  
 negligence or intentional act  
 resulting in great bodily harm,  
 permanent disfiguration,  
 permanent disability, or death.

480 409.920 3rd Medicaid provider fraud;  
 (2) (b) 1.a. \$10,000 or less.

481 409.920 2nd Medicaid provider fraud; more  
 (2) (b) 1.b. than \$10,000, but less than  
 \$50,000.

482 456.065 (2) 3rd Practicing a health care  
 profession without a license.

483

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484	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
485	458.327 (1)	3rd	Practicing medicine without a license.
486	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
487	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
488	461.012 (1)	3rd	Practicing podiatric medicine without a license.
489	462.17	3rd	Practicing naturopathy without a license.
490	463.015 (1)	3rd	Practicing optometry without a license.
491	464.016 (1)	3rd	Practicing nursing without a license.

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492	465.015 (2)	3rd	Practicing pharmacy without a license.
493	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
494	467.201	3rd	Practicing midwifery without a license.
495	468.366	3rd	Delivering respiratory care services without a license.
496	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
497	483.901 (9)	3rd	Practicing medical physics without a license.
498	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
499	484.053	3rd	Dispensing hearing aids without a license.

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500	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.
501	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.
502	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
503	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew

driver's license or  
 identification card; other  
 registration violations.

504

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

505

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

506

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

507

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

508

782.071 2nd Killing of a human being or  
 viable fetus by the operation



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516	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
517	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
518	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
519	784.081 (1)	1st	Aggravated battery on specified official or employee.
520	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
521	784.083 (1)	1st	Aggravated battery on code inspector.
522	787.06 (3) (a) <u>2.</u>	1st	Human trafficking using coercion for labor and services <u>of an adult.</u>
	787.06 (3) (e) <u>2.</u>	1st	Human trafficking using

coercion for labor and services by the transfer or transport of an adult ~~any individual~~ from outside Florida to within the state.

523 790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

524 790.16(1) 1st Discharge of a machine gun under specified circumstances.

525 790.165(2) 2nd Manufacture, sell, possess, or deliver hoax bomb.

526 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

527 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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529	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
530	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
531	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.
532	<del>796.03</del>	2nd	<del>Procuring any person under 16 years for prostitution.</del>
533	<u>796.05(1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 2nd offense.</u>
	<u>796.05(1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 3rd and subsequent</u>

offense.

534

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

535

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.

536

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

537

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

538

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

539

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

540

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541	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
542	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.
543	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
544	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
545	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
546	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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547	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
548	812.131 (2) (a)	2nd	Robbery by sudden snatching.
549	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
550	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
551	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
552	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
553	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341	1st	Making false entries of

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(2) (b) &  
 (3) (b) 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.

554

817.535 (2) (a) 3rd Filing false lien or other  
 unauthorized document.

555

825.102 (3) (b) 2nd Neglecting an elderly person or  
 disabled adult causing great  
 bodily harm, disability, or  
 disfigurement.

556

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.

557

827.03 (2) (b) 2nd Neglect of a child causing  
 great bodily harm, disability,  
 or disfigurement.

558

827.04 (3) 3rd Impregnation of a child under

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16 years of age by person 21  
years of age or older.

559

837.05 (2) 3rd Giving false information about  
alleged capital felony to a law  
enforcement officer.

560

838.015 2nd Bribery.

561

838.016 2nd Unlawful compensation or reward  
for official behavior.

562

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

563

838.22 2nd Bid tampering.

564

843.0855 (2) 3rd Impersonation of a public  
officer or employee.

565

843.0855 (3) 3rd Unlawful simulation of legal  
process.

566

843.0855 (4) 3rd Intimidation of a public  
officer or employee.

567

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568	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
569	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
570	872.06	2nd	Abuse of a dead human body.
571	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
572	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child

care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

573

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.

574

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).

575

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

576

893.135 1st Trafficking in cocaine, more

577	(1) (b) 1.a.		than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in illegal drugs,
578	(1) (c) 1.a.		more than 4 grams, less than 14 grams.
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine,
579			more than 28 grams, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone,
580			more than 200 grams, less than 5 kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine,
581			more than 14 grams, less than 28 grams.
	893.135	1st	Trafficking in flunitrazepam, 4
582	(1) (g) 1.a.		grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1

kilogram or more, less than 5 kilograms.

583

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

584

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

585

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

586

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

587

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

588

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589	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
590	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
591	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
592	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
593	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
	944.607(9)	3rd	Sexual offender; failure to

comply with reporting requirements.

594

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

595

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

596

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

597

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

598

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

599

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600	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
601	(h) LEVEL 8		
602			
	Florida Statute	Felony Degree	Description
603	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
604	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
605	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
606	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
607	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
608			

609	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.
610	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.
611	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
612	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,  
aggravated fleeing or eluding  
with serious bodily injury or  
death, aircraft piracy, or  
unlawfully discharging bomb.

613

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

614

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

615

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

616

787.06 (3) (a) 1. 1st Human trafficking for labor and  
services of a child.

617

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

618

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619	787.06(3)(c) <u>2.</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien <u>adult</u> .
620	<u>787.06(3)(e)1.</u>	<u>1st</u>	<u>Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.</u>
621	787.06(3)(f) <u>2.</u>	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any <u>adult individual</u> from outside Florida to within the state.
622	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
623	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

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624	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
625	800.04 (4)	2nd	Lewd or lascivious battery.
626	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
627	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
628	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
629	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
630	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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631	812.13 (2) (b)	1st	Robbery with a weapon.
632	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
633	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
634	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
635	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
636	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

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637	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
638	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
639	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
640	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
641	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
642	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.

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643	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
644	860.16	1st	Aircraft piracy.
645	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).
646	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
647	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
648	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
	893.135	1st	Trafficking in cocaine, more

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649	(1) (b) 1.b.		than 200 grams, less than 400 grams.
	893.135	1st	Trafficking in illegal drugs,
	(1) (c) 1.b.		more than 14 grams, less than 28 grams.
650			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.b.		more than 200 grams, less than 400 grams.
651			
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
652			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
653			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
654			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5

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			kilograms or more, less than 10 kilograms.
655	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
656	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
657	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
658	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
659	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
660			

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661	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
662	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
663	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.
664	(i) LEVEL 9		
665	Florida Statute	Felony Degree	Description
666	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
667	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to

render aid or give information.

668

409.920 1st Medicaid provider fraud;  
(2) (b) 1.c. \$50,000 or more.

669

499.0051(9) 1st Knowing sale or purchase of  
contraband prescription drugs  
resulting in great bodily harm.

670

560.123(8)(b)3. 1st Failure to report currency or  
payment instruments totaling or  
exceeding \$100,000 by money  
transmitter.

671

560.125(5)(c) 1st Money transmitter business by  
unauthorized person, currency,  
or payment instruments totaling  
or exceeding \$100,000.

672

655.50(10)(b)3. 1st Failure to report financial  
transactions totaling or  
exceeding \$100,000 by financial  
institution.

673

775.0844 1st Aggravated white collar crime.

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675	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
676	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
677	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
678	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
679	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to

680 commit or facilitate commission  
of any felony.

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

681 787.02(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.

682 787.06(3)(c)1. 1st Human trafficking for labor and  
services of an unauthorized  
alien child.

683 787.06(3)(d) 1st Human trafficking using  
coercion for commercial sexual  
activity of an unauthorized  
adult alien.

684

685	<u>787.06(3)(f)1.</u>	<u>1st,PBL</u>	<u>Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.</u>
686	<del>787.06(3)(g)</del>	<del>1st,PBL</del>	<del>Human trafficking for commercial sexual activity of a child under the age of 18.</del>
687	<del>787.06(4)</del>	<del>1st</del>	<del>Selling or buying of minors into human trafficking.</del>
688	790.161	1st	Attempted capital destructive device offense.
689	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
690	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.
691	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
692	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
693	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
694	<del>796.035</del>	<del>1st</del>	<del>Selling or buying of minors into prostitution.</del>
695	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
696	812.13 (2) (a)	1st, PBL	Robbery with firearm or other

deadly weapon.

697

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

698

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

699

817.535 (3) (b) 1st Filing false lien or other  
unauthorized document; second  
or subsequent offense; property  
owner is a public officer or  
employee.

700

817.535 (4) (a) 2. 1st Filing false claim or other  
unauthorized document;  
defendant is incarcerated or  
under supervision.

701

817.535 (5) (b) 1st Filing false lien or other  
unauthorized document; second  
or subsequent offense; owner of  
the property incurs financial  
loss as a result of the false  
instrument.

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703	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.
704	827.03 (2) (a)	1st	Aggravated child abuse.
705	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
706	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
707	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.

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708	893.135	1st	Attempted capital trafficking offense.
709	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
710	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
711	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
712	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
713	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
714	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10

kilograms or more.

715

893.135 1st Trafficking in 1,4-Butanediol,  
(1) (j) 1.c. 10 kilograms or more.

716

893.135 1st Trafficking in Phenethylamines,  
(1) (k) 2.c. 400 grams or more.

717

896.101 (5) (c) 1st Money laundering, financial  
instruments totaling or  
exceeding \$100,000.

718

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

719

720 (j) LEVEL 10

721

Florida	Felony	Description
Statute	Degree	

722

499.0051 (10) 1st Knowing sale or purchase of  
contraband prescription drugs

resulting in death.

723

782.04 (2) 1st,PBL Unlawful killing of human; act is homicide, unpremeditated.

724

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

725

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

726

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.

727

787.06 (3) (g) Life Human trafficking for  
~~787.06 (3) (h)~~ commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person ~~15~~.

728

787.06 (4) (a) Life Selling or buying of minors

into human trafficking.

729

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.

730

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

731

876.32 1st Treason against the state.

732

733 Section 12. Paragraph (g) of subsection (67) of section  
734 39.01, Florida Statutes, is amended to read:

735 39.01 Definitions.—When used in this chapter, unless the  
736 context otherwise requires:

737 (67) "Sexual abuse of a child" for purposes of finding a  
738 child to be dependent means one or more of the following acts:

739 (g) The sexual exploitation of a child, which includes the  
740 act of a child offering to engage in or engaging in  
741 prostitution, provided that the child is not under arrest or is  
742 not being prosecuted in a delinquency or criminal proceeding for  
743 a violation of any offense in chapter 796 based on such  
744 behavior; or allowing, encouraging, or forcing a child to:

745 1. Solicit for or engage in prostitution;

746 2. Engage in a sexual performance, as defined by chapter  
747 827; or

748 3. Participate in the trade of human ~~sex~~ trafficking as  
749 provided in s. 787.06(3)(g) ~~796.035~~.

750 Section 13. Paragraphs (b) and (c) of subsection (2) of  
751 section 90.404, Florida Statutes, are amended to read:

752 90.404 Character evidence; when admissible.—

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

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

759 2. For the purposes of this paragraph, the term "child  
760 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
761 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.  
762 794.05, ~~s. 796.03, s. 796.035~~, s. 800.04, s. 827.071, s.  
763 847.0135(5), s. 847.0145, or s. 985.701(1) when committed  
764 against a person 16 years of age or younger.

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

770 2. For the purposes of this paragraph, the term "sexual  
771 offense" means conduct proscribed by s. 787.025(2)(c), s.

772 787.06(3)(b), (d), (f), or (g), ~~or~~ (h), s. 794.011, excluding s.  
 773 794.011(10), s. 794.05, ~~s. 796.03, s. 796.035~~, s.  
 774 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.  
 775 985.701(1).

776 Section 14. Paragraph (a) of subsection (1) of section  
 777 772.102, Florida Statutes, is amended to read:

778 772.102 Definitions.—As used in this chapter, the term:

779 (1) "Criminal activity" means to commit, to attempt to  
 780 commit, to conspire to commit, or to solicit, coerce, or  
 781 intimidate another person to commit:

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

784 1. Section 210.18, relating to evasion of payment of  
 785 cigarette taxes.

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

787 3. Section 440.105 or s. 440.106, relating to workers'  
 788 compensation.

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

790 5. Chapter 517, relating to securities transactions.

791 6. Section 550.235 or s. 550.3551, relating to dogracing  
 792 and horseracing.

793 7. Chapter 550, relating to jai alai frontons.

794 8. Chapter 552, relating to the manufacture, distribution,  
 795 and use of explosives.

796 9. Chapter 562, relating to beverage law enforcement.

797 10. Section 624.401, relating to transacting insurance

798 without a certificate of authority, s. 624.437(4)(c)1., relating  
799 to operating an unauthorized multiple-employer welfare  
800 arrangement, or s. 626.902(1)(b), relating to representing or  
801 aiding an unauthorized insurer.

802 11. Chapter 687, relating to interest and usurious  
803 practices.

804 12. Section 721.08, s. 721.09, or s. 721.13, relating to  
805 real estate timeshare plans.

806 13. Chapter 782, relating to homicide.

807 14. Chapter 784, relating to assault and battery.

808 15. Chapter 787, relating to kidnapping or human  
809 trafficking.

810 16. Chapter 790, relating to weapons and firearms.

811 17. Section ~~796.03~~, s. 796.04, s. 796.05, or s. 796.07,  
812 relating to prostitution.

813 18. Chapter 806, relating to arson.

814 19. Section 810.02(2)(c), relating to specified burglary  
815 of a dwelling or structure.

816 20. Chapter 812, relating to theft, robbery, and related  
817 crimes.

818 21. Chapter 815, relating to computer-related crimes.

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

821 23. Section 827.071, relating to commercial sexual  
822 exploitation of children.

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

- 824           25. Chapter 832, relating to issuance of worthless checks  
825 and drafts.
- 826           26. Section 836.05, relating to extortion.
- 827           27. Chapter 837, relating to perjury.
- 828           28. Chapter 838, relating to bribery and misuse of public  
829 office.
- 830           29. Chapter 843, relating to obstruction of justice.
- 831           30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
832 s. 847.07, relating to obscene literature and profanity.
- 833           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
834 849.25, relating to gambling.
- 835           32. Chapter 893, relating to drug abuse prevention and  
836 control.
- 837           33. Section 914.22 or s. 914.23, relating to witnesses,  
838 victims, or informants.
- 839           34. Section 918.12 or s. 918.13, relating to tampering  
840 with jurors and evidence.
- 841           Section 15. Paragraph (m) of subsection (1) of section  
842 775.0877, Florida Statutes, is amended to read:
- 843           775.0877 Criminal transmission of HIV; procedures;  
844 penalties.—
- 845           (1) In any case in which a person has been convicted of or  
846 has pled nolo contendere or guilty to, regardless of whether  
847 adjudication is withheld, any of the following offenses, or the  
848 attempt thereof, which offense or attempted offense involves the  
849 transmission of body fluids from one person to another:

850 (m) Sections ~~796.03~~, 796.07, and 796.08, relating to  
 851 prostitution; or  
 852  
 853 the court shall order the offender to undergo HIV testing, to be  
 854 performed under the direction of the Department of Health in  
 855 accordance with s. 381.004, unless the offender has undergone  
 856 HIV testing voluntarily or pursuant to procedures established in  
 857 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
 858 rule providing for HIV testing of criminal offenders or inmates,  
 859 subsequent to her or his arrest for an offense enumerated in  
 860 paragraphs (a)-(n) for which she or he was convicted or to which  
 861 she or he pled nolo contendere or guilty. The results of an HIV  
 862 test performed on an offender pursuant to this subsection are  
 863 not admissible in any criminal proceeding arising out of the  
 864 alleged offense.

865 Section 16. Paragraph (a) of subsection (4) and paragraph  
 866 (b) of subsection (10) of section 775.21, Florida Statutes, is  
 867 amended to read:

868 775.21 The Florida Sexual Predators Act.—

869 (4) SEXUAL PREDATOR CRITERIA.—

870 (a) For a current offense committed on or after October 1,  
 871 1993, upon conviction, an offender shall be designated as a  
 872 "sexual predator" under subsection (5), and subject to  
 873 registration under subsection (6) and community and public  
 874 notification under subsection (7) if:

875 1. The felony is:

876 a. A capital, life, or first-degree felony violation, or  
 877 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
 878 is a minor and the defendant is not the victim's parent or  
 879 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
 880 violation of a similar law of another jurisdiction; or

881 b. Any felony violation, or any attempt thereof, of s.  
 882 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
 883 minor and the defendant is not the victim's parent or guardian;  
 884 s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding  
 885 s. 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.  
 886 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s.  
 887 847.0145; or s. 985.701(1); or a violation of a similar law of  
 888 another jurisdiction, and the offender has previously been  
 889 convicted of or found to have committed, or has pled nolo  
 890 contendere or guilty to, regardless of adjudication, any  
 891 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 892 the victim is a minor and the defendant is not the victim's  
 893 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;  
 894 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~  
 895 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 896 847.0135, excluding s. 847.0135(6); s. 847.0145; or s.  
 897 985.701(1); or a violation of a similar law of another  
 898 jurisdiction;

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

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

905           (10) PENALTIES.—

906           (b) A sexual predator who has been convicted of or found  
 907 to have committed, or has pled nolo contendere or guilty to,  
 908 regardless of adjudication, any violation, or attempted  
 909 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 910 the victim is a minor and the defendant is not the victim's  
 911 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
 912 794.05; ~~s. 796.03; s. 796.035;~~ s. 800.04; s. 827.071; s.  
 913 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a  
 914 violation of a similar law of another jurisdiction when the  
 915 victim of the offense was a minor, and who works, whether for  
 916 compensation or as a volunteer, at any business, school, child  
 917 care facility, park, playground, or other place where children  
 918 regularly congregate, commits a felony of the third degree,  
 919 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

920           Section 17. Paragraph (a) of subsection (3) of section  
 921 787.01, Florida Statutes, is amended to read:

922           787.01 Kidnapping; kidnapping of child under age 13,  
 923 aggravating circumstances.—

924           (3) (a) A person who commits the offense of kidnapping upon  
 925 a child under the age of 13 and who, in the course of committing  
 926 the offense, commits one or more of the following:

927           1. Aggravated child abuse, as defined in s. 827.03;

928           2. Sexual battery, as defined in chapter 794, against the  
929 child;

930           3. Lewd or lascivious battery, lewd or lascivious  
931 molestation, lewd or lascivious conduct, or lewd or lascivious  
932 exhibition, in violation of s. 800.04 or s. 847.0135(5);

933           4. A violation of ~~s. 796.03~~ or s. 796.04, relating to  
934 prostitution, upon the child; or

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

937  
938 commits a life felony, punishable as provided in s. 775.082, s.  
939 775.083, or s. 775.084.

940           Section 18. Paragraph (a) of subsection (3) of section  
941 787.02, Florida Statutes, is amended to read:

942           787.02 False imprisonment; false imprisonment of child  
943 under age 13, aggravating circumstances.—

944           (3) (a) A person who commits the offense of false  
945 imprisonment upon a child under the age of 13 and who, in the  
946 course of committing the offense, commits any offense enumerated  
947 in subparagraphs 1.-5., commits a felony of the first degree,  
948 punishable by imprisonment for a term of years not exceeding  
949 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

950           1. Aggravated child abuse, as defined in s. 827.03;

951           2. Sexual battery, as defined in chapter 794, against the  
952 child;

953           3. Lewd or lascivious battery, lewd or lascivious

954 molestation, lewd or lascivious conduct, or lewd or lascivious  
 955 exhibition, in violation of s. 800.04 or s. 847.0135(5);

956 4. A violation of ~~s. 796.03~~ or s. 796.04, relating to  
 957 prostitution, upon the child; or

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

960 Section 19. Subsection (1) of section 794.056, Florida  
 961 Statutes, is amended to read:

962 794.056 Rape Crisis Program Trust Fund.—

963 (1) The Rape Crisis Program Trust Fund is created within  
 964 the Department of Health for the purpose of providing funds for  
 965 rape crisis centers in this state. Trust fund moneys shall be  
 966 used exclusively for the purpose of providing services for  
 967 victims of sexual assault. Funds credited to the trust fund  
 968 consist of those funds collected as an additional court  
 969 assessment in each case in which a defendant pleads guilty or  
 970 nolo contendere to, or is found guilty of, regardless of  
 971 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
 972 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 973 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 974 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 975 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 976 ~~s. 796.03; s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s.  
 977 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
 978 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
 979 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.

980 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
 981 (14)(c); or s. 985.701(1). Funds credited to the trust fund also  
 982 shall include revenues provided by law, moneys appropriated by  
 983 the Legislature, and grants from public or private entities.

984 Section 20. Subsection (1) of section 856.022, Florida  
 985 Statutes, is amended to read:

986 856.022 Loitering or prowling by certain offenders in  
 987 close proximity to children; penalty.—

988 (1) Except as provided in subsection (2), this section  
 989 applies to a person convicted of committing, or attempting,  
 990 soliciting, or conspiring to commit, any of the criminal  
 991 offenses proscribed in the following statutes in this state or  
 992 similar offenses in another jurisdiction against a victim who  
 993 was under 18 years of age at the time of the offense: s. 787.01,  
 994 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 995 the offender was not the victim's parent or guardian; s.  
 996 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~  
 997 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.  
 998 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
 999 847.0145; s. 985.701(1); or any similar offense committed in  
 1000 this state which has been redesignated from a former statute  
 1001 number to one of those listed in this subsection, if the person  
 1002 has not received a pardon for any felony or similar law of  
 1003 another jurisdiction necessary for the operation of this  
 1004 subsection and a conviction of a felony or similar law of  
 1005 another jurisdiction necessary for the operation of this

1006 subsection has not been set aside in any postconviction  
 1007 proceeding.

1008 Section 21. Paragraph (a) of subsection (1) of section  
 1009 895.02, Florida Statutes, is amended to read:

1010 895.02 Definitions.—As used in ss. 895.01-895.08, the  
 1011 term:

1012 (1) "Racketeering activity" means to commit, to attempt to  
 1013 commit, to conspire to commit, or to solicit, coerce, or  
 1014 intimidate another person to commit:

1015 (a) Any crime that is chargeable by petition, indictment,  
 1016 or information under the following provisions of the Florida  
 1017 Statutes:

1018 1. Section 210.18, relating to evasion of payment of  
 1019 cigarette taxes.

1020 2. Section 316.1935, relating to fleeing or attempting to  
 1021 elude a law enforcement officer and aggravated fleeing or  
 1022 eluding.

1023 3. Section 403.727(3)(b), relating to environmental  
 1024 control.

1025 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 1026 fraud.

1027 5. Section 414.39, relating to public assistance fraud.

1028 6. Section 440.105 or s. 440.106, relating to workers'  
 1029 compensation.

1030 7. Section 443.071(4), relating to creation of a  
 1031 fictitious employer scheme to commit reemployment assistance

- 1032 fraud.
- 1033 8. Section 465.0161, relating to distribution of medicinal
- 1034 drugs without a permit as an Internet pharmacy.
- 1035 9. Section 499.0051, relating to crimes involving
- 1036 contraband and adulterated drugs.
- 1037 10. Part IV of chapter 501, relating to telemarketing.
- 1038 11. Chapter 517, relating to sale of securities and
- 1039 investor protection.
- 1040 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1041 and horseracing.
- 1042 13. Chapter 550, relating to jai alai frontons.
- 1043 14. Section 551.109, relating to slot machine gaming.
- 1044 15. Chapter 552, relating to the manufacture,
- 1045 distribution, and use of explosives.
- 1046 16. Chapter 560, relating to money transmitters, if the
- 1047 violation is punishable as a felony.
- 1048 17. Chapter 562, relating to beverage law enforcement.
- 1049 18. Section 624.401, relating to transacting insurance
- 1050 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1051 to operating an unauthorized multiple-employer welfare
- 1052 arrangement, or s. 626.902(1)(b), relating to representing or
- 1053 aiding an unauthorized insurer.
- 1054 19. Section 655.50, relating to reports of currency
- 1055 transactions, when such violation is punishable as a felony.
- 1056 20. Chapter 687, relating to interest and usurious
- 1057 practices.

1058 21. Section 721.08, s. 721.09, or s. 721.13, relating to  
 1059 real estate timeshare plans.

1060 22. Section 775.13(5)(b), relating to registration of  
 1061 persons found to have committed any offense for the purpose of  
 1062 benefiting, promoting, or furthering the interests of a criminal  
 1063 gang.

1064 23. Section 777.03, relating to commission of crimes by  
 1065 accessories after the fact.

1066 24. Chapter 782, relating to homicide.

1067 25. Chapter 784, relating to assault and battery.

1068 26. Chapter 787, relating to kidnapping or human  
 1069 trafficking.

1070 27. Chapter 790, relating to weapons and firearms.

1071 28. Chapter 794, relating to sexual battery, but only if  
 1072 such crime was committed with the intent to benefit, promote, or  
 1073 further the interests of a criminal gang, or for the purpose of  
 1074 increasing a criminal gang member's own standing or position  
 1075 within a criminal gang.

1076 29. Section ~~796.03, s. 796.035, s.~~ 796.04, s. 796.05, or  
 1077 s. 796.07, relating to prostitution and sex trafficking.

1078 30. Chapter 806, relating to arson and criminal mischief.

1079 31. Chapter 810, relating to burglary and trespass.

1080 32. Chapter 812, relating to theft, robbery, and related  
 1081 crimes.

1082 33. Chapter 815, relating to computer-related crimes.

1083 34. Chapter 817, relating to fraudulent practices, false

1084 | pretenses, fraud generally, and credit card crimes.  
 1085 |       35. Chapter 825, relating to abuse, neglect, or  
 1086 | exploitation of an elderly person or disabled adult.  
 1087 |       36. Section 827.071, relating to commercial sexual  
 1088 | exploitation of children.  
 1089 |       37. Section 828.122, relating to fighting or baiting  
 1090 | animals.  
 1091 |       38. Chapter 831, relating to forgery and counterfeiting.  
 1092 |       39. Chapter 832, relating to issuance of worthless checks  
 1093 | and drafts.  
 1094 |       40. Section 836.05, relating to extortion.  
 1095 |       41. Chapter 837, relating to perjury.  
 1096 |       42. Chapter 838, relating to bribery and misuse of public  
 1097 | office.  
 1098 |       43. Chapter 843, relating to obstruction of justice.  
 1099 |       44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
 1100 | s. 847.07, relating to obscene literature and profanity.  
 1101 |       45. Chapter 849, relating to gambling, lottery, gambling  
 1102 | or gaming devices, slot machines, or any of the provisions  
 1103 | within that chapter.  
 1104 |       46. Chapter 874, relating to criminal gangs.  
 1105 |       47. Chapter 893, relating to drug abuse prevention and  
 1106 | control.  
 1107 |       48. Chapter 896, relating to offenses related to financial  
 1108 | transactions.  
 1109 |       49. Sections 914.22 and 914.23, relating to tampering with

1110 or harassing a witness, victim, or informant, and retaliation  
 1111 against a witness, victim, or informant.  
 1112 50. Sections 918.12 and 918.13, relating to tampering with  
 1113 jurors and evidence.  
 1114 Section 22. Section 938.085, Florida Statutes, is amended  
 1115 to read:  
 1116 938.085 Additional cost to fund rape crisis centers.—In  
 1117 addition to any sanction imposed when a person pleads guilty or  
 1118 nolo contendere to, or is found guilty of, regardless of  
 1119 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
 1120 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 1121 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
 1122 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
 1123 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; ~~s. 796.03;~~  
 1124 ~~s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d)  
 1125 and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.  
 1126 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.  
 1127 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;  
 1128 s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s.  
 1129 985.701(1), the court shall impose a surcharge of \$151. Payment  
 1130 of the surcharge shall be a condition of probation, community  
 1131 control, or any other court-ordered supervision. The sum of \$150  
 1132 of the surcharge shall be deposited into the Rape Crisis Program  
 1133 Trust Fund established within the Department of Health by  
 1134 chapter 2003-140, Laws of Florida. The clerk of the court shall  
 1135 retain \$1 of each surcharge that the clerk of the court collects

1136 as a service charge of the clerk's office.

1137 Section 23. Subsection (1) of section 938.10, Florida  
 1138 Statutes, is amended to read:

1139 938.10 Additional court cost imposed in cases of certain  
 1140 crimes.—

1141 (1) If a person pleads guilty or nolo contendere to, or is  
 1142 found guilty of, regardless of adjudication, any offense against  
 1143 a minor in violation of s. 784.085, chapter 787, chapter 794, ~~s.~~  
 1144 ~~796.03, s. 796.035,~~ s. 800.04, chapter 827, s. 847.012, s.  
 1145 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s.  
 1146 893.147(3), or s. 985.701, or any offense in violation of s.  
 1147 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
 1148 court shall impose a court cost of \$151 against the offender in  
 1149 addition to any other cost or penalty required by law.

1150 Section 24. Paragraph (a) of subsection (1) of section  
 1151 943.0435, Florida Statutes, is amended to read:

1152 943.0435 Sexual offenders required to register with the  
 1153 department; penalty.—

1154 (1) As used in this section, the term:

1155 (a)1. "Sexual offender" means a person who meets the  
 1156 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 1157 subparagraph c., or sub-subparagraph d., as follows:

1158 a.(I) Has been convicted of committing, or attempting,  
 1159 soliciting, or conspiring to commit, any of the criminal  
 1160 offenses proscribed in the following statutes in this state or  
 1161 similar offenses in another jurisdiction: s. 787.01, s. 787.02,

1162 or s. 787.025(2)(c), where the victim is a minor and the  
 1163 defendant is not the victim's parent or guardian; s.  
 1164 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding s.  
 1165 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.  
 1166 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
 1167 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1168 or s. 985.701(1); or any similar offense committed in this state  
 1169 which has been redesignated from a former statute number to one  
 1170 of those listed in this sub-sub-subparagraph; and

1171 (II) Has been released on or after October 1, 1997, from  
 1172 the sanction imposed for any conviction of an offense described  
 1173 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 1174 subparagraph (I), a sanction imposed in this state or in any  
 1175 other jurisdiction includes, but is not limited to, a fine,  
 1176 probation, community control, parole, conditional release,  
 1177 control release, or incarceration in a state prison, federal  
 1178 prison, private correctional facility, or local detention  
 1179 facility;

1180 b. Establishes or maintains a residence in this state and  
 1181 who has not been designated as a sexual predator by a court of  
 1182 this state but who has been designated as a sexual predator, as  
 1183 a sexually violent predator, or by another sexual offender  
 1184 designation in another state or jurisdiction and was, as a  
 1185 result of such designation, subjected to registration or  
 1186 community or public notification, or both, or would be if the  
 1187 person were a resident of that state or jurisdiction, without

1188 regard to whether the person otherwise meets the criteria for  
 1189 registration as a sexual offender;

1190 c. Establishes or maintains a residence in this state who  
 1191 is in the custody or control of, or under the supervision of,  
 1192 any other state or jurisdiction as a result of a conviction for  
 1193 committing, or attempting, soliciting, or conspiring to commit,  
 1194 any of the criminal offenses proscribed in the following  
 1195 statutes or similar offense in another jurisdiction: s. 787.01,  
 1196 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
 1197 the defendant is not the victim's parent or guardian; s.  
 1198 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding s.  
 1199 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.  
 1200 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,  
 1201 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1202 or s. 985.701(1); or any similar offense committed in this state  
 1203 which has been redesignated from a former statute number to one  
 1204 of those listed in this sub-subparagraph; or

1205 d. On or after July 1, 2007, has been adjudicated  
 1206 delinquent for committing, or attempting, soliciting, or  
 1207 conspiring to commit, any of the criminal offenses proscribed in  
 1208 the following statutes in this state or similar offenses in  
 1209 another jurisdiction when the juvenile was 14 years of age or  
 1210 older at the time of the offense:

1211 (I) Section 794.011, excluding s. 794.011(10);

1212 (II) Section 800.04(4)(b) where the victim is under 12  
 1213 years of age or where the court finds sexual activity by the use

1214 of force or coercion;

1215 (III) Section 800.04(5)(c)1. where the court finds  
 1216 molestation involving unclothed genitals; or

1217 (IV) Section 800.04(5)(d) where the court finds the use of  
 1218 force or coercion and unclothed genitals.

1219 2. For all qualifying offenses listed in sub-subparagraph  
 1220 (1)(a)1.d., the court shall make a written finding of the age of  
 1221 the offender at the time of the offense.

1222  
 1223 For each violation of a qualifying offense listed in this  
 1224 subsection, the court shall make a written finding of the age of  
 1225 the victim at the time of the offense. For a violation of s.  
 1226 800.04(4), the court shall additionally make a written finding  
 1227 indicating that the offense did or did not involve sexual  
 1228 activity and indicating that the offense did or did not involve  
 1229 force or coercion. For a violation of s. 800.04(5), the court  
 1230 shall additionally make a written finding that the offense did  
 1231 or did not involve unclothed genitals or genital area and that  
 1232 the offense did or did not involve the use of force or coercion.

1233 Section 25. Section 943.0585, Florida Statutes, is amended  
 1234 to read:

1235 943.0585 Court-ordered expunction of criminal history  
 1236 records.—The courts of this state have jurisdiction over their  
 1237 own procedures, including the maintenance, expunction, and  
 1238 correction of judicial records containing criminal history  
 1239 information to the extent such procedures are not inconsistent

1240 with the conditions, responsibilities, and duties established by  
 1241 this section. Any court of competent jurisdiction may order a  
 1242 criminal justice agency to expunge the criminal history record  
 1243 of a minor or an adult who complies with the requirements of  
 1244 this section. The court shall not order a criminal justice  
 1245 agency to expunge a criminal history record until the person  
 1246 seeking to expunge a criminal history record has applied for and  
 1247 received a certificate of eligibility for expunction pursuant to  
 1248 subsection (2). A criminal history record that relates to a  
 1249 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 1250 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
 1251 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
 1252 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,  
 1253 or any violation specified as a predicate offense for  
 1254 registration as a sexual predator pursuant to s. 775.21, without  
 1255 regard to whether that offense alone is sufficient to require  
 1256 such registration, or for registration as a sexual offender  
 1257 pursuant to s. 943.0435, may not be expunged, without regard to  
 1258 whether adjudication was withheld, if the defendant was found  
 1259 guilty of or pled guilty or nolo contendere to the offense, or  
 1260 if the defendant, as a minor, was found to have committed, or  
 1261 pled guilty or nolo contendere to committing, the offense as a  
 1262 delinquent act. The court may only order expunction of a  
 1263 criminal history record pertaining to one arrest or one incident  
 1264 of alleged criminal activity, except as provided in this  
 1265 section. The court may, at its sole discretion, order the

1266 expunction of a criminal history record pertaining to more than  
1267 one arrest if the additional arrests directly relate to the  
1268 original arrest. If the court intends to order the expunction of  
1269 records pertaining to such additional arrests, such intent must  
1270 be specified in the order. A criminal justice agency may not  
1271 expunge any record pertaining to such additional arrests if the  
1272 order to expunge does not articulate the intention of the court  
1273 to expunge a record pertaining to more than one arrest. This  
1274 section does not prevent the court from ordering the expunction  
1275 of only a portion of a criminal history record pertaining to one  
1276 arrest or one incident of alleged criminal activity.  
1277 Notwithstanding any law to the contrary, a criminal justice  
1278 agency may comply with laws, court orders, and official requests  
1279 of other jurisdictions relating to expunction, correction, or  
1280 confidential handling of criminal history records or information  
1281 derived therefrom. This section does not confer any right to the  
1282 expunction of any criminal history record, and any request for  
1283 expunction of a criminal history record may be denied at the  
1284 sole discretion of the court.

1285 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1286 petition to a court to expunge a criminal history record is  
1287 complete only when accompanied by:

1288 (a) A valid certificate of eligibility for expunction  
1289 issued by the department pursuant to subsection (2).

1290 (b) The petitioner's sworn statement attesting that the  
1291 petitioner:

1292 1. Has never, prior to the date on which the petition is  
 1293 filed, been adjudicated guilty of a criminal offense or  
 1294 comparable ordinance violation, or been adjudicated delinquent  
 1295 for committing any felony or a misdemeanor specified in s.  
 1296 943.051(3) (b).

1297 2. Has not been adjudicated guilty of, or adjudicated  
 1298 delinquent for committing, any of the acts stemming from the  
 1299 arrest or alleged criminal activity to which the petition  
 1300 pertains.

1301 3. Has never secured a prior sealing or expunction of a  
 1302 criminal history record under this section, s. 943.059, former  
 1303 s. 893.14, former s. 901.33, or former s. 943.058, unless  
 1304 expunction is sought of a criminal history record previously  
 1305 sealed for 10 years pursuant to paragraph (2) (h) and the record  
 1306 is otherwise eligible for expunction.

1307 4. Is eligible for such an expunction to the best of his  
 1308 or her knowledge or belief and does not have any other petition  
 1309 to expunge or any petition to seal pending before any court.

1310  
 1311 Any person who knowingly provides false information on such  
 1312 sworn statement to the court commits a felony of the third  
 1313 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1314 775.084.

1315 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
 1316 petitioning the court to expunge a criminal history record, a  
 1317 person seeking to expunge a criminal history record shall apply

1318 to the department for a certificate of eligibility for  
1319 expunction. The department shall, by rule adopted pursuant to  
1320 chapter 120, establish procedures pertaining to the application  
1321 for and issuance of certificates of eligibility for expunction.  
1322 A certificate of eligibility for expunction is valid for 12  
1323 months after the date stamped on the certificate when issued by  
1324 the department. After that time, the petitioner must reapply to  
1325 the department for a new certificate of eligibility. Eligibility  
1326 for a renewed certification of eligibility must be based on the  
1327 status of the applicant and the law in effect at the time of the  
1328 renewal application. The department shall issue a certificate of  
1329 eligibility for expunction to a person who is the subject of a  
1330 criminal history record if that person:

1331 (a) Has obtained, and submitted to the department, a  
1332 written, certified statement from the appropriate state attorney  
1333 or statewide prosecutor which indicates:

1334 1. That an indictment, information, or other charging  
1335 document was not filed or issued in the case.

1336 2. That an indictment, information, or other charging  
1337 document, if filed or issued in the case, was dismissed or nolle  
1338 prosequi by the state attorney or statewide prosecutor, or was  
1339 dismissed by a court of competent jurisdiction, and that none of  
1340 the charges related to the arrest or alleged criminal activity  
1341 to which the petition to expunge pertains resulted in a trial,  
1342 without regard to whether the outcome of the trial was other  
1343 than an adjudication of guilt.

1344 3. That the criminal history record does not relate to a  
1345 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1346 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
1347 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
1348 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,  
1349 or any violation specified as a predicate offense for  
1350 registration as a sexual predator pursuant to s. 775.21, without  
1351 regard to whether that offense alone is sufficient to require  
1352 such registration, or for registration as a sexual offender  
1353 pursuant to s. 943.0435, where the defendant was found guilty  
1354 of, or pled guilty or nolo contendere to any such offense, or  
1355 that the defendant, as a minor, was found to have committed, or  
1356 pled guilty or nolo contendere to committing, such an offense as  
1357 a delinquent act, without regard to whether adjudication was  
1358 withheld.

1359 (b) Remits a \$75 processing fee to the department for  
1360 placement in the Department of Law Enforcement Operating Trust  
1361 Fund, unless such fee is waived by the executive director.

1362 (c) Has submitted to the department a certified copy of  
1363 the disposition of the charge to which the petition to expunge  
1364 pertains.

1365 (d) Has never, prior to the date on which the application  
1366 for a certificate of eligibility is filed, been adjudicated  
1367 guilty of a criminal offense or comparable ordinance violation,  
1368 or been adjudicated delinquent for committing any felony or a  
1369 misdemeanor specified in s. 943.051(3)(b).

1370 (e) Has not been adjudicated guilty of, or adjudicated  
 1371 delinquent for committing, any of the acts stemming from the  
 1372 arrest or alleged criminal activity to which the petition to  
 1373 expunge pertains.

1374 (f) Has never secured a prior sealing or expunction of a  
 1375 criminal history record under this section, s. 943.059, former  
 1376 s. 893.14, former s. 901.33, or former s. 943.058, unless  
 1377 expunction is sought of a criminal history record previously  
 1378 sealed for 10 years pursuant to paragraph (h) and the record is  
 1379 otherwise eligible for expunction.

1380 (g) Is no longer under court supervision applicable to the  
 1381 disposition of the arrest or alleged criminal activity to which  
 1382 the petition to expunge pertains.

1383 (h) Has previously obtained a court order sealing the  
 1384 record under this section, former s. 893.14, former s. 901.33,  
 1385 or former s. 943.058 for a minimum of 10 years because  
 1386 adjudication was withheld or because all charges related to the  
 1387 arrest or alleged criminal activity to which the petition to  
 1388 expunge pertains were not dismissed prior to trial, without  
 1389 regard to whether the outcome of the trial was other than an  
 1390 adjudication of guilt. The requirement for the record to have  
 1391 previously been sealed for a minimum of 10 years does not apply  
 1392 when a plea was not entered or all charges related to the arrest  
 1393 or alleged criminal activity to which the petition to expunge  
 1394 pertains were dismissed prior to trial.

1395 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1396 (a) In judicial proceedings under this section, a copy of  
1397 the completed petition to expunge shall be served upon the  
1398 appropriate state attorney or the statewide prosecutor and upon  
1399 the arresting agency; however, it is not necessary to make any  
1400 agency other than the state a party. The appropriate state  
1401 attorney or the statewide prosecutor and the arresting agency  
1402 may respond to the court regarding the completed petition to  
1403 expunge.

1404 (b) If relief is granted by the court, the clerk of the  
1405 court shall certify copies of the order to the appropriate state  
1406 attorney or the statewide prosecutor and the arresting agency.  
1407 The arresting agency is responsible for forwarding the order to  
1408 any other agency to which the arresting agency disseminated the  
1409 criminal history record information to which the order pertains.  
1410 The department shall forward the order to expunge to the Federal  
1411 Bureau of Investigation. The clerk of the court shall certify a  
1412 copy of the order to any other agency which the records of the  
1413 court reflect has received the criminal history record from the  
1414 court.

1415 (c) For an order to expunge entered by a court prior to  
1416 July 1, 1992, the department shall notify the appropriate state  
1417 attorney or statewide prosecutor of an order to expunge which is  
1418 contrary to law because the person who is the subject of the  
1419 record has previously been convicted of a crime or comparable  
1420 ordinance violation or has had a prior criminal history record  
1421 sealed or expunged. Upon receipt of such notice, the appropriate

1422 state attorney or statewide prosecutor shall take action, within  
1423 60 days, to correct the record and petition the court to void  
1424 the order to expunge. The department shall seal the record until  
1425 such time as the order is voided by the court.

1426 (d) On or after July 1, 1992, the department or any other  
1427 criminal justice agency is not required to act on an order to  
1428 expunge entered by a court when such order does not comply with  
1429 the requirements of this section. Upon receipt of such an order,  
1430 the department must notify the issuing court, the appropriate  
1431 state attorney or statewide prosecutor, the petitioner or the  
1432 petitioner's attorney, and the arresting agency of the reason  
1433 for noncompliance. The appropriate state attorney or statewide  
1434 prosecutor shall take action within 60 days to correct the  
1435 record and petition the court to void the order. No cause of  
1436 action, including contempt of court, shall arise against any  
1437 criminal justice agency for failure to comply with an order to  
1438 expunge when the petitioner for such order failed to obtain the  
1439 certificate of eligibility as required by this section or such  
1440 order does not otherwise comply with the requirements of this  
1441 section.

1442 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1443 criminal history record of a minor or an adult which is ordered  
1444 expunged by a court of competent jurisdiction pursuant to this  
1445 section must be physically destroyed or obliterated by any  
1446 criminal justice agency having custody of such record; except  
1447 that any criminal history record in the custody of the

1448 department must be retained in all cases. A criminal history  
1449 record ordered expunged that is retained by the department is  
1450 confidential and exempt from the provisions of s. 119.07(1) and  
1451 s. 24(a), Art. I of the State Constitution and not available to  
1452 any person or entity except upon order of a court of competent  
1453 jurisdiction. A criminal justice agency may retain a notation  
1454 indicating compliance with an order to expunge.

1455 (a) The person who is the subject of a criminal history  
1456 record that is expunged under this section or under other  
1457 provisions of law, including former s. 893.14, former s. 901.33,  
1458 and former s. 943.058, may lawfully deny or fail to acknowledge  
1459 the arrests covered by the expunged record, except when the  
1460 subject of the record:

- 1461 1. Is a candidate for employment with a criminal justice  
1462 agency;
- 1463 2. Is a defendant in a criminal prosecution;
- 1464 3. Concurrently or subsequently petitions for relief under  
1465 this section, s. 943.0583, or s. 943.059;
- 1466 4. Is a candidate for admission to The Florida Bar;
- 1467 5. Is seeking to be employed or licensed by or to contract  
1468 with the Department of Children and Families, the Division of  
1469 Vocational Rehabilitation within the Department of Education,  
1470 the Agency for Health Care Administration, the Agency for  
1471 Persons with Disabilities, the Department of Health, the  
1472 Department of Elderly Affairs, or the Department of Juvenile  
1473 Justice or to be employed or used by such contractor or licensee

1474 in a sensitive position having direct contact with children, the  
1475 disabled, or the elderly; or

1476 6. Is seeking to be employed or licensed by the Department  
1477 of Education, any district school board, any university  
1478 laboratory school, any charter school, any private or parochial  
1479 school, or any local governmental entity that licenses child  
1480 care facilities.

1481 (b) Subject to the exceptions in paragraph (a), a person  
1482 who has been granted an expunction under this section, former s.  
1483 893.14, former s. 901.33, or former s. 943.058 may not be held  
1484 under any provision of law of this state to commit perjury or to  
1485 be otherwise liable for giving a false statement by reason of  
1486 such person's failure to recite or acknowledge an expunged  
1487 criminal history record.

1488 (c) Information relating to the existence of an expunged  
1489 criminal history record which is provided in accordance with  
1490 paragraph (a) is confidential and exempt from the provisions of  
1491 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1492 except that the department shall disclose the existence of a  
1493 criminal history record ordered expunged to the entities set  
1494 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their  
1495 respective licensing, access authorization, and employment  
1496 purposes, and to criminal justice agencies for their respective  
1497 criminal justice purposes. It is unlawful for any employee of an  
1498 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1499 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to

1500 disclose information relating to the existence of an expunged  
 1501 criminal history record of a person seeking employment, access  
 1502 authorization, or licensure with such entity or contractor,  
 1503 except to the person to whom the criminal history record relates  
 1504 or to persons having direct responsibility for employment,  
 1505 access authorization, or licensure decisions. Any person who  
 1506 violates this paragraph commits a misdemeanor of the first  
 1507 degree, punishable as provided in s. 775.082 or s. 775.083.

1508 (5) STATUTORY REFERENCES.—Any reference to any other  
 1509 chapter, section, or subdivision of the Florida Statutes in this  
 1510 section constitutes a general reference under the doctrine of  
 1511 incorporation by reference.

1512 Section 26. Section 943.059, Florida Statutes, is amended  
 1513 to read:

1514 943.059 Court-ordered sealing of criminal history  
 1515 records.—The courts of this state shall continue to have  
 1516 jurisdiction over their own procedures, including the  
 1517 maintenance, sealing, and correction of judicial records  
 1518 containing criminal history information to the extent such  
 1519 procedures are not inconsistent with the conditions,  
 1520 responsibilities, and duties established by this section. Any  
 1521 court of competent jurisdiction may order a criminal justice  
 1522 agency to seal the criminal history record of a minor or an  
 1523 adult who complies with the requirements of this section. The  
 1524 court shall not order a criminal justice agency to seal a  
 1525 criminal history record until the person seeking to seal a

1526 criminal history record has applied for and received a  
1527 certificate of eligibility for sealing pursuant to subsection  
1528 (2). A criminal history record that relates to a violation of s.  
1529 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
1530 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,  
1531 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,  
1532 s. 916.1075, a violation enumerated in s. 907.041, or any  
1533 violation specified as a predicate offense for registration as a  
1534 sexual predator pursuant to s. 775.21, without regard to whether  
1535 that offense alone is sufficient to require such registration,  
1536 or for registration as a sexual offender pursuant to s.  
1537 943.0435, may not be sealed, without regard to whether  
1538 adjudication was withheld, if the defendant was found guilty of  
1539 or pled guilty or nolo contendere to the offense, or if the  
1540 defendant, as a minor, was found to have committed or pled  
1541 guilty or nolo contendere to committing the offense as a  
1542 delinquent act. The court may only order sealing of a criminal  
1543 history record pertaining to one arrest or one incident of  
1544 alleged criminal activity, except as provided in this section.  
1545 The court may, at its sole discretion, order the sealing of a  
1546 criminal history record pertaining to more than one arrest if  
1547 the additional arrests directly relate to the original arrest.  
1548 If the court intends to order the sealing of records pertaining  
1549 to such additional arrests, such intent must be specified in the  
1550 order. A criminal justice agency may not seal any record  
1551 pertaining to such additional arrests if the order to seal does

1552 not articulate the intention of the court to seal records  
1553 pertaining to more than one arrest. This section does not  
1554 prevent the court from ordering the sealing of only a portion of  
1555 a criminal history record pertaining to one arrest or one  
1556 incident of alleged criminal activity. Notwithstanding any law  
1557 to the contrary, a criminal justice agency may comply with laws,  
1558 court orders, and official requests of other jurisdictions  
1559 relating to sealing, correction, or confidential handling of  
1560 criminal history records or information derived therefrom. This  
1561 section does not confer any right to the sealing of any criminal  
1562 history record, and any request for sealing a criminal history  
1563 record may be denied at the sole discretion of the court.

1564 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1565 petition to a court to seal a criminal history record is  
1566 complete only when accompanied by:

1567 (a) A valid certificate of eligibility for sealing issued  
1568 by the department pursuant to subsection (2).

1569 (b) The petitioner's sworn statement attesting that the  
1570 petitioner:

1571 1. Has never, prior to the date on which the petition is  
1572 filed, been adjudicated guilty of a criminal offense or  
1573 comparable ordinance violation, or been adjudicated delinquent  
1574 for committing any felony or a misdemeanor specified in s.  
1575 943.051(3)(b).

1576 2. Has not been adjudicated guilty of or adjudicated  
1577 delinquent for committing any of the acts stemming from the

1578 arrest or alleged criminal activity to which the petition to  
1579 seal pertains.

1580 3. Has never secured a prior sealing or expunction of a  
1581 criminal history record under this section, s. 943.0585, former  
1582 s. 893.14, former s. 901.33, or former s. 943.058.

1583 4. Is eligible for such a sealing to the best of his or  
1584 her knowledge or belief and does not have any other petition to  
1585 seal or any petition to expunge pending before any court.

1586

1587 Any person who knowingly provides false information on such  
1588 sworn statement to the court commits a felony of the third  
1589 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1590 775.084.

1591 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1592 petitioning the court to seal a criminal history record, a  
1593 person seeking to seal a criminal history record shall apply to  
1594 the department for a certificate of eligibility for sealing. The  
1595 department shall, by rule adopted pursuant to chapter 120,  
1596 establish procedures pertaining to the application for and  
1597 issuance of certificates of eligibility for sealing. A  
1598 certificate of eligibility for sealing is valid for 12 months  
1599 after the date stamped on the certificate when issued by the  
1600 department. After that time, the petitioner must reapply to the  
1601 department for a new certificate of eligibility. Eligibility for  
1602 a renewed certification of eligibility must be based on the  
1603 status of the applicant and the law in effect at the time of the

1604 renewal application. The department shall issue a certificate of  
 1605 eligibility for sealing to a person who is the subject of a  
 1606 criminal history record provided that such person:

1607 (a) Has submitted to the department a certified copy of  
 1608 the disposition of the charge to which the petition to seal  
 1609 pertains.

1610 (b) Remits a \$75 processing fee to the department for  
 1611 placement in the Department of Law Enforcement Operating Trust  
 1612 Fund, unless such fee is waived by the executive director.

1613 (c) Has never, prior to the date on which the application  
 1614 for a certificate of eligibility is filed, been adjudicated  
 1615 guilty of a criminal offense or comparable ordinance violation,  
 1616 or been adjudicated delinquent for committing any felony or a  
 1617 misdemeanor specified in s. 943.051(3)(b).

1618 (d) Has not been adjudicated guilty of or adjudicated  
 1619 delinquent for committing any of the acts stemming from the  
 1620 arrest or alleged criminal activity to which the petition to  
 1621 seal pertains.

1622 (e) Has never secured a prior sealing or expunction of a  
 1623 criminal history record under this section, s. 943.0585, former  
 1624 s. 893.14, former s. 901.33, or former s. 943.058.

1625 (f) Is no longer under court supervision applicable to the  
 1626 disposition of the arrest or alleged criminal activity to which  
 1627 the petition to seal pertains.

1628 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1629 (a) In judicial proceedings under this section, a copy of

1630 the completed petition to seal shall be served upon the  
1631 appropriate state attorney or the statewide prosecutor and upon  
1632 the arresting agency; however, it is not necessary to make any  
1633 agency other than the state a party. The appropriate state  
1634 attorney or the statewide prosecutor and the arresting agency  
1635 may respond to the court regarding the completed petition to  
1636 seal.

1637 (b) If relief is granted by the court, the clerk of the  
1638 court shall certify copies of the order to the appropriate state  
1639 attorney or the statewide prosecutor and to the arresting  
1640 agency. The arresting agency is responsible for forwarding the  
1641 order to any other agency to which the arresting agency  
1642 disseminated the criminal history record information to which  
1643 the order pertains. The department shall forward the order to  
1644 seal to the Federal Bureau of Investigation. The clerk of the  
1645 court shall certify a copy of the order to any other agency  
1646 which the records of the court reflect has received the criminal  
1647 history record from the court.

1648 (c) For an order to seal entered by a court prior to July  
1649 1, 1992, the department shall notify the appropriate state  
1650 attorney or statewide prosecutor of any order to seal which is  
1651 contrary to law because the person who is the subject of the  
1652 record has previously been convicted of a crime or comparable  
1653 ordinance violation or has had a prior criminal history record  
1654 sealed or expunged. Upon receipt of such notice, the appropriate  
1655 state attorney or statewide prosecutor shall take action, within

1656 60 days, to correct the record and petition the court to void  
1657 the order to seal. The department shall seal the record until  
1658 such time as the order is voided by the court.

1659 (d) On or after July 1, 1992, the department or any other  
1660 criminal justice agency is not required to act on an order to  
1661 seal entered by a court when such order does not comply with the  
1662 requirements of this section. Upon receipt of such an order, the  
1663 department must notify the issuing court, the appropriate state  
1664 attorney or statewide prosecutor, the petitioner or the  
1665 petitioner's attorney, and the arresting agency of the reason  
1666 for noncompliance. The appropriate state attorney or statewide  
1667 prosecutor shall take action within 60 days to correct the  
1668 record and petition the court to void the order. No cause of  
1669 action, including contempt of court, shall arise against any  
1670 criminal justice agency for failure to comply with an order to  
1671 seal when the petitioner for such order failed to obtain the  
1672 certificate of eligibility as required by this section or when  
1673 such order does not comply with the requirements of this  
1674 section.

1675 (e) An order sealing a criminal history record pursuant to  
1676 this section does not require that such record be surrendered to  
1677 the court, and such record shall continue to be maintained by  
1678 the department and other criminal justice agencies.

1679 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1680 history record of a minor or an adult which is ordered sealed by  
1681 a court of competent jurisdiction pursuant to this section is

1682 confidential and exempt from the provisions of s. 119.07(1) and  
 1683 s. 24(a), Art. I of the State Constitution and is available only  
 1684 to the person who is the subject of the record, to the subject's  
 1685 attorney, to criminal justice agencies for their respective  
 1686 criminal justice purposes, which include conducting a criminal  
 1687 history background check for approval of firearms purchases or  
 1688 transfers as authorized by state or federal law, to judges in  
 1689 the state courts system for the purpose of assisting them in  
 1690 their case-related decisionmaking responsibilities, as set forth  
 1691 in s. 943.053(5), or to those entities set forth in  
 1692 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
 1693 licensing, access authorization, and employment purposes.

1694 (a) The subject of a criminal history record sealed under  
 1695 this section or under other provisions of law, including former  
 1696 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 1697 deny or fail to acknowledge the arrests covered by the sealed  
 1698 record, except when the subject of the record:

- 1699 1. Is a candidate for employment with a criminal justice  
 1700 agency;
- 1701 2. Is a defendant in a criminal prosecution;
- 1702 3. Concurrently or subsequently petitions for relief under  
 1703 this section, s. 943.0583, or s. 943.0585;
- 1704 4. Is a candidate for admission to The Florida Bar;
- 1705 5. Is seeking to be employed or licensed by or to contract  
 1706 with the Department of Children and Families, the Division of  
 1707 Vocational Rehabilitation within the Department of Education,

1708 the Agency for Health Care Administration, the Agency for  
1709 Persons with Disabilities, the Department of Health, the  
1710 Department of Elderly Affairs, or the Department of Juvenile  
1711 Justice or to be employed or used by such contractor or licensee  
1712 in a sensitive position having direct contact with children, the  
1713 disabled, or the elderly;

1714 6. Is seeking to be employed or licensed by the Department  
1715 of Education, any district school board, any university  
1716 laboratory school, any charter school, any private or parochial  
1717 school, or any local governmental entity that licenses child  
1718 care facilities; or

1719 7. Is attempting to purchase a firearm from a licensed  
1720 importer, licensed manufacturer, or licensed dealer and is  
1721 subject to a criminal history check under state or federal law.

1722 (b) Subject to the exceptions in paragraph (a), a person  
1723 who has been granted a sealing under this section, former s.  
1724 893.14, former s. 901.33, or former s. 943.058 may not be held  
1725 under any provision of law of this state to commit perjury or to  
1726 be otherwise liable for giving a false statement by reason of  
1727 such person's failure to recite or acknowledge a sealed criminal  
1728 history record.

1729 (c) Information relating to the existence of a sealed  
1730 criminal record provided in accordance with the provisions of  
1731 paragraph (a) is confidential and exempt from the provisions of  
1732 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1733 except that the department shall disclose the sealed criminal

1734 history record to the entities set forth in subparagraphs (a)1.,  
 1735 4., 5., 6., and 8. for their respective licensing, access  
 1736 authorization, and employment purposes. It is unlawful for any  
 1737 employee of an entity set forth in subparagraph (a)1.,  
 1738 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
 1739 subparagraph (a)8. to disclose information relating to the  
 1740 existence of a sealed criminal history record of a person  
 1741 seeking employment, access authorization, or licensure with such  
 1742 entity or contractor, except to the person to whom the criminal  
 1743 history record relates or to persons having direct  
 1744 responsibility for employment, access authorization, or  
 1745 licensure decisions. Any person who violates the provisions of  
 1746 this paragraph commits a misdemeanor of the first degree,  
 1747 punishable as provided in s. 775.082 or s. 775.083.

1748 (5) STATUTORY REFERENCES.—Any reference to any other  
 1749 chapter, section, or subdivision of the Florida Statutes in this  
 1750 section constitutes a general reference under the doctrine of  
 1751 incorporation by reference.

1752 Section 27. Paragraph (b) of subsection (1) of section  
 1753 944.606, Florida Statutes, is amended to read:

1754 944.606 Sexual offenders; notification upon release.—

1755 (1) As used in this section:

1756 (b) "Sexual offender" means a person who has been  
 1757 convicted of committing, or attempting, soliciting, or  
 1758 conspiring to commit, any of the criminal offenses proscribed in  
 1759 the following statutes in this state or similar offenses in

1760 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
 1761 where the victim is a minor and the defendant is not the  
 1762 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g) ~~r~~  
 1763 ~~er~~ (h); s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s.~~  
 1764 ~~796.03; s. 796.035;~~ s. 800.04; s. 810.145(8); s. 825.1025; s.  
 1765 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 1766 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
 1767 similar offense committed in this state which has been  
 1768 redesignated from a former statute number to one of those listed  
 1769 in this subsection, when the department has received verified  
 1770 information regarding such conviction; an offender's  
 1771 computerized criminal history record is not, in and of itself,  
 1772 verified information.

1773 Section 28. Paragraph (a) of subsection (1) of section  
 1774 944.607, Florida Statutes, is amended to read:

1775 944.607 Notification to Department of Law Enforcement of  
 1776 information on sexual offenders.—

1777 (1) As used in this section, the term:

1778 (a) "Sexual offender" means a person who is in the custody  
 1779 or control of, or under the supervision of, the department or is  
 1780 in the custody of a private correctional facility:

1781 1. On or after October 1, 1997, as a result of a  
 1782 conviction for committing, or attempting, soliciting, or  
 1783 conspiring to commit, any of the criminal offenses proscribed in  
 1784 the following statutes in this state or similar offenses in  
 1785 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),

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1786 where the victim is a minor and the defendant is not the  
1787 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g)~~7~~  
1788 ~~or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s.~~  
1789 ~~796.03; s. 796.035;~~ s. 800.04; s. 810.145(8); s. 825.1025; s.  
1790 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
1791 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any  
1792 similar offense committed in this state which has been  
1793 redesignated from a former statute number to one of those listed  
1794 in this paragraph; or

1795 2. Who establishes or maintains a residence in this state  
1796 and who has not been designated as a sexual predator by a court  
1797 of this state but who has been designated as a sexual predator,  
1798 as a sexually violent predator, or by another sexual offender  
1799 designation in another state or jurisdiction and was, as a  
1800 result of such designation, subjected to registration or  
1801 community or public notification, or both, or would be if the  
1802 person were a resident of that state or jurisdiction, without  
1803 regard as to whether the person otherwise meets the criteria for  
1804 registration as a sexual offender.

1805 Section 29. Subsection (2) of section 948.013, Florida  
1806 Statutes, is amended to read:

1807 948.013 Administrative probation.—

1808 (2) Effective for an offense committed on or after July 1,  
1809 1998, a person is ineligible for placement on administrative  
1810 probation if the person is sentenced to or is serving a term of  
1811 probation or community control, regardless of the conviction or

1812 adjudication, for committing, or attempting, conspiring, or  
 1813 soliciting to commit, any of the felony offenses described in s.  
 1814 787.01 or s. 787.02, where the victim is a minor and the  
 1815 defendant is not the victim's parent; s. 787.025; chapter 794;  
 1816 ~~s. 796.03~~; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.  
 1817 847.0133; s. 847.0135; or s. 847.0145.

1818 Section 30. Subsection (1) of section 948.32, Florida  
 1819 Statutes, is amended to read:

1820 948.32 Requirements of law enforcement agency upon arrest  
 1821 of persons for certain sex offenses.—

1822 (1) When any state or local law enforcement agency  
 1823 investigates or arrests a person for committing, or attempting,  
 1824 soliciting, or conspiring to commit, a violation of s.  
 1825 787.025(2)(c), chapter 794, ~~s. 796.03~~, s. 800.04, s. 827.071, s.  
 1826 847.0133, s. 847.0135, or s. 847.0145, the law enforcement  
 1827 agency shall contact the Department of Corrections to verify  
 1828 whether the person under investigation or under arrest is on  
 1829 probation, community control, parole, conditional release, or  
 1830 control release.

1831 Section 31. This act shall take effect October 1, 2014.