

1 A bill to be entitled

2 An act relating to sexual offenses; amending s. 92.55,
3 F.S.; authorizing orders limiting testimony in open
4 court and in depositions if the victim or witness was
5 a child under 16 years of age when a specified sexual
6 offense occurred; authorizing the court to set other
7 conditions appropriate to taking the testimony of this
8 victim or witness; amending s. 775.15, F.S.;
9 eliminating time limitations to the prosecution of
10 specified criminal offenses relating to lewd or
11 lascivious battery or molestation if the victim was
12 younger than 16 years of age at the time of the
13 offense; specifying an exception; providing
14 applicability; amending s. 794.011, F.S.; revising and
15 creating offenses involving sexual battery; increasing
16 felony degree of certain sexual battery offenses;
17 amending s. 794.0115, F.S.; imposing a 50-year minimum
18 mandatory sentence for dangerous sexual felony
19 offenders; amending s. 794.05, F.S.; revising
20 definition of the term "sexual activity;" amending s.
21 800.04, F.S.; revising and creating offenses involving
22 lewd or lascivious battery and molestation; increasing
23 felony degree of certain lewd or lascivious battery
24 and molestation offenses; amending s. 810.14, F.S.;
25 providing that voyeurism includes secretly observing
26 another person's intimate areas in which the person

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 has a reasonable expectation of privacy, when the
28 other person is located in a public or private
29 dwelling, structure, or conveyance; defining the term
30 "intimate area"; amending s. 921.0022, F.S.; assigning
31 offense severity rankings for new lewd or lascivious
32 battery and molestation offenses and sexual battery
33 offenses; amending s. 921.0024, F.S.; providing that
34 sentence points are multiplied for specified sex
35 offenses committed by an adult upon a minor under
36 certain circumstances; amending ss. 943.0435 and
37 944.607, F.S.; conforming provisions to changes made
38 by the act; amending s. 944.275, F.S.; prohibiting
39 award of gain-time for certain offenses; amending s.
40 947.1405, F.S.; providing for tolling of conditional
41 release supervision; providing applicability; amending
42 ss. 947.1405 and 948.30, F.S.; prohibiting certain
43 conditional releasees, probationers, or community
44 controllees from viewing, accessing, owning, or
45 possessing any obscene, pornographic, or sexually
46 stimulating material; providing exceptions; amending
47 s. 948.012, F.S.; requiring split sentence for certain
48 sexual offenses; providing for tolling of probation or
49 community control; amending s. 948.31, F.S.;
50 authorizing the court to require a sexual offender or
51 sexual predator who is on probation or community
52 control to undergo an evaluation to determine whether

53 the offender or predator needs sexual offender
 54 treatment; requiring the probationer or community
 55 controllee to pay for the treatment; removing a
 56 provision prohibiting contact with minors if sexual
 57 offender treatment is recommended; providing
 58 applicability; providing severability; providing an
 59 effective date.

60

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

62

63 Section 1. Section 92.55, Florida Statutes, is amended to
 64 read:

65 92.55 Judicial or other proceedings involving victim or
 66 witness under the age of 16, a ~~or~~ person who has an intellectual
 67 disability, or a sexual offense victim or witness; special
 68 protections; use of registered service or therapy animals.-

69 (1) For purposes of this section, the term:

70 (a) "Sexual offense victim or witness" means a person who
 71 was under the age of 16 when he or she was the victim of or a
 72 witness to a sexual offense.

73 (b) "Sexual offense" means any offense specified in s.
 74 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

75 (2) ~~(1)~~ Upon motion of any party, upon motion of a parent,
 76 guardian, attorney, or guardian ad litem for a victim or witness
 77 under the age of 16, a ~~or~~ person who has an intellectual
 78 disability, or a sexual offense victim or witness, or upon its

79 own motion, the court may enter any order necessary to protect
80 the ~~such~~ victim or witness in any judicial proceeding or other
81 official proceeding from severe emotional or mental harm due to
82 the presence of the defendant if the victim or witness is
83 required to testify in open court. Such orders must relate to
84 the taking of testimony and include, but are not limited to:

85 (a) Interviewing or the taking of depositions as part of a
86 civil or criminal proceeding.

87 (b) Examination and cross-examination for the purpose of
88 qualifying as a witness or testifying in any proceeding.

89 (c) The use of testimony taken outside of the courtroom,
90 including proceedings under ss. 92.53 and 92.54.

91 (3)~~(2)~~ In ruling upon the motion, the court shall
92 consider:

93 (a) The age of the child, the nature of the offense or
94 act, the relationship of the child to the parties in the case or
95 to the defendant in a criminal action, the degree of emotional
96 trauma that will result to the child as a consequence of the
97 defendant's presence, and any other fact that the court deems
98 relevant; ~~or~~

99 (b) The age of the person who has an intellectual
100 disability, the functional capacity of such person, the nature
101 of the offenses or act, the relationship of the person to the
102 parties in the case or to the defendant in a criminal action,
103 the degree of emotional trauma that will result to the person as
104 a consequence of the defendant's presence, and any other fact

105 that the court deems relevant; or

106 (c) The age of the sexual offense victim or witness when
107 the sexual offense occurred, the relationship of the sexual
108 offense victim or witness to the parties in the case or to the
109 defendant in a criminal action, the degree of emotional trauma
110 that will result to the sexual offense victim or witness as a
111 consequence of the defendant's presence, and any other fact that
112 the court deems relevant.

113 (4)~~(3)~~ In addition to such other relief provided by law,
114 the court may enter orders limiting the number of times that a
115 child, ~~or~~ a person who has an intellectual disability, or a
116 sexual offense victim or witness may be interviewed, prohibiting
117 depositions of the victim or witness ~~such child or person~~,
118 requiring the submission of questions before the examination of
119 the victim or witness ~~child or person~~, setting the place and
120 conditions for interviewing the victim or witness ~~child or~~
121 ~~person~~ or for conducting any other proceeding, or permitting or
122 prohibiting the attendance of any person at any proceeding. The
123 court shall enter any order necessary to protect the rights of
124 all parties, including the defendant in any criminal action.

125 (5)~~(4)~~ The court may set any other conditions it finds
126 just and appropriate when taking the testimony of a child victim
127 or witness or a sexual offense victim or witness, including the
128 use of a service or therapy animal that has been evaluated and
129 registered according to national standards, in any proceeding
130 involving a sexual offense. When deciding whether to permit a

131 child victim or witness or sexual offense victim or witness to
 132 testify with the assistance of a registered service or therapy
 133 animal, the court shall consider the age of the child victim or
 134 witness, the age of the sexual offense victim or witness at the
 135 time the sexual offense occurred, the interests of the child
 136 victim or witness or sexual offense victim or witness, the
 137 rights of the parties to the litigation, and any other relevant
 138 factor that would facilitate the testimony by the child victim
 139 or witness or sexual offense victim or witness.

140 Section 2. Subsection (18) is added to section 775.15,
 141 Florida Statutes, to read:

142 775.15 Time limitations; general time limitations;
 143 exceptions.—

144 (18) If the offense is a violation of s. 800.04(4) or (5)
 145 and the victim was under 16 years of age at the time the offense
 146 was committed, a prosecution of the offense may be commenced at
 147 any time, unless, at the time of the offense, the offender is
 148 less than 18 years of age and is no more than 4 years older than
 149 the victim. This subsection applies to an offense that is not
 150 otherwise barred from prosecution on or before October 1, 2014.

151 Section 3. Subsections (4), (5), and (6), paragraph (b) of
 152 subsection (8), and subsections (9) and (10) of section 794.011,
 153 Florida Statutes, are amended to read:

154 794.011 Sexual battery.—

155 (4)(a) A person 18 years of age or older who commits
 156 sexual battery upon a person 12 years of age or older but

157 younger than 18 years of age without that person's consent,
158 under any of the ~~following~~ circumstances listed in paragraph
159 (e), commits a felony of the first degree, punishable by a term
160 of years not exceeding life or as provided in s. 775.082, s.
161 775.083, s. 775.084, or s. 794.0115.†

162 (b) A person 18 years of age or older who commits sexual
163 battery upon a person 18 years of age or older without that
164 person's consent, under any of the circumstances listed in
165 paragraph (e), commits a felony of the first degree, punishable
166 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
167 794.0115.

168 (c) A person younger than 18 years of age who commits
169 sexual battery upon a person 12 years of age or older without
170 that person's consent, under any of the circumstances listed in
171 paragraph (e), commits a felony of the first degree, punishable
172 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
173 794.0115.

174 (d) A person commits a felony of the first degree,
175 punishable by a term of years not exceeding life or as provided
176 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
177 person commits sexual battery upon a person 12 years of age or
178 older without that person's consent, under any of the
179 circumstances listed in paragraph (e), and such person was
180 previously convicted of a violation of:

181 1. Section 787.01(2) or s. 787.02(2) when the violation
182 involved a victim who was a minor and, in the course of

183 committing that violation, the defendant committed against the
 184 minor a sexual battery under this chapter or a lewd act under s.
 185 800.04 or s. 847.0135(5);

186 2. Section 787.01(3)(a)2. or 3.;

187 3. Section 787.02(3)(a)2. or 3.;

188 4. Section 800.04;

189 5. Section 825.1025;

190 6. Section 847.0135(5); or

191 7. This chapter, excluding subsection (10) of this
 192 section.

193 (e) The following circumstances apply to paragraphs (a)-
 194 (d):

195 1.(a) ~~When~~ The victim is physically helpless to resist.

196 2.(b) ~~When~~ The offender coerces the victim to submit by
 197 threatening to use force or violence likely to cause serious
 198 personal injury on the victim, and the victim reasonably
 199 believes that the offender has the present ability to execute
 200 the threat.

201 3.(c) ~~When~~ The offender coerces the victim to submit by
 202 threatening to retaliate against the victim, or any other
 203 person, and the victim reasonably believes that the offender has
 204 the ability to execute the threat in the future.

205 4.(d) ~~When~~ The offender, without the prior knowledge or
 206 consent of the victim, administers or has knowledge of someone
 207 else administering to the victim any narcotic, anesthetic, or
 208 other intoxicating substance that ~~which~~ mentally or physically

209 incapacitates the victim.

210 5.(e) ~~When~~ The victim is mentally defective, and the
 211 offender has reason to believe this or has actual knowledge of
 212 this fact.

213 6.(f) ~~When~~ The victim is physically incapacitated.

214 7.(g) ~~When~~ The offender is a law enforcement officer,
 215 correctional officer, or correctional probation officer as
 216 defined ~~in~~ by s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
 217 is certified under ~~the provisions of~~ s. 943.1395 or is an
 218 elected official exempt from such certification by virtue of s.
 219 943.253, or any other person in a position of control or
 220 authority in a probation, community control, controlled release,
 221 detention, custodial, or similar setting, and such officer,
 222 official, or person is acting in such a manner as to lead the
 223 victim to reasonably believe that the offender is in a position
 224 of control or authority as an agent or employee of government.

225 (5) (a) A person 18 years of age or older who commits
 226 sexual battery upon a person 12 years of age or older but
 227 younger than 18 years of age, without that person's consent, and
 228 in the process ~~thereof~~ does not use physical force and violence
 229 likely to cause serious personal injury commits a felony of the
 230 first ~~second~~ degree, punishable as provided in s. 775.082, s.
 231 775.083, s. 775.084, or s. 794.0115.

232 (b) A person 18 years of age or older who commits sexual
 233 battery upon a person 18 years of age or older, without that
 234 person's consent, and in the process does not use physical force

235 and violence likely to cause serious personal injury commits a
236 felony of the second degree, punishable as provided in s.
237 775.082, s. 775.083, s. 775.084, or s. 794.0115.

238 (c) A person younger than 18 years of age who commits
239 sexual battery upon a person 12 years of age or older, without
240 that person's consent, and in the process does not use physical
241 force and violence likely to cause serious personal injury
242 commits a felony of the second degree, punishable as provided in
243 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

244 (d) A person commits a felony of the first degree,
245 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
246 s. 794.0115 if the person commits sexual battery upon a person
247 12 years of age or older, without that person's consent, and in
248 the process does not use physical force and violence likely to
249 cause serious personal injury and the person was previously
250 convicted of a violation of:

251 1. Section 787.01(2) or s. 787.02(2) when the violation
252 involved a victim who was a minor and, in the course of
253 committing that violation, the defendant committed against the
254 minor a sexual battery under this chapter or a lewd act under s.
255 800.04 or s. 847.0135(5);

256 2. Section 787.01(3)(a)2. or 3.;

257 3. Section 787.02(3)(a)2. or 3.;

258 4. Section 800.04;

259 5. Section 825.1025;

260 6. Section 847.0135(5); or

261 7. This chapter, excluding subsection (10) of this
 262 section.

263 (6) (a) The offenses ~~offense~~ described in paragraphs
 264 (5) (a)-(c) are subsection (5) is included in any sexual battery
 265 offense charged under subsection (3) ~~or subsection (4)~~.

266 (b) The offense described in paragraph (5) (a) is included
 267 in an offense charged under paragraph (4) (a).

268 (c) The offense described in paragraph (5) (b) is included
 269 in an offense charged under paragraph (4) (b).

270 (d) The offense described in paragraph (5) (c) is included
 271 in an offense charged under paragraph (4) (c).

272 (e) The offense described in paragraph (5) (d) is included
 273 in an offense charged under paragraph (4) (d).

274 (8) Without regard to the willingness or consent of the
 275 victim, which is not a defense to prosecution under this
 276 subsection, a person who is in a position of familial or
 277 custodial authority to a person less than 18 years of age and
 278 who:

279 (b) Engages in any act with that person while the person
 280 is 12 years of age or older but younger ~~less~~ than 18 years of
 281 age which constitutes sexual battery under paragraph (1) (h)
 282 commits a felony of the first degree, punishable by a term of
 283 years not exceeding life or as provided in s. 775.082, s.
 284 775.083, or s. 775.084.

285 (9) For prosecution under paragraph (4) (a), paragraph
 286 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an

287 offense committed under any of the circumstances listed in
 288 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person
 289 reasonably believed by the victim to be in a position of
 290 authority or control does not constitute consent, and it is not
 291 a defense that the perpetrator was not actually in a position of
 292 control or authority if the circumstances were such as to lead
 293 the victim to reasonably believe that the person was in such a
 294 position.

295 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
 296 in subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a
 297 position of control or authority as an agent or employee of
 298 government of violating paragraph (4) (a), paragraph (4) (b),
 299 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~
 300 ~~of~~ a felony of the third degree, punishable as provided in s.
 301 775.082, s. 775.083, or s. 775.084.

302 Section 4. Subsection (2) of section 794.0115, Florida
 303 Statutes, is amended to read:

304 794.0115 Dangerous sexual felony offender; mandatory
 305 sentencing.—

306 (2) Any person who is convicted of a violation of s.
 307 787.025(2) (c); s. 794.011(2), (3), (4), (5), or (8); s.
 308 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 309 (4); or s. 847.0145; or of any similar offense under a former
 310 designation, which offense the person committed when he or she
 311 was 18 years of age or older, and the person:

312 (a) Caused serious personal injury to the victim as a

313 result of the commission of the offense;

314 (b) Used or threatened to use a deadly weapon during the
315 commission of the offense;

316 (c) Victimized more than one person during the course of
317 the criminal episode applicable to the offense;

318 (d) Committed the offense while under the jurisdiction of
319 a court for a felony offense under the laws of this state, for
320 an offense that is a felony in another jurisdiction, or for an
321 offense that would be a felony if that offense were committed in
322 this state; or

323 (e) Has previously been convicted of a violation of s.
324 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
325 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
326 (4); s. 847.0145; of any offense under a former statutory
327 designation which is similar in elements to an offense described
328 in this paragraph; or of any offense that is a felony in another
329 jurisdiction, or would be a felony if that offense were
330 committed in this state, and which is similar in elements to an
331 offense described in this paragraph,

332
333 is a dangerous sexual felony offender, who must be sentenced to
334 a mandatory minimum term of 25 years imprisonment up to, and
335 including, life imprisonment. If the offense described in this
336 subsection was committed on or after October 1, 2014, a person
337 who qualifies as a dangerous sexual felony offender pursuant to
338 this subsection must be sentenced to a mandatory minimum term of

339 50 years imprisonment up to, and including, life imprisonment.

340 Section 5. Subsection (1) of section 794.05, Florida
 341 Statutes, is amended to read:

342 794.05 Unlawful sexual activity with certain minors.—

343 (1) A person 24 years of age or older who engages in
 344 sexual activity with a person 16 or 17 years of age commits a
 345 felony of the second degree, punishable as provided in s.
 346 775.082, s. 775.083, or s. 775.084. As used in this section,
 347 "sexual activity" means oral, anal, or vaginal penetration by,
 348 or union with, the sexual organ of another or the anal or
 349 vaginal penetration of another by any other object; however,
 350 sexual activity does not include an act done for a bona fide
 351 medical purpose.

352 Section 6. Subsections (4) and (5) of section 800.04,
 353 Florida Statutes, are amended to read:

354 800.04 Lewd or lascivious offenses committed upon or in
 355 the presence of persons less than 16 years of age.—

356 (4) LEWD OR LASCIVIOUS BATTERY.—~~A person who:~~

357 (a) A person commits lewd or lascivious battery by:

358 1. Engaging in sexual activity with a person 12 years of
 359 age or older but less than 16 years of age; or

360 2. Encouraging, forcing, or enticing any person less than
 361 16 years of age to engage in sadomasochistic abuse, sexual
 362 bestiality, prostitution, or any other act involving sexual
 363 activity.

364 (b) Except as provided in paragraph (c), an offender who

365 commits lewd or lascivious battery commits a felony of the
366 second degree, punishable as provided in s. 775.082, s. 775.083,
367 or s. 775.084.

368 (c) A person commits a felony of the first degree,
369 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
370 if the person is an offender 18 years of age or older who
371 commits lewd or lascivious battery and was previously convicted
372 of a violation of:

373 1. Section 787.01(2) or s. 787.02(2) when the violation
374 involved a victim who was a minor and, in the course of
375 committing that violation, the defendant committed against the
376 minor a sexual battery under chapter 794 or a lewd act under
377 this section or s. 847.0135(5);

378 2. Section 787.01(3)(a)2. or 3.;

379 3. Section 787.02(3)(a)2. or 3.;

380 4. Chapter 794, excluding s. 794.011(10);

381 5. Section 825.1025;

382 6. Section 847.0135(5); or

383 7. This section.

384 ~~(a) Engages in sexual activity with a person 12 years of~~
385 ~~age or older but less than 16 years of age; or~~

386 ~~(b) Encourages, forces, or entices any person less than 16~~
387 ~~years of age to engage in sadomasochistic abuse, sexual~~
388 ~~bestiality, prostitution, or any other act involving sexual~~
389 ~~activity~~

390

391 ~~commits lewd or lascivious battery, a felony of the second~~
 392 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 393 ~~775.084.~~

394 (5) LEWD OR LASCIVIOUS MOLESTATION.—

395 (a) A person who intentionally touches in a lewd or
 396 lascivious manner the breasts, genitals, genital area, or
 397 buttocks, or the clothing covering them, of a person less than
 398 16 years of age, or forces or entices a person under 16 years of
 399 age to so touch the perpetrator, commits lewd or lascivious
 400 molestation.

401 (b) An offender 18 years of age or older who commits lewd
 402 or lascivious molestation against a victim less than 12 years of
 403 age commits a life felony, punishable as provided in s.
 404 775.082(3)(a)4.

405 (c)1. An offender less than 18 years of age who commits
 406 lewd or lascivious molestation against a victim less than 12
 407 years of age; or

408 2. An offender 18 years of age or older who commits lewd
 409 or lascivious molestation against a victim 12 years of age or
 410 older but less than 16 years of age

411
 412 commits a felony of the second degree, punishable as provided in
 413 s. 775.082, s. 775.083, or s. 775.084.

414 (d) An offender less than 18 years of age who commits lewd
 415 or lascivious molestation against a victim 12 years of age or
 416 older but less than 16 years of age commits a felony of the

417 | third degree, punishable as provided in s. 775.082, s. 775.083,
 418 | or s. 775.084.

419 | (e) A person commits a felony of the first degree,
 420 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 421 | if the person is 18 years of age or older and commits lewd or
 422 | lascivious molestation against a victim 12 years of age or older
 423 | but less than 16 years of age and the person was previously
 424 | convicted of a violation of:

425 | 1. Section 787.01(2) or s. 787.02(2) when the violation
 426 | involved a victim who was a minor and, in the course of
 427 | committing the violation, the defendant committed against the
 428 | minor a sexual battery under chapter 794 or a lewd act under
 429 | this section or s. 847.0135(5);

430 | 2. Section 787.01(3)(a)2. or 3.;

431 | 3. Section 787.02(3)(a)2. or 3.;

432 | 4. Chapter 794, excluding s. 794.011(10);

433 | 5. Section 825.1025;

434 | 6. Section 847.0135(5); or

435 | 7. This section.

436 | Section 7. Subsection (1) of section 810.14, Florida
 437 | Statutes, is amended to read:

438 | 810.14 Voyeurism prohibited; penalties.—

439 | (1) A person commits the offense of voyeurism when he or
 440 | she, with lewd, lascivious, or indecent intent:7

441 | (a) Secretly observes another person when the other person
 442 | is located in a dwelling, structure, or conveyance and such

443 location provides a reasonable expectation of privacy.

444 (b) Secretly observes another person's intimate areas in
 445 which the person has a reasonable expectation of privacy, when
 446 the other person is located in a public or private dwelling,
 447 structure, or conveyance. As used in this paragraph, the term
 448 "intimate area" means any portion of a person's body or
 449 undergarments that is covered by clothing and intended to be
 450 protected from public view.

451 Section 8. Paragraphs (g) through (i) of subsection (3) of
 452 section 921.0022, Florida Statutes, are amended to read:

453 921.0022 Criminal Punishment Code; offense severity
 454 ranking chart.—

455 (3) OFFENSE SEVERITY RANKING CHART

456 (g) LEVEL 7

457

Florida	Felony		
Statute	Degree		Description
316.027 (1) (b)		1st	Accident involving death, failure to stop; leaving scene.
316.193 (3) (c) 2.		3rd	DUI resulting in serious bodily injury.

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	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.
461	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
462	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
463	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
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465	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
466	456.065 (2)	3rd	Practicing a health care profession without a license.
467	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
468	458.327 (1)	3rd	Practicing medicine without a license.
469	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
470	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a

license.

471 462.17 3rd Practicing naturopathy without a
license.

472 463.015 (1) 3rd Practicing optometry
without a license.

473 464.016 (1) 3rd Practicing nursing without
a license.

474 465.015 (2) 3rd Practicing pharmacy
without a license.

475 466.026 (1) 3rd Practicing dentistry or
dental hygiene without a
license.

476 467.201 3rd Practicing midwifery without
a license.

477 468.366 3rd Delivering respiratory care
services without a license.

478 483.828 (1) 3rd Practicing as clinical

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479	483.901 (9)	3rd	laboratory personnel without a license.
480	484.013 (1) (c)	3rd	Practicing medical physics without a license.
481	484.053	3rd	Preparing or dispensing optical devices without a prescription.
482	494.0018 (2)	1st	Dispensing hearing aids without a license. 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.
483	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding

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484	560.125 (5) (a)	3rd	<p>\$300 but less than \$20,000 by a money services business.</p> <p>Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
485	655.50 (10) (b) 1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
486	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew <u>driver</u> driver's license or identification card; other registration violations.</p>
487	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
488			

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489	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
490	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
491	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
492	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by

the operation of a vessel in
a reckless manner (vessel
homicide).

493
494
495
496
497
498
499

784.045 (1) (a) 1.

2nd Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

784.045 (1) (a) 2.

2nd Aggravated battery;
using deadly weapon.

784.045 (1) (b)

2nd Aggravated battery;
perpetrator aware victim
pregnant.

784.048 (4)

3rd Aggravated stalking;
violation of injunction or
court order.

784.048 (7)

3rd Aggravated stalking;
violation of court order.

784.07 (2) (d)

1st Aggravated battery on law
enforcement officer.

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500	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
501	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
502	784.081 (1)	1st	Aggravated battery on specified official or employee.
503	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
504	784.083 (1)	1st	Aggravated battery on code inspector.
505	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
	787.06 (3) (e)	1st	Human trafficking using

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

506

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

507

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

508

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

509

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

510

790.166(3) 2nd Possessing, selling, using,

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or attempting to use a hoax
 weapon of mass destruction.

511

790.166 (4)

2nd

Possessing, displaying, or
 threatening to use a hoax
 weapon of mass destruction
 while committing or
 attempting to commit a
 felony.

512

790.23

1st, PBL

Possession of a firearm by a
 person who qualifies for the
 penalty enhancements
 provided for in s. 874.04.

513

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.

514

796.03

2nd

Procuring any person under 16
 years for prostitution.

515

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516	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim <u>younger</u> less than 12 years of age; offender <u>younger</u> less than 18 years.
517	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but <u>younger</u> less than 16 years; offender 18 years or older.
518	<u>800.04 (5) (e)</u>	<u>1st</u>	<u>Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.</u>
519	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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520	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
521	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
522	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
523	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
524	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen,

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525	812.014 (2) (b) 3.	2nd	<p>cargo valued at less than \$50,000, grand theft in 2nd degree.</p> <p>Property stolen, emergency medical equipment; 2nd degree grand theft.</p>
526	812.014 (2) (b) 4.	2nd	<p>Property stolen, law enforcement equipment from authorized emergency vehicle.</p>
527	812.0145 (2) (a)	1st	<p>Theft from person 65 years of age or older; \$50,000 or more.</p>
528	812.019 (2)	1st	<p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
529			

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530	812.131 (2) (a)	2nd	Robbery by sudden snatching.
531	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
532	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
533	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
534	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
535	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.

536

817.535 (2) (a)

3rd Filing false lien or other unauthorized document.

537

825.102 (3) (b)

2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

538

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.

539

827.03 (2) (b)

2nd Neglect of a child causing

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540			great bodily harm, disability, or disfigurement.
541	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
542	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
543	838.015	2nd	Bribery.
544	838.016	2nd	Unlawful compensation or reward for official behavior.
545	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
546	838.22	2nd	Bid tampering.
547	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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548	843.0855 (3)	3rd	Unlawful simulation of legal process.
549	843.0855 (4)	3rd	Intimidation of a public officer or employee.
550	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
551	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
552	872.06	2nd	Abuse of a dead human body.
553	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

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554

893.13(1)(c)1.

1st

manages, or supervises
criminal gang-related
activity.

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.

555

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

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religious services or a
specified business site.

556

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).

557

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

558

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

559

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

560

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

561

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562	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
563	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
564	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
565	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
566	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

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567	(1) (k) 2.a.		10 grams or more, less than 200 grams.
568	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
569	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
570	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
571	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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572	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
573	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
574	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
575	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
576	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.

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577	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
578	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
579	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
580	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor

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or conceal a sexual
offender.

581 985.4815 (13) 3rd Sexual offender; failure to
report and reregister;
failure to respond to
address verification.

582
583
584 (h) LEVEL 8

585	Florida Statute	Felony Degree	Description
586	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
587	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
588	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
589	499.0051 (7)	1st	Knowing trafficking in

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590	499.0051 (8)	1st	contraband prescription drugs.
591	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
592	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.
593	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.
593	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding

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594	777.03 (2) (a)	1st	\$20,000, but less than \$100,000 by financial institutions.
595	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.
596	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
597			

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598	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
599	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
600	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
601	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
	787.06 (3) (f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within

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602	790.161 (3)	1st	the state.
603	<u>794.011 (5) (a)</u>	<u>1st</u>	Discharging a destructive device which results in bodily harm or property damage.
604	<u>794.011 (5) (b)</u>	<u>2nd</u>	<u>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.</u>
605	<u>794.011 (5) (c)</u>	<u>2nd</u>	<u>Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.</u>

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606	<u>794.011 (5) (d)</u>	<u>1st</u>	<u>years; offender does not use physical force likely to cause injury.</u>
607	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
608	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
609	<u>800.04 (4) (b)</u>	<u>2nd</u>	<u>Lewd or lascivious</u>

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610			<u>battery.</u>
	<u>800.04 (4) (c)</u>	<u>1st</u>	<u>Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.</u>
611	800.04 (4)	2nd	Lewd or lascivious battery.
612	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
613	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
614	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
615	810.02 (2) (c)	1st	Burglary of a dwelling or

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			structure causing structural damage or \$1,000 or more property damage.
616	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
617	812.13 (2) (b)	1st	Robbery with a weapon.
618	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
619	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
620	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or

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621	817.535 (4) (a) 1.	2nd	employee. Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
622	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.
623	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
624	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
625			

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626	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
627	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
628	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
629	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
630	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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631	860.16	1st	Aircraft piracy.
632	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).
633	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
634	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
635	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
636	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.

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637	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
638	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
639	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
640	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
641	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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642	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
643	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
644	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
645	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
646	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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647	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
648	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
649	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
650	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.

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651			
652	(i) LEVEL 9		
653			
	Florida	Felony	
	Statute	Degree	Description
654			
	316.193	1st	DUI manslaughter; failing
	(3) (c) 3.b.		to render aid or give
			information.
655			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing
			to render aid or give
			information.
656			
	409.920	1st	Medicaid provider fraud;
	(2) (b) 1.c.		\$50,000 or more.
657			
	499.0051 (9)	1st	Knowing sale or purchase
			of contraband
			prescription drugs
			resulting in great bodily
			harm.
658			
	560.123 (8) (b) 3.	1st	Failure to report
			currency or payment

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659	560.125 (5) (c)	1st	instruments totaling or exceeding \$100,000 by money transmitter.
660	655.50 (10) (b) 3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
661	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
662	782.04 (1)	1st	Aggravated white collar crime.
663	782.04 (3)	1st, PBL	Attempt, conspire, or solicit to commit premeditated murder.
			Accomplice to murder in

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connection with arson,
sexual battery, robbery,
burglary, aggravated
fleeing or eluding with
serious bodily injury or
death, and other
specified felonies.

664

782.051 (1)

1st

Attempted felony murder
while perpetrating or
attempting to perpetrate
a felony enumerated in s.
782.04 (3).

665

782.07 (2)

1st

Aggravated manslaughter
of an elderly person or
disabled adult.

666

787.01 (1) (a) 1.

1st, PBL

Kidnapping; hold for
ransom or reward or as a
shield or hostage.

667

787.01 (1) (a) 2.

1st, PBL

Kidnapping with intent to
commit or facilitate
commission of any felony.

668

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669	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
670	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.
671	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
672	787.06 (3) (g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.

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673	787.06(4)	1st	Selling or buying of minors into human trafficking.
674	790.161	1st	Attempted capital destructive device offense.
675	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
676	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
677	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
	<u>794.011(4)(a)</u>	<u>1st, PBL</u>	<u>Sexual battery, certain circumstances; victim 12</u>

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678	<u>794.011 (4) (b)</u>	<u>1st</u>	<u>years of age or older but younger than 18 years; offender 18 years or older.</u>
679	<u>794.011 (4) (c)</u>	<u>1st</u>	<u>Sexual battery, certain circumstances; victim and offender 18 years of age or older.</u>
680	<u>794.011 (4) (d)</u>	<u>1st, PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.</u>
681	794.011 (4)	1st	<u>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</u>
682			Sexual battery; victim 12 years or older, certain circumstances.

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683	794.011 (8) (b)	1st, <u>PBL</u>	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
684	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
685	796.035	1st	Selling or buying of minors into prostitution.
686	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
687	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
688	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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689	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
690	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
691	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
692	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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	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.
693	827.03 (2) (a)	1st	Aggravated child abuse.
694	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
695	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
696	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill

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697			or injure another person.
698	893.135	1st	Attempted capital trafficking offense.
699	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
700	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
701	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
702	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
703	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

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704	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
705	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
706	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
707	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
708	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration

requirements, financial transactions totaling or exceeding \$100,000.

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Section 9. Section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1) (a) The Criminal Punishment Code worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA CRIMINAL PUNISHMENT CODE
WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points	Total
10	116 =
9	92 =

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727	8	74	=
728	7	56	=
729	6	36	=
730	5	28	=
731	4	22	=
732	3	16	=
733	2	10	=
734	1	4	=
735				Total
736				
737				
738				
739				
740	Level	Sentence Points	Counts	Total

Additional Offenses

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741	10	58	x	=
742	9	46	x	=
743	8	37	x	=
744	7	28	x	=
745	6	18	x	=
746	5	5.4	x	=
747	4	3.6	x	=
748	3	2.4	x	=
749	2	1.2	x	=
750	1	0.7	x	.....	=	.....
751	M	0.2	x	.....	=	.....
752						Total
753						

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	....	=	....
Death	120	x	....	=	....
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=
Sexual contact	40	x	=

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Total

766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	=
9	23	x	=
8	19	x	=
7	14	x	=
6	9	x	=
5	3.6	x	=
4	2.4	x	=

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782	3	1.6	x	=
783	2	0.8	x	=
784	1	0.5	x	=
785	M	0.2	x	=
786						
787						Total
788						
789				TOTAL OFFENSE SCORE.....		
790				TOTAL PRIOR RECORD SCORE.....		
791						
792				LEGAL STATUS.....		
793				COMMUNITY SANCTION VIOLATION.....		
794				PRIOR SERIOUS FELONY.....		
795				PRIOR CAPITAL FELONY.....		
796				FIREARM OR SEMIAUTOMATIC WEAPON.....		
797				.....		SUBTOTAL.....
798						
799				PRISON RELEASEE REOFFENDER (no) (yes).....		
800				VIOLENT CAREER CRIMINAL (no) (yes).....		
801				HABITUAL VIOLENT OFFENDER (no) (yes).....		

802 HABITUAL OFFENDER (no) (yes).....
 803 DRUG TRAFFICKER (no) (yes) (x multiplier).....
 804 LAW ENF. PROTECT. (no) (yes) (x multiplier).....
 805 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....
 806 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....
 807 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)
 808 (x multiplier).....
 809 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....
 810
 811 TOTAL SENTENCE POINTS.....

813 (b) WORKSHEET KEY:

814
 815 Legal status points are assessed when any form of legal status
 816 existed at the time the offender committed an offense before the
 817 court for sentencing. Four (4) sentence points are assessed for
 818 an offender's legal status.

819
 820 Community sanction violation points are assessed when a
 821 community sanction violation is before the court for sentencing.
 822 Six (6) sentence points are assessed for each community sanction
 823 violation and each successive community sanction violation,
 824 unless any of the following apply:

- 825 1. If the community sanction violation includes a new
 826 felony conviction before the sentencing court, twelve (12)
 827 community sanction violation points are assessed for the

828 violation, and for each successive community sanction violation
829 involving a new felony conviction.

830 2. If the community sanction violation is committed by a
831 violent felony offender of special concern as defined in s.
832 948.06:

833 a. Twelve (12) community sanction violation points are
834 assessed for the violation and for each successive violation of
835 felony probation or community control where:

836 I. The violation does not include a new felony conviction;
837 and

838 II. The community sanction violation is not based solely
839 on the probationer or offender's failure to pay costs or fines
840 or make restitution payments.

841 b. Twenty-four (24) community sanction violation points
842 are assessed for the violation and for each successive violation
843 of felony probation or community control where the violation
844 includes a new felony conviction.

845

846 Multiple counts of community sanction violations before the
847 sentencing court shall not be a basis for multiplying the
848 assessment of community sanction violation points.

849

850 Prior serious felony points: If the offender has a primary
851 offense or any additional offense ranked in level 8, level 9, or
852 level 10, and one or more prior serious felonies, a single
853 assessment of thirty (30) points shall be added. For purposes of

854 | this section, a prior serious felony is an offense in the
855 | offender's prior record that is ranked in level 8, level 9, or
856 | level 10 under s. 921.0022 or s. 921.0023 and for which the
857 | offender is serving a sentence of confinement, supervision, or
858 | other sanction or for which the offender's date of release from
859 | confinement, supervision, or other sanction, whichever is later,
860 | is within 3 years before the date the primary offense or any
861 | additional offense was committed.

862 |

863 | Prior capital felony points: If the offender has one or more
864 | prior capital felonies in the offender's criminal record, points
865 | shall be added to the subtotal sentence points of the offender
866 | equal to twice the number of points the offender receives for
867 | the primary offense and any additional offense. A prior capital
868 | felony in the offender's criminal record is a previous capital
869 | felony offense for which the offender has entered a plea of nolo
870 | contendere or guilty or has been found guilty; or a felony in
871 | another jurisdiction which is a capital felony in that
872 | jurisdiction, or would be a capital felony if the offense were
873 | committed in this state.

874 |

875 | Possession of a firearm, semiautomatic firearm, or machine gun:
876 | If the offender is convicted of committing or attempting to
877 | commit any felony other than those enumerated in s. 775.087(2)
878 | while having in his or her possession: a firearm as defined in
879 | s. 790.001(6), an additional eighteen (18) sentence points are

880 assessed; or if the offender is convicted of committing or
881 attempting to commit any felony other than those enumerated in
882 s. 775.087(3) while having in his or her possession a
883 semiautomatic firearm as defined in s. 775.087(3) or a machine
884 gun as defined in s. 790.001(9), an additional twenty-five (25)
885 sentence points are assessed.

886

887 Sentencing multipliers:

888

889 Drug trafficking: If the primary offense is drug trafficking
890 under s. 893.135, the subtotal sentence points are multiplied,
891 at the discretion of the court, for a level 7 or level 8
892 offense, by 1.5. The state attorney may move the sentencing
893 court to reduce or suspend the sentence of a person convicted of
894 a level 7 or level 8 offense, if the offender provides
895 substantial assistance as described in s. 893.135(4).

896

897 Law enforcement protection: If the primary offense is a
898 violation of the Law Enforcement Protection Act under s.
899 775.0823(2), (3), or (4), the subtotal sentence points are
900 multiplied by 2.5. If the primary offense is a violation of s.
901 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
902 are multiplied by 2.0. If the primary offense is a violation of
903 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
904 Protection Act under s. 775.0823(10) or (11), the subtotal
905 sentence points are multiplied by 1.5.

906
907 Grand theft of a motor vehicle: If the primary offense is grand
908 theft of the third degree involving a motor vehicle and in the
909 offender's prior record, there are three or more grand thefts of
910 the third degree involving a motor vehicle, the subtotal
911 sentence points are multiplied by 1.5.

912
913 Offense related to a criminal gang: If the offender is convicted
914 of the primary offense and committed that offense for the
915 purpose of benefiting, promoting, or furthering the interests of
916 a criminal gang as defined in s. 874.03, the subtotal sentence
917 points are multiplied by 1.5. If applying the multiplier results
918 in the lowest permissible sentence exceeding the statutory
919 maximum sentence for the primary offense under chapter 775, the
920 court may not apply the multiplier and must sentence the
921 defendant to the statutory maximum sentence.

922
923 Domestic violence in the presence of a child: If the offender is
924 convicted of the primary offense and the primary offense is a
925 crime of domestic violence, as defined in s. 741.28, which was
926 committed in the presence of a child under 16 years of age who
927 is a family or household member as defined in s. 741.28(3) with
928 the victim or perpetrator, the subtotal sentence points are
929 multiplied by 1.5.

930
931 Adult-on-minor sex offense: If the offender was 18 years of age

932 or older and the victim was younger than 18 years of age at the
933 time the offender committed the primary offense, and if the
934 primary offense was an offense committed on or after October 1,
935 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
936 violation involved a victim who was a minor and, in the course
937 of committing that violation, the defendant committed a sexual
938 battery under chapter 794 or a lewd act under s. 800.04 or s.
939 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
940 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
941 800.04; or s. 847.0135(5), the subtotal sentence points are
942 multiplied by 2.0. If applying the multiplier results in the
943 lowest permissible sentence exceeding the statutory maximum
944 sentence for the primary offense under chapter 775, the court
945 may not apply the multiplier and must sentence the defendant to
946 the statutory maximum sentence.

947 (2) The lowest permissible sentence is the minimum
948 sentence that may be imposed by the trial court, absent a valid
949 reason for departure. The lowest permissible sentence is any
950 nonstate prison sanction in which the total sentence points
951 equals or is less than 44 points, unless the court determines
952 within its discretion that a prison sentence, which may be up to
953 the statutory maximums for the offenses committed, is
954 appropriate. When the total sentence points exceeds 44 points,
955 the lowest permissible sentence in prison months shall be
956 calculated by subtracting 28 points from the total sentence
957 points and decreasing the remaining total by 25 percent. The

958 total sentence points shall be calculated only as a means of
959 determining the lowest permissible sentence. The permissible
960 range for sentencing shall be the lowest permissible sentence up
961 to and including the statutory maximum, as defined in s.
962 775.082, for the primary offense and any additional offenses
963 before the court for sentencing. The sentencing court may impose
964 such sentences concurrently or consecutively. However, any
965 sentence to state prison must exceed 1 year. If the lowest
966 permissible sentence under the code exceeds the statutory
967 maximum sentence as provided in s. 775.082, the sentence
968 required by the code must be imposed. If the total sentence
969 points are greater than or equal to 363, the court may sentence
970 the offender to life imprisonment. An offender sentenced to life
971 imprisonment under this section is not eligible for any form of
972 discretionary early release, except executive clemency or
973 conditional medical release under s. 947.149.

974 (3) A single scoresheet shall be prepared for each
975 defendant to determine the permissible range for the sentence
976 that the court may impose, except that if the defendant is
977 before the court for sentencing for more than one felony and the
978 felonies were committed under more than one version or revision
979 of the guidelines or the code, separate scoresheets must be
980 prepared. The scoresheet or scoresheets must cover all the
981 defendant's offenses pending before the court for sentencing.
982 The state attorney shall prepare the scoresheet or scoresheets,
983 which must be presented to the defense counsel for review for

984 accuracy in all cases unless the judge directs otherwise. The
985 defendant's scoresheet or scoresheets must be approved and
986 signed by the sentencing judge.

987 (4) The Department of Corrections, in consultation with
988 the Office of the State Courts Administrator, state attorneys,
989 and public defenders, must develop and submit the revised
990 Criminal Punishment Code scoresheet to the Supreme Court for
991 approval by June 15 of each year, as necessary. Upon the Supreme
992 Court's approval of the revised scoresheet, the Department of
993 Corrections shall produce and provide sufficient copies of the
994 revised scoresheets by September 30 of each year, as necessary.
995 Scoresheets must include item entries for the scoresheet
996 preparer's use in indicating whether any prison sentence imposed
997 includes a mandatory minimum sentence or the sentence imposed
998 was a downward departure from the lowest permissible sentence
999 under the Criminal Punishment Code.

1000 (5) The Department of Corrections shall distribute
1001 sufficient copies of the Criminal Punishment Code scoresheets to
1002 those persons charged with the responsibility for preparing
1003 scoresheets.

1004 (6) The clerk of the circuit court shall transmit a
1005 complete, accurate, and legible copy of the Criminal Punishment
1006 Code scoresheet used in each sentencing proceeding to the
1007 Department of Corrections. Scoresheets must be transmitted no
1008 less frequently than monthly, by the first of each month, and
1009 may be sent collectively.

1010 (7) A sentencing scoresheet must be prepared for every
 1011 defendant who is sentenced for a felony offense. A copy of the
 1012 individual offender's Criminal Punishment Code scoresheet and
 1013 any attachments thereto prepared pursuant to Rule 3.701, Rule
 1014 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
 1015 any other rule pertaining to the preparation and submission of
 1016 felony sentencing scoresheets, must be attached to the copy of
 1017 the uniform judgment and sentence form provided to the
 1018 Department of Corrections.

1019 Section 10. Paragraph (a) of subsection (1), paragraph (a)
 1020 of subsection (11), and paragraph (b) of subsection (14) of
 1021 section 943.0435, Florida Statutes, are amended to read:

1022 943.0435 Sexual offenders required to register with the
 1023 department; penalty.—

1024 (1) As used in this section, the term:

1025 (a)1. "Sexual offender" means a person who meets the
 1026 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1027 subparagraph c., or sub-subparagraph d., as follows:

1028 a.(I) Has been convicted of committing, or attempting,
 1029 soliciting, or conspiring to commit, any of the criminal
 1030 offenses proscribed in the following statutes in this state or
 1031 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 1032 or s. 787.025(2)(c), where the victim is a minor and the
 1033 defendant is not the victim's parent or guardian; s.
 1034 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 1035 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.

1036 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 1037 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1038 or s. 985.701(1); or any similar offense committed in this state
 1039 which has been redesignated from a former statute number to one
 1040 of those listed in this sub-sub-subparagraph; and

1041 (II) Has been released on or after October 1, 1997, from
 1042 the sanction imposed for any conviction of an offense described
 1043 in sub-sub-subparagraph (I). For purposes of sub-sub-
 1044 subparagraph (I), a sanction imposed in this state or in any
 1045 other jurisdiction includes, but is not limited to, a fine,
 1046 probation, community control, parole, conditional release,
 1047 control release, or incarceration in a state prison, federal
 1048 prison, private correctional facility, or local detention
 1049 facility;

1050 b. Establishes or maintains a residence in this state and
 1051 who has not been designated as a sexual predator by a court of
 1052 this state but who has been designated as a sexual predator, as
 1053 a sexually violent predator, or by another sexual offender
 1054 designation in another state or jurisdiction and was, as a
 1055 result of such designation, subjected to registration or
 1056 community or public notification, or both, or would be if the
 1057 person were a resident of that state or jurisdiction, without
 1058 regard to whether the person otherwise meets the criteria for
 1059 registration as a sexual offender;

1060 c. Establishes or maintains a residence in this state who
 1061 is in the custody or control of, or under the supervision of,

1062 any other state or jurisdiction as a result of a conviction for
 1063 committing, or attempting, soliciting, or conspiring to commit,
 1064 any of the criminal offenses proscribed in the following
 1065 statutes or similar offense in another jurisdiction: s. 787.01,
 1066 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1067 the defendant is not the victim's parent or guardian; s.
 1068 787.06(3)(b), (d), (f), (g), or (h); s. 794.011, excluding s.
 1069 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s.
 1070 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 1071 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1072 or s. 985.701(1); or any similar offense committed in this state
 1073 which has been redesignated from a former statute number to one
 1074 of those listed in this sub-subparagraph; or
 1075 d. On or after July 1, 2007, has been adjudicated
 1076 delinquent for committing, or attempting, soliciting, or
 1077 conspiring to commit, any of the criminal offenses proscribed in
 1078 the following statutes in this state or similar offenses in
 1079 another jurisdiction when the juvenile was 14 years of age or
 1080 older at the time of the offense:
 1081 (I) Section 794.011, excluding s. 794.011(10);
 1082 (II) Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim
 1083 is under 12 years of age or where the court finds sexual
 1084 activity by the use of force or coercion;
 1085 (III) Section 800.04(5)(c)1. where the court finds
 1086 molestation involving unclothed genitals; or
 1087 (IV) Section 800.04(5)(d) where the court finds the use of

1088 force or coercion and unclothed genitals.

1089 2. For all qualifying offenses listed in sub-subparagraph
 1090 (1)(a)1.d., the court shall make a written finding of the age of
 1091 the offender at the time of the offense.

1092
 1093 For each violation of a qualifying offense listed in this
 1094 subsection, the court shall make a written finding of the age of
 1095 the victim at the time of the offense. For a violation of s.
 1096 800.04(4), the court shall additionally make a written finding
 1097 indicating that the offense did or did not involve sexual
 1098 activity and indicating that the offense did or did not involve
 1099 force or coercion. For a violation of s. 800.04(5), the court
 1100 shall additionally make a written finding that the offense did
 1101 or did not involve unclothed genitals or genital area and that
 1102 the offense did or did not involve the use of force or coercion.

1103 (11) Except as provided in s. 943.04354, a sexual offender
 1104 must maintain registration with the department for the duration
 1105 of his or her life, unless the sexual offender has received a
 1106 full pardon or has had a conviction set aside in a
 1107 postconviction proceeding for any offense that meets the
 1108 criteria for classifying the person as a sexual offender for
 1109 purposes of registration. However, a sexual offender:

1110 (a)1. Who has been lawfully released from confinement,
 1111 supervision, or sanction, whichever is later, for at least 25
 1112 years and has not been arrested for any felony or misdemeanor
 1113 offense since release, provided that the sexual offender's

1114 requirement to register was not based upon an adult conviction:
 1115 a. For a violation of s. 787.01 or s. 787.02;
 1116 b. For a violation of s. 794.011, excluding s.
 1117 794.011(10);
 1118 c. For a violation of s. 800.04(4)(a)2. ~~s. 800.04(4)(b)~~
 1119 where the court finds the offense involved a victim under 12
 1120 years of age or sexual activity by the use of force or coercion;
 1121 d. For a violation of s. 800.04(5)(b);
 1122 e. For a violation of s. 800.04(5)c.2. where the court
 1123 finds the offense involved unclothed genitals or genital area;
 1124 f. For any attempt or conspiracy to commit any such
 1125 offense; or
 1126 g. For a violation of similar law of another jurisdiction,
 1127
 1128 may petition the criminal division of the circuit court of the
 1129 circuit in which the sexual offender resides for the purpose of
 1130 removing the requirement for registration as a sexual offender.
 1131 2. The court may grant or deny relief if the offender
 1132 demonstrates to the court that he or she has not been arrested
 1133 for any crime since release; the requested relief complies with
 1134 the provisions of the federal Adam Walsh Child Protection and
 1135 Safety Act of 2006 and any other federal standards applicable to
 1136 the removal of registration requirements for a sexual offender
 1137 or required to be met as a condition for the receipt of federal
 1138 funds by the state; and the court is otherwise satisfied that
 1139 the offender is not a current or potential threat to public

1140 safety. The state attorney in the circuit in which the petition
 1141 is filed must be given notice of the petition at least 3 weeks
 1142 before the hearing on the matter. The state attorney may present
 1143 evidence in opposition to the requested relief or may otherwise
 1144 demonstrate the reasons why the petition should be denied. If
 1145 the court denies the petition, the court may set a future date
 1146 at which the sexual offender may again petition the court for
 1147 relief, subject to the standards for relief provided in this
 1148 subsection.

1149 3. The department shall remove an offender from
 1150 classification as a sexual offender for purposes of registration
 1151 if the offender provides to the department a certified copy of
 1152 the court's written findings or order that indicates that the
 1153 offender is no longer required to comply with the requirements
 1154 for registration as a sexual offender.

1155 (14)

1156 (b) However, a sexual offender who is required to register
 1157 as a result of a conviction for:

1158 1. Section 787.01 or s. 787.02 where the victim is a minor
 1159 and the offender is not the victim's parent or guardian;

1160 2. Section 794.011, excluding s. 794.011(10);

1161 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the court
 1162 finds the offense involved a victim under 12 years of age or
 1163 sexual activity by the use of force or coercion;

1164 4. Section 800.04(5)(b);

1165 5. Section 800.04(5)(c)1. where the court finds

1166 molestation involving unclothed genitals or genital area;
 1167 6. Section 800.04(5)c.2. where the court finds molestation
 1168 involving unclothed genitals or genital area;
 1169 7. Section 800.04(5)(d) where the court finds the use of
 1170 force or coercion and unclothed genitals or genital area;
 1171 8. Any attempt or conspiracy to commit such offense; or
 1172 9. A violation of a similar law of another jurisdiction,
 1173
 1174 must reregister each year during the month of the sexual
 1175 offender's birthday and every third month thereafter.
 1176 Section 11. Paragraph (b) of subsection (13) of section
 1177 944.607, Florida Statutes, is amended to read:
 1178 944.607 Notification to Department of Law Enforcement of
 1179 information on sexual offenders.—
 1180 (13)
 1181 (b) However, a sexual offender who is required to register
 1182 as a result of a conviction for:
 1183 1. Section 787.01 or s. 787.02 where the victim is a minor
 1184 and the offender is not the victim's parent or guardian;
 1185 2. Section 794.011, excluding s. 794.011(10);
 1186 3. Section 800.04(4)(a)2. ~~800.04(4)(b)~~ where the victim is
 1187 under 12 years of age or where the court finds sexual activity
 1188 by the use of force or coercion;
 1189 4. Section 800.04(5)(b);
 1190 5. Section 800.04(5)(c)1. where the court finds
 1191 molestation involving unclothed genitals or genital area;

1192 6. Section 800.04(5)c.2. where the court finds molestation
 1193 involving unclothed genitals or genital area;

1194 7. Section 800.04(5)(d) where the court finds the use of
 1195 force or coercion and unclothed genitals or genital area;

1196 8. Any attempt or conspiracy to commit such offense; or

1197 9. A violation of a similar law of another jurisdiction,
 1198

1199 must reregister each year during the month of the sexual
 1200 offender's birthday and every third month thereafter.

1201 Section 12. Paragraph (e) is added to subsection (4) of
 1202 section 944.275, Florida Statutes, to read:

1203 944.275 Gain-time.—

1204 (4)

1205 (e) Notwithstanding subparagraph (b)3., for sentences
 1206 imposed for offenses committed on or after October 1, 2014, the
 1207 department may not grant incentive gain-time if the offense is a
 1208 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
 1209 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 1210 800.04; s. 825.1025; or s. 847.0135(5).

1211 Section 13. Subsections (13) and (14) are added to section
 1212 947.1405, Florida Statutes, to read:

1213 947.1405 Conditional release program.—

1214 (13) If a person who is transferred to the custody of the
 1215 Department of Children and Families pursuant to part V of
 1216 chapter 394 is subject to conditional release supervision, the
 1217 period of conditional release supervision is tolled until such

1218 person is no longer in the custody of the Department of Children
 1219 and Families. This subsection applies to all periods of
 1220 conditional release supervision which begin on or after October
 1221 1, 2014, regardless of the date of the underlying offense.

1222 (14) Effective for a releasee whose crime was committed on
 1223 or after October 1, 2014, in violation of chapter 794, s.
 1224 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
 1225 to any other provision of this section, the commission must
 1226 impose a condition prohibiting the releasee from viewing,
 1227 accessing, owning, or possessing any obscene, pornographic, or
 1228 sexually stimulating visual or auditory material unless
 1229 otherwise indicated in the treatment plan provided by a
 1230 qualified practitioner in the sexual offender treatment program.
 1231 Visual or auditory material includes, but is not limited to,
 1232 telephone, electronic media, computer programs, and computer
 1233 services.

1234 Section 14. Subsection (1) of section 948.012, Florida
 1235 Statutes, is amended, and subsections (5) and (6) are added to
 1236 that section, to read:

1237 948.012 Split sentence of probation or community control
 1238 and imprisonment.—

1239 (1) If ~~Whenever~~ punishment by imprisonment for a
 1240 misdemeanor or a felony, except for a capital felony, is
 1241 prescribed, the court, ~~in its discretion,~~ may, at the time of
 1242 sentencing, impose a split sentence whereby the defendant is to
 1243 be placed on probation or, with respect to any such felony, into

1244 community control upon completion of any specified period of
 1245 such sentence which may include a term of years or less. In such
 1246 case, the court shall stay and withhold the imposition of the
 1247 remainder of sentence imposed upon the defendant and direct that
 1248 the defendant be placed upon probation or into community control
 1249 after serving such period as may be imposed by the court. Except
 1250 as provided in subsection (6), the period of probation or
 1251 community control shall commence immediately upon the release of
 1252 the defendant from incarceration, whether by parole or gain-time
 1253 allowances.

1254 (5) (a) Effective for offenses committed on or after
 1255 October 1, 2014, if the court imposes a term of years in
 1256 accordance with s. 775.082 which is less than the maximum
 1257 sentence for the offense, the court must impose a split sentence
 1258 pursuant to subsection (1) for any person who is convicted of a
 1259 violation of:

- 1260 1. Section 782.04(1)(a)2.c.;
- 1261 2. Section 787.01(3)(a)2. or 3.;
- 1262 3. Section 787.02(3)(a)2. or 3.;
- 1263 4. Section 794.011, excluding s. 794.011(10);
- 1264 5. Section 800.04;
- 1265 6. Section 825.1025; or
- 1266 7. Section 847.0135(5).

1267 (b) The probation or community control portion of the
 1268 split sentence imposed by the court must extend for at least 2
 1269 years. However, if the term of years imposed by the court

1270 extends to within 2 years of the maximum sentence for the
 1271 offense, the probation or community control portion of the split
 1272 sentence must extend for the remainder of the maximum sentence.

1273 (6) If a defendant who has been sentenced to a split
 1274 sentence pursuant to subsection (1) is transferred to the
 1275 custody of the Department of Children and Families pursuant to
 1276 part V of chapter 394, the period of probation or community
 1277 control is tolled until such person is no longer in the custody
 1278 of the Department of Children and Families. This subsection
 1279 applies to all sentences of probation or community control which
 1280 begin on or after October 1, 2014, regardless of the date of the
 1281 underlying offense.

1282 Section 15. Subsection (5) is added to section 948.30,
 1283 Florida Statutes, to read:

1284 948.30 Additional terms and conditions of probation or
 1285 community control for certain sex offenses.—Conditions imposed
 1286 pursuant to this section do not require oral pronouncement at
 1287 the time of sentencing and shall be considered standard
 1288 conditions of probation or community control for offenders
 1289 specified in this section.

1290 (5) Effective for a probationer or community controllee
 1291 whose crime was committed on or after October 1, 2014, and who
 1292 is placed on probation or community control for a violation of
 1293 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 1294 847.0145, in addition to all other conditions imposed, the court
 1295 must impose a condition prohibiting the probationer or community

1296 controllee from viewing, accessing, owning, or possessing any
 1297 obscene, pornographic, or sexually stimulating visual or
 1298 auditory material unless otherwise indicated in the treatment
 1299 plan provided by a qualified practitioner in the sexual offender
 1300 treatment program. Visual or auditory material includes, but is
 1301 not limited to, telephone, electronic media, computer programs,
 1302 and computer services.

1303 Section 16. Section 948.31, Florida Statutes, is amended
 1304 to read:

1305 948.31 Evaluation and treatment of sexual predators and
 1306 offenders on probation or community control.—The court may shall
 1307 require an evaluation by a qualified practitioner to determine
 1308 the need of a probationer or community controllee for treatment.
 1309 If the court determines that a need therefor is established by
 1310 the evaluation process, the court shall require sexual offender
 1311 treatment as a term or condition of probation or community
 1312 control for any probationer or community controllee person who
 1313 is required to register as a sexual predator under s. 775.21 or
 1314 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
 1315 undergo an evaluation, at the probationer or community
 1316 controllee's expense, by a qualified practitioner to determine
 1317 whether such probationer or community controllee needs sexual
 1318 offender treatment. If the qualified practitioner determines
 1319 that sexual offender treatment is needed and recommends
 1320 treatment, the probationer or community controllee must
 1321 successfully complete and pay for the treatment. Such treatment

1322 must ~~shall be required to~~ be obtained from a qualified
1323 practitioner as defined in s. 948.001. Treatment may not be
1324 administered by a qualified practitioner who has been convicted
1325 or adjudicated delinquent of committing, or attempting,
1326 soliciting, or conspiring to commit, any offense that is listed
1327 in s. 943.0435(1)(a)1.a.(I). ~~The court shall impose a~~
1328 ~~restriction against contact with minors if sexual offender~~
1329 ~~treatment is recommended. The evaluation and recommendations for~~
1330 ~~treatment of the probationer or community controllee shall be~~
1331 ~~provided to the court for review.~~

1332 Section 17. If any provision of this act or its
1333 application to any person or circumstance is held invalid, the
1334 invalidity does not affect other provisions or applications of
1335 this act which can be given effect without the invalid provision
1336 or application, and to this end the provisions of this act are
1337 severable.

1338 Section 18. This act shall take effect October 1, 2014.