

By the Committees on Appropriations; Judiciary; and Criminal Justice; and Senators Braynon and Joyner

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1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 92.56, F.S.; authorizing a defendant who has been
4 charged with specified human trafficking offenses to
5 apply for an order of disclosure of confidential and
6 exempt information; authorizing the court to use a
7 pseudonym, instead of a victim's name, to designate
8 the victim of specified human trafficking offenses;
9 providing that trial testimony for specified human
10 trafficking offenses may be published or broadcast
11 under certain circumstances; amending s. 450.021,
12 F.S.; prohibiting the employment of minors in adult
13 theaters; amending s. 450.045, F.S.; requiring adult
14 theaters to verify the ages of employees and
15 independent contractors and maintain specified
16 documentation; amending s. 775.082, F.S.; providing a
17 life sentence for a specified felony; amending s.
18 775.15, F.S.; eliminating the statute of limitations
19 for prosecutions under a specified human trafficking
20 provision; providing applicability; amending s.
21 787.06, F.S.; revising and providing penalties for
22 various human trafficking offenses against minors and
23 adults; creating s. 796.001, F.S.; providing
24 legislative intent concerning prosecutions of adults
25 for certain offenses involving minors; repealing ss.
26 796.03, 796.035, and 796.036, F.S., relating to
27 procuring a person under the age of 18 for
28 prostitution, selling or buying of minors into
29 prostitution, and reclassification of certain

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30 violations involving minors, respectively; amending
31 ss. 796.05 and 796.07, F.S.; revising and providing
32 penalties for various prostitution offenses; amending
33 s. 921.0022, F.S.; conforming provisions of the
34 offense severity ranking chart of the Criminal
35 Punishment Code to changes made by the act; amending
36 s. 943.0583, F.S.; providing for expunction of
37 criminal history records of certain criminal charges
38 against victims of human trafficking that did not
39 result in convictions; requiring destruction of
40 investigative records related to such expunged
41 records; amending s. 960.065, F.S.; providing an
42 exception to ineligibility for victim assistance
43 awards to specified victims of human trafficking;
44 amending s. 960.199, F.S.; authorizing the Department
45 of Legal Affairs to provide relocation assistance to a
46 victim of specified human trafficking offenses;
47 requiring the human trafficking offense to be reported
48 to the proper authorities and certified by the state
49 attorney or statewide prosecutor; requiring the state
50 attorney's or statewide prosecutor's approval of a
51 rape crisis center's or a certified domestic violence
52 center's certification that a victim is cooperating
53 with law enforcement officials; providing that the act
54 of human trafficking must occur under certain
55 circumstances for the victim to be eligible for
56 relocation assistance; amending ss. 39.01, 90.404,
57 772.102, 775.0877, 775.21, 787.01, 787.02, 794.056,
58 856.022, 895.02, 938.085, 938.10, 943.0435, 943.0585,

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59 943.059, 944.606, 944.607, 948.013, and 948.32, F.S.;

60 conforming cross-references; providing an effective

61 date.

62

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

64

65 Section 1. Section 92.56, Florida Statutes, is amended to

66 read:

67 92.56 Judicial proceedings and court records involving

68 sexual offenses and human trafficking.-

69 (1) (a) The confidential and exempt status of criminal

70 intelligence information or criminal investigative information

71 made confidential and exempt pursuant to s. 119.071(2) (h) must

72 be maintained in court records pursuant to s. 119.0714(1) (h) and

73 in court proceedings, including testimony from witnesses.

74 (b) If a petition for access to such confidential and

75 exempt records is filed with the trial court having jurisdiction

76 over the alleged offense, the confidential and exempt status of

77 such information shall be maintained by the court if the state

78 or the victim demonstrates that:

79 1. The identity of the victim is not already known in the

80 community;

81 2. The victim has not voluntarily called public attention

82 to the offense;

83 3. The identity of the victim has not otherwise become a

84 reasonable subject of public concern;

85 4. The disclosure of the victim's identity would be

86 offensive to a reasonable person; and

87 5. The disclosure of the victim's identity would:

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88 a. Endanger the victim because the assailant has not been
89 apprehended and is not otherwise known to the victim;

90 b. Endanger the victim because of the likelihood of
91 retaliation, harassment, or intimidation;

92 c. Cause severe emotional or mental harm to the victim;

93 d. Make the victim unwilling to testify as a witness; or

94 e. Be inappropriate for other good cause shown.

95 (2) A defendant charged with a crime specified ~~described~~ in
96 s. 787.06(3)(a), if the victim is younger than 18 years of age,
97 in s. 787.06(3)(b), (d), (f), or (g), or in chapter 794 or
98 chapter 800, or with child abuse, aggravated child abuse, or
99 sexual performance by a child as described in chapter 827, may
100 apply to the trial court for an order of disclosure of
101 information in court records held confidential and exempt
102 pursuant to s. 119.0714(1)(h) or maintained as confidential and
103 exempt pursuant to court order under this section. Such
104 identifying information concerning the victim may be released to
105 the defendant or his or her attorney in order to prepare the
106 defense. The confidential and exempt status of this information
107 does may not be construed to prevent the disclosure of the
108 victim's identity to the defendant; however, the defendant may
109 not disclose the victim's identity to any person other than the
110 defendant's attorney or any other person directly involved in
111 the preparation of the defense. A willful and knowing disclosure
112 of the identity of the victim to any other person by the
113 defendant constitutes contempt.

114 (3) The state may use a pseudonym instead of the victim's
115 name to designate the victim of a crime specified ~~described~~ in
116 s. 787.06(3)(a), if the victim is younger than 18 years of age,

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117 in s. 787.06(3)(b), (d), (f), or (g), or in chapter 794 or
118 chapter 800, or of child abuse, aggravated child abuse, or
119 sexual performance by a child as described in chapter 827, or
120 any crime involving the production, possession, or promotion of
121 child pornography as described in chapter 847, in all court
122 records and records of court proceedings, both civil and
123 criminal.

124 (4) The protection of this section may be waived by the
125 victim of the alleged offense in a writing filed with the court,
126 in which the victim consents to the use or release of
127 identifying information during court proceedings and in the
128 records of court proceedings.

129 (5) This section does not prohibit the publication or
130 broadcast of the substance of trial testimony in a prosecution
131 for an offense specified ~~described~~ in s. 787.06(3)(a), if the
132 victim is younger than 18 years of age, in s. 787.06(3)(b), (d),
133 (f), or (g), or in chapter 794 or chapter 800, or for a crime of
134 child abuse, aggravated child abuse, or sexual performance by a
135 child, as described in chapter 827; however, ~~but~~ the publication
136 or broadcast may not include an identifying photograph, an
137 identifiable voice, or the name or address of the victim, unless
138 the victim has consented in writing to the publication and filed
139 such consent with the court or unless the court has declared
140 such records not confidential and exempt as provided for in
141 subsection (1).

142 (6) A willful and knowing violation of this section or a
143 willful and knowing failure to obey a ~~any~~ court order issued
144 under this section constitutes contempt.

145 Section 2. Subsection (5) is added to section 450.021,

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146 Florida Statutes, to read:

147 450.021 Minimum age; general.—

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

154 Section 3. Subsection (3) is added to section 450.045,
155 Florida Statutes, to read:

156 450.045 Proof of identity and age; posting of notices.—

157 (3) (a) In order to provide the department and law
158 enforcement agencies the means to more effectively identify,
159 investigate, and arrest persons engaging in human trafficking,
160 an adult theater as defined in s. 847.001(2)(b) shall obtain
161 proof of the identity and age of each of its employees or
162 independent contractors, and shall verify the validity of the
163 identification and age verification document with the issuer,
164 before his or her employment or provision of services as an
165 independent contractor.

166 (b) The adult theater shall obtain and keep on record a
167 photocopy of the person's driver license or state or federal
168 government-issued photo identification card, along with a record
169 of the verification of the validity of the identification and
170 age verification document with the issuer, during the entire
171 period of employment or business relationship with the
172 independent contractor and for at least 3 years after the
173 employee or independent contractor ceases employment or the
174 provision of services.

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

181 Section 4. Paragraph (a) of subsection (3) of section
182 775.082, Florida Statutes, is amended to read:

183 775.082 Penalties; applicability of sentencing structures;
184 mandatory minimum sentences for certain reoffenders previously
185 released from prison.-

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

188 (a)1. For a life felony committed prior to October 1, 1983,
189 by a term of imprisonment for life or for a term of years not
190 less than 30.

191 2. For a life felony committed on or after October 1, 1983,
192 by a term of imprisonment for life or by a term of imprisonment
193 not exceeding 40 years.

194 3. Except as provided in subparagraph 4., for a life felony
195 committed on or after July 1, 1995, by a term of imprisonment
196 for life or by imprisonment for a term of years not exceeding
197 life imprisonment.

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

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

202 (II) A split sentence that is a term of not less than 25
203 years' imprisonment and not exceeding life imprisonment,

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204 followed by probation or community control for the remainder of
205 the person's natural life, as provided in s. 948.012(4).

206 b. For a life felony committed on or after July 1, 2008,
207 which is a person's second or subsequent violation of s.
208 800.04(5)(b), by a term of imprisonment for life.

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

212 Section 5. Subsection (18) is added to section 775.15,
213 Florida Statutes, to read:

214 775.15 Time limitations; general time limitations;
215 exceptions.—

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

220 Section 6. Subsections (3) and (4) of section 787.06,
221 Florida Statutes, are amended, and subsection (8) is added to
222 that section, to read:

223 787.06 Human trafficking.—

224 (3) A ~~Any~~ person who knowingly, or in reckless disregard of
225 the facts, engages in human trafficking, or attempts to engage
226 in human trafficking, or benefits financially by receiving
227 anything of value from participation in a venture that has
228 subjected a person to human trafficking:

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

232 2. Using coercion for labor or services of an adult commits

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233 a felony of the first degree, punishable as provided in s.
234 775.082, s. 775.083, or s. 775.084.

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

238 (c) 1. Using coercion For labor or services of any child
239 under the age of 18 individual who is an unauthorized alien
240 commits a felony of the first degree, punishable as provided in
241 s. 775.082, s. 775.083, or s. 775.084.

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

245 (d) Using coercion for commercial sexual activity of an
246 adult ~~any individual~~ who is an unauthorized alien commits a
247 felony of the first degree, punishable as provided in s.
248 775.082, s. 775.083, or s. 775.084.

249 (e) 1. Using coercion For labor or services who does so by
250 the transfer or transport of any child under the age of 18
251 ~~individual~~ from outside this state to within the state commits a
252 felony of the first degree, punishable as provided in s.
253 775.082, s. 775.083, or s. 775.084.

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

258 (f) 1. Using coercion For commercial sexual activity who
259 does so by the transfer or transport of any child under the age
260 of 18 individual from outside this state to within the state
261 commits a felony of the first degree, punishable by imprisonment

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262 for a term of years not exceeding life, or as provided in s.
263 775.082, s. 775.083, or s. 775.084.

264 2. Using coercion for commercial sexual activity who does
265 so by the transfer or transport of an adult from outside this
266 state to within the state commits a felony of the first degree,
267 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

268 (g) For commercial sexual activity in which any child under
269 the age of 18, or in which any person who is mentally defective
270 or mentally incapacitated as those terms are defined in s.
271 794.011(1), is involved commits a life felony ~~of the first~~
272 degree, punishable by imprisonment for a term of years not
273 exceeding life, or as provided in s. 775.082(3) (a)5. 775.082, s.
274 775.083, or s. 775.084. In a prosecution under this paragraph in
275 which the defendant had a reasonable opportunity to observe the
276 person who was subject to human trafficking, the state need not
277 prove that the defendant knew that the person had not attained
278 the age of 18 years.

279 (h) ~~For commercial sexual activity in which any child under~~
280 ~~the age of 15 is involved commits a life felony, punishable as~~
281 ~~provided in s. 775.082, s. 775.083, or s. 775.084. In a~~
282 ~~prosecution under this paragraph in which the defendant had a~~
283 ~~reasonable opportunity to observe the person who was subject to~~
284 ~~human trafficking, the state need not prove that the defendant~~
285 ~~knew that the person had not attained the age of 15 years.~~

286
287 For each instance of human trafficking of any individual under
288 this subsection, a separate crime is committed and a separate
289 punishment is authorized.

290 (4) (a) A ~~Any~~ parent, legal guardian, or other person having

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291 custody or control of a minor who sells or otherwise transfers
292 custody or control of such minor, or offers to sell or otherwise
293 transfer custody of such minor, with knowledge or in reckless
294 disregard of the fact that, as a consequence of the sale or
295 transfer, the minor will be subject to human trafficking commits
296 a life ~~first degree~~ felony, punishable as provided in s.
297 775.082, s. 775.083, or s. 775.084.

298 (b) A person who permanently brands, or directs to be
299 branded, a victim of an offense under this section commits a
300 second degree felony, punishable as provided in s. 775.082, s.
301 775.083, or s. 775.084. For purposes of this subsection, the
302 term "permanently branded" means a mark on the individual's body
303 that, if it can be removed or repaired at all, can be removed or
304 repaired only by surgical means, laser treatment, or other
305 medical procedure.

306 (8) In a prosecution under this section, the defendant's
307 ignorance of the victim's age, the victim's misrepresentation of
308 his or her age, or the defendant's bona fide belief of the
309 victim's age cannot be raised as a defense.

310 Section 7. Section 796.001, Florida Statutes, is created to
311 read:

312 796.001 Offenses by adults involving minors; intent.—It is
313 the intent of the Legislature that adults who involve minors in
314 any behavior prohibited under this chapter be prosecuted under
315 other laws of this state, such as, but not limited to, s.
316 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and
317 chapter 847. The Legislature finds that the prosecution of such
318 adults under this chapter is inappropriate since a minor is
319 unable to consent to such behavior.

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320 Section 8. Sections 796.03, 796.035, and 796.036, Florida
321 Statutes, are repealed.

322 Section 9. Section 796.05, Florida Statutes, is amended to
323 read:

324 796.05 Deriving support from the proceeds of prostitution.—

325 (1) It shall be unlawful for any person with reasonable
326 belief or knowing another person is engaged in prostitution to
327 live or derive support or maintenance in whole or in part from
328 what is believed to be the earnings or proceeds of such person's
329 prostitution.

330 (2) Anyone violating this section commits:

331 (a) For a first offense, a felony of the second ~~third~~
332 degree, punishable as provided in s. 775.082, s. 775.083, or s.
333 775.084.

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

336 (c) For a third or subsequent offense, a felony of the
337 first degree punishable as provided in s. 775.082, s. 775.083,
338 or s. 775.084, with a mandatory minimum term of imprisonment of
339 10 years.

340 Section 10. Subsection (2) and subsections (4) through (6)
341 of section 796.07, Florida Statutes, are amended to read:

342 796.07 Prohibiting prostitution and related acts.—

343 (2) It is unlawful:

344 (a) To own, establish, maintain, or operate any place,
345 structure, building, or conveyance for the purpose of lewdness,
346 assignation, or prostitution.

347 (b) To offer, or to offer or agree to secure, another for
348 the purpose of prostitution or for any other lewd or indecent

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349 act.

350 (c) To receive, or to offer or agree to receive, any person
351 into any place, structure, building, or conveyance for the
352 purpose of prostitution, lewdness, or assignation, or to permit
353 any person to remain there for such purpose.

354 (d) To direct, take, or transport, or to offer or agree to
355 direct, take, or transport, any person to any place, structure,
356 or building, or to any other person, with knowledge or
357 reasonable cause to believe that the purpose of such directing,
358 taking, or transporting is prostitution, lewdness, or
359 assignation.

360 (e) To offer to commit, or to commit, or to engage in,
361 prostitution, lewdness, or assignation.

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

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

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

369 (i) To purchase the services of any person engaged in
370 prostitution.

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

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

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

377 (c) A felony of the third degree for a third or subsequent

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378 violation, punishable as provided in s. 775.082, s. 775.083, or
379 s. 775.084.

380 (5) A person who violates paragraph (2) (a), (b), (c), (d),
381 (f), (h), or (i) commits:

382 (a) For a first offense, a felony of the third degree,
383 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

386 (c) For a third or subsequent offense, a felony of the
387 first degree, punishable as provided in s. 775.082, s. 775.083,
388 or s. 775.084. A person who is charged with a third or
389 subsequent violation of this section shall be offered admission
390 to a pretrial intervention program or a substance abuse
391 treatment program as provided in s. 948.08.

392 (6) A person who violates paragraph (2) (a), (b), (c), (d),
393 (f), (h), or (i) paragraph (2) (f) shall be assessed a criminal
394 civil penalty of \$5,000 if the violation results in any judicial
395 disposition other than acquittal or dismissal. Of the proceeds
396 from each penalty assessed under this subsection, the first \$500
397 shall be paid to the circuit court administrator for the sole
398 purpose of paying the administrative costs of treatment-based
399 drug court programs provided under s. 397.334. The remainder of
400 the penalty assessed shall be deposited in the Operations and
401 Maintenance Trust Fund of the Department of Children and Family
402 Services for the sole purpose of funding safe houses and short-
403 term safe houses as provided in s. 409.1678.

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

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407 921.0022 Criminal Punishment Code; offense severity ranking
 408 chart.—

409 (3) OFFENSE SEVERITY RANKING CHART

410 (c) LEVEL 3

411

412

Florida Statute	Felony Degree	Description
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413

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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414

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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415

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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416

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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417

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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418

319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or
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mobile home.

419

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

420

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

421

327.35(2)(b) 3rd Felony BUI.

422

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

423

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

424

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

425

379.2431 3rd Taking, disturbing, mutilating, (1)(e)5. destroying, causing to be destroyed, transferring, selling, offering to sell,

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

426

379.2431
(1) (e) 6.

3rd

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

427

400.9935 (4)

3rd

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

428

440.1051 (3)

3rd

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

429

501.001 (2) (b)

2nd

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

430

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

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432

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

433

626.902 (1) (a) & (b) 3rd Representing an unauthorized insurer.

434

697.08 3rd Equity skimming.

435

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

436

~~796.05 (1) 3rd Live on earnings of a prostitute.~~

437

806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

438

806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

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

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439	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
440	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
441	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
442	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
443	817.233	3rd	Burning to defraud insurer.
444	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
445	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
446	817.236	3rd	Filing a false motor vehicle insurance application.
447	817.2361	3rd	Creating, marketing, or

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presenting a false or
fraudulent motor vehicle
insurance card.

448

817.413 (2) 3rd Sale of used goods as new.

449

817.505 (4) 3rd Patient brokering.

450

828.12 (2) 3rd Tortures any animal with intent
to inflict intense pain,
serious physical injury, or
death.

451

831.28 (2) (a) 3rd Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument.

452

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

453

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

454

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

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456

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

457

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

458

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).

459

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.

460

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.

893.13 (6) (a) 3rd Possession of any controlled

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substance other than felony
possession of cannabis.

461

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

462

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

463

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

464

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

465

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

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practitioner's practice.

466

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.

467

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

468

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.

469

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

470

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

471

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional

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institution.

472

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

473

474 (e) LEVEL 5

475

476

Florida
Statute

Felony
Degree

Description

477

316.027(1) (a)

3rd

Accidents involving personal injuries, failure to stop; leaving scene.

478

316.1935(4) (a)

2nd

Aggravated fleeing or eluding.

479

322.34(6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

480

327.30(5)

3rd

Vessel accidents involving personal injury; leaving scene.

481

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny

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lobster trap, line, or buoy.

482

379.3671
(2) (c) 3.

3rd

Willful molestation,
possession, or removal of a
commercial harvester's trap
contents or trap gear by
another harvester.

483

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs
knowing HIV positive.

484

440.10 (1) (g)

2nd

Failure to obtain workers'
compensation coverage.

485

440.105 (5)

2nd

Unlawful solicitation for the
purpose of making workers'
compensation claims.

486

440.381 (2)

2nd

Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

487

624.401 (4) (b) 2.

2nd

Transacting insurance without a
certificate or authority;
premium collected \$20,000 or
more but less than \$100,000.

488

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489	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
490	790.01 (2)	3rd	Carrying a concealed firearm.
491	790.162	2nd	Threat to throw or discharge destructive device.
492	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
493	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
494	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
495	<u>796.05 (1)</u>	<u>2nd</u>	<u>Live on earnings of a prostitute; 1st offense.</u>
496	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
497	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
	806.111 (1)	3rd	Possess, manufacture, or

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dispense fire bomb with intent
to damage any structure or
property.

498

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

499

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

500

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

501

812.131 (2) (b) 3rd Robbery by sudden snatching.

502

812.16 (2) 3rd Owning, operating, or
conducting a chop shop.

503

817.034 (4) (a) 2. 2nd Communications fraud, value
\$20,000 to \$50,000.

504

817.234 (11) (b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

505

817.2341 (1), 3rd Filing false financial
(2) (a) & (3) (a) statements, making false

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entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

506

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.

507

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

508

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

509

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

510

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511

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

512

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.

513

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

514

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

515

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

516

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

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

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gang; second or subsequent offense.

517

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

518

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).

519

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.

520

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),

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(2) (a), (2) (b), or (2) (c) 4.
 drugs) within 1,000 feet of
 university.

521

893.13(1)(e)2. 2nd 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.

522

893.13(1)(f)1. 1st 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.

523

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).

524

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893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

525

526 (g) LEVEL 7

527

528

Florida Statute	Felony Degree	Description
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529

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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530

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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531

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.
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532

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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533

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

534
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409.920
 (2) (b) 1.a.

3rd

Medicaid provider fraud;
 \$10,000 or less.

409.920
 (2) (b) 1.b.

2nd

Medicaid provider fraud; more
 than \$10,000, but less than
 \$50,000.

456.065 (2)

3rd

Practicing a health care
 profession without a license.

456.065 (2)

2nd

Practicing a health care
 profession without a license
 which results in serious bodily
 injury.

458.327 (1)

3rd

Practicing medicine without a
 license.

459.013 (1)

3rd

Practicing osteopathic medicine
 without a license.

460.411 (1)

3rd

Practicing chiropractic
 medicine without a license.

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542
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461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics

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without a license.

551

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

552

484.053 3rd Dispensing hearing aids without a license.

553

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.

554

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.

555

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

556

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

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institution.

557

775.21(10)(a)

3rd

Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

558

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

559

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

560

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

561

782.07(1)

2nd

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

562

782.071

2nd

Killing of a human being or viable fetus by the operation

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of a motor vehicle in a reckless manner (vehicular homicide).

563

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

564

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

565

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

566

784.045 (1) (b) 2nd Aggravated battery; perpetrator aware victim pregnant.

567

784.048 (4) 3rd Aggravated stalking; violation of injunction or court order.

568

784.048 (7) 3rd Aggravated stalking; violation of court order.

569

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

570

784.074 (1) (a) 1st Aggravated battery on sexually

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violent predators facility
staff.

571

784.08(2)(a) 1st Aggravated battery on a person
65 years of age or older.

572

784.081(1) 1st Aggravated battery on specified
official or employee.

573

784.082(1) 1st Aggravated battery by detained
person on visitor or other
detainee.

574

784.083(1) 1st Aggravated battery on code
inspector.

575

787.06(3)(a)2. 1st Human trafficking using
coercion for labor and services
of an adult.

576

787.06(3)(e)2. 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.

577

790.07(4) 1st Specified weapons violation
subsequent to previous

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conviction of s. 790.07(1) or
(2).

578

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

579

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

580

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

581

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

582

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

583

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

584

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585	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.
586	796.03	2nd	Procuring any person under 16 years for prostitution.
587	<u>796.05 (1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 2nd offense.</u>
588	<u>796.05 (1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 3rd and subsequent offense.</u>
589	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
590	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.
591	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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592

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

593

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

594

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

595

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

596

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.

597

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

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

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606

- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

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607

817.234 (11) (c) 1st Insurance fraud; property value
\$100,000 or more.

608

817.2341 1st Making false entries of
(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.

609

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

610

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

611

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.

612

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

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.

613

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

614

838.015 2nd Bribery.

615

838.016 2nd Unlawful compensation or reward
for official behavior.

616

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

617

838.22 2nd Bid tampering.

618

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

619

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

620

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

621

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

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622

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

623

872.06 2nd Abuse of a dead human body.

624

874.05 (2) (b) 1st Encouraging or recruiting
person under 13 to join a
criminal gang; second or
subsequent offense.

625

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

626

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.

627

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

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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.

628

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).

629

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

630

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

631

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

632

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

633

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- 893.135(1)(e)1. 1st Trafficking in methaqualone,
more than 200 grams, less than
5 kilograms.
- 893.135(1)(f)1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.
- 893.135
 (1)(g)1.a. 1st Trafficking in flunitrazepam, 4
grams or more, less than 14
grams.
- 893.135
 (1)(h)1.a. 1st Trafficking in gamma-
hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.
- 893.135
 (1)(j)1.a. 1st Trafficking in 1,4-Butanediol,
1 kilogram or more, less than 5
kilograms.
- 893.135
 (1)(k)2.a. 1st Trafficking in Phenethylamines,
10 grams or more, less than 200
grams.
- 893.1351(2) 2nd Possession of place for
trafficking in or manufacturing
of controlled substance.

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641

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

642

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

643

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

644

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

645

943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

646

943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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647

943.0435(14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

648

944.607(9)

3rd

Sexual offender; failure to comply with reporting requirements.

649

944.607(10)(a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

650

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

651

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

652

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

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sexual offender; harbor or
conceal a sexual offender.

653

985.4815(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

654

655

(h) LEVEL 8

656

657

Florida
Statute

Felony
Degree

Description

658

316.193
(3) (c) 3.a.

2nd

DUI manslaughter.

659

316.1935(4) (b)

1st

Aggravated fleeing or attempted
eluding with serious bodily
injury or death.

660

327.35(3) (c) 3.

2nd

Vessel BUI manslaughter.

661

499.0051(7)

1st

Knowing trafficking in
contraband prescription drugs.

662

499.0051(8)

1st

Knowing forgery of prescription
labels or prescription drug
labels.

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663

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.

664

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.

665

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

666

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

667

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

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death, aircraft piracy, or
unlawfully discharging bomb.

668

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

669

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

670

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

671

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

672

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

673

787.06(3)(c) 2. 1st Human trafficking using
coercion for labor and services
of an unauthorized alien adult.

674

787.06(3)(e)1. 1st Human trafficking for labor and
services by the transfer or

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transport of a child from
outside Florida to within the
state.

675

787.06(3)(f)2. 1st Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult ~~individual~~ from outside Florida to within the state.

676

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

677

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

678

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

679

800.04(4) 2nd Lewd or lascivious battery.

680

806.01(1) 1st Maliciously damage dwelling or structure by fire or explosive,

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believing person in structure.

681

810.02 (2) (a) 1st,PBL Burglary with assault or battery.

682

810.02 (2) (b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

683

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

684

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

685

812.13 (2) (b) 1st Robbery with a weapon.

686

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

687

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

688

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property

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owner is a public officer or
employee.

689

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

690

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.

691

817.568 (6) 2nd Fraudulent use of personal
identification information of
an individual under the age of
18.

692

825.102 (2) 1st Aggravated abuse of an elderly
person or disabled adult.

693

825.1025 (2) 2nd Lewd or lascivious battery upon
an elderly person or disabled
adult.

694

825.103 (2) (a) 1st Exploiting an elderly person or
disabled adult and property is
valued at \$100,000 or more.

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695

837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

696

837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

697

860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

698

860.16 1st Aircraft piracy.

699

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).

700

893.13 (2) (b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

701

893.13 (6) (c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

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702
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706
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709

893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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710

893.135 1st Trafficking in gamma-
 (1) (h) 1.b. hydroxybutyric acid (GHB), 5
 kilograms or more, less than 10
 kilograms.

711

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

712

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

713

893.1351(3) 1st Possession of a place used to
 manufacture controlled
 substance when minor is present
 or resides there.

714

895.03(1) 1st Use or invest proceeds derived
 from pattern of racketeering
 activity.

715

895.03(2) 1st Acquire or maintain through
 racketeering activity any
 interest in or control of any
 enterprise or real property.

895.03(3) 1st Conduct or participate in any
 enterprise through pattern of

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racketeering activity.

716

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

717

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.

718

719 (i) LEVEL 9

720

721

Florida Statute	Felony Degree	Description
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722

316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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723

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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724

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

725

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726

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

727

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

728

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

729

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

730

775.0844 1st Aggravated white collar crime.

731

782.04(1) 1st Attempt, conspire, or solicit
to commit premeditated murder.

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

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death, and other specified felonies.

732

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

733

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

734

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

735

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

736

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

737

787.02(3)(a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or

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lascivious battery,
molestation, conduct, or
exhibition.

738

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

739

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

740

787.06(3)(f)1. 1st,PBL Human trafficking for
commercial sexual activity by
the transfer or transport of a
child from outside Florida to
within the state.

741

~~787.06(3)(g)~~ ~~1st,PBL~~ ~~Human trafficking for~~
~~commercial sexual activity of a~~
~~child under the age of 18.~~

742

~~787.06(4)~~ ~~1st~~ ~~Selling or buying of minors~~
~~into human trafficking.~~

743

790.161 1st Attempted capital destructive
device offense.

744

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745
746
747
748
749
750
751

790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
796.035	1st	Selling or buying of minors into prostitution.

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752

800.04 (5) (b) Life Lewd or lascivious molestation;
victim less than 12 years;
offender 18 years or older.

753

812.13 (2) (a) 1st,PBL Robbery with firearm or other
deadly weapon.

754

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

755

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

756

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

757

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

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

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instrument.

758

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.

759

827.03 (2) (a)

1st

Aggravated child abuse.

760

847.0145 (1)

1st

Selling, or otherwise transferring custody or control, of a minor.

761

847.0145 (2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

762

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.

763

893.135

1st

Attempted capital trafficking offense.

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764

893.135(1)(a)3. 1st Trafficking in cannabis, more than 10,000 lbs.

765

893.135(1)(b)1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

766

893.135(1)(c)1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

767

893.135(1)(d)1.c. 1st Trafficking in phencyclidine, more than 400 grams.

768

893.135(1)(e)1.c. 1st Trafficking in methaqualone, more than 25 kilograms.

769

893.135(1)(f)1.c. 1st Trafficking in amphetamine, more than 200 grams.

770

893.135(1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

771

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

772

893.135 1st Trafficking in Phenethylamines,

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(1) (k) 2.c.

400 grams or more.

773

896.101 (5) (c)

1st

Money laundering, financial instruments totaling or exceeding \$100,000.

774

896.104 (4) (a) 3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

775

(j) LEVEL 10

776

777

778

Florida
Statute

Felony
Degree

Description

779

499.0051 (10)

1st

Knowing sale or purchase of contraband prescription drugs resulting in death.

780

782.04 (2)

1st, PBL

Unlawful killing of human; act is homicide, unpremeditated.

781

782.07 (3)

1st

Aggravated manslaughter of a child.

782

787.01 (1) (a) 3.

1st, PBL

Kidnapping; inflict bodily harm

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upon or terrorize victim.

783

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.

784

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

785

787.06(4)(a) Life Selling or buying of minors into human trafficking.

786

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.

787

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

788

876.32 1st Treason against the state.

789

Section 12. Subsection (3), paragraph (a) of subsection

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790 (8), and paragraph (a) of subsection (10) of section 943.0583,
791 Florida Statutes, are amended to read:

792 943.0583 Human trafficking victim expunction.—

793 (3) A person who is a victim of human trafficking may
794 petition for the expunction of a criminal history record
795 resulting from the arrest or filing of charges ~~any conviction~~
796 for an offense committed or reported to have been committed
797 while the person ~~he or she~~ was a victim of human trafficking,
798 which offense was committed or reported to have been committed
799 as a part of the human trafficking scheme of which the person ~~he~~
800 ~~or she~~ was a victim or at the direction of an operator of the
801 scheme, including, but not limited to, violations under chapters
802 796 and 847, without regard to the disposition of the arrest or
803 of any charges. However, this section does not apply to any
804 offense listed in s. 775.084(1)(b)1. Determination of the
805 petition under this section should be by a preponderance of the
806 evidence. A conviction expunged under this section is deemed to
807 have been vacated due to a substantive defect in the underlying
808 criminal proceedings. If a person is adjudicated not guilty by
809 reason of insanity or is found to be incompetent to stand trial
810 for any such charge, the expunction of the criminal history
811 record may not prevent the entry of the judgment or finding in
812 state and national databases for use in determining eligibility
813 to purchase or possess a firearm or to carry a concealed
814 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
815 922(t), nor shall it prevent any governmental agency that is
816 authorized by state or federal law to determine eligibility to
817 purchase or possess a firearm or to carry a concealed firearm
818 from accessing or using the record of the judgment or finding in

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819 the course of such agency's official duties.

820 (8) (a) Any criminal history record of a minor or an adult
821 that is ordered expunged by the court of original jurisdiction
822 over the charges ~~crime~~ sought to be expunged pursuant to this
823 section must be physically destroyed or obliterated by any
824 criminal justice agency having custody of such record, except
825 that any criminal history record in the custody of the
826 department must be retained in all cases.

827 (10) (a) A criminal history record ordered expunged under
828 this section that is retained by the department is confidential
829 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
830 Constitution, except that the record shall be made available to
831 criminal justice agencies for their respective criminal justice
832 purposes and to any governmental agency that is authorized by
833 state or federal law to determine eligibility to purchase or
834 possess a firearm or to carry a concealed firearm for use in the
835 course of such agency's official duties. Otherwise, such record
836 may ~~shall~~ not be disclosed to any person or entity except upon
837 order of a court of competent jurisdiction. A criminal justice
838 agency may retain a notation indicating compliance with an order
839 to expunge.

840 Section 13. Subsection (2) of section 960.065, Florida
841 Statutes, is amended to read:

842 960.065 Eligibility for awards.—

843 (2) A Any claim is ineligible for an award if it is filed
844 by or on behalf of a person who:

845 (a) Committed or aided in the commission of the crime upon
846 which the claim for compensation was based;

847 (b) Was engaged in an unlawful activity at the time of the

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848 crime upon which the claim for compensation is based, unless the
849 victim was engaged in prostitution as a result of being a victim
850 of human trafficking as described in s. 787.06(3)(b), (d), (f),
851 or (g);

852 (c) Was in custody or confined, regardless of conviction,
853 in a county or municipal detention facility, a state or federal
854 correctional facility, or a juvenile detention or commitment
855 facility at the time of the crime upon which the claim for
856 compensation is based;

857 (d) Has been adjudicated as a habitual felony offender,
858 habitual violent offender, or violent career criminal under s.
859 775.084; or

860 (e) Has been adjudicated guilty of a forcible felony
861 offense as described in s. 776.087

862

863 ~~is ineligible for an award.~~

864 Section 14. Section 960.199, Florida Statutes, is amended
865 to read:

866 960.199 Relocation assistance for victims of sexual battery
867 or human trafficking.—

868 (1) The department may award a one-time payment of up to
869 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
870 victim of sexual battery as defined in s. 794.011 or of human
871 trafficking as described in s. 787.06(3)(b), (d), (f), or (g)
872 who needs relocation assistance.

873 (2) In order for an award to be granted to a victim for
874 relocation assistance:

875 (a) There must be proof that a sexual battery offense or
876 human trafficking offense as described in s. 787.06(3)(b), (d),

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877 (f), or (g) was committed.

878 (b) The sexual battery offense or human trafficking offense
879 as specified in s. 787.06(3)(b), (d), (f), or (g) must be
880 reported to the proper authorities.

881 (c) The victim's need for assistance must be certified by a
882 certified rape crisis center in this state or by the state
883 attorney or statewide prosecutor having jurisdiction over the
884 offense. A victim of human trafficking's need for assistance may
885 also be certified by a state-certified domestic violence center.

886 (d) The center's ~~center~~ certification must assert that the
887 victim is cooperating with law enforcement officials, if
888 applicable, and must include documentation that the victim has
889 developed a safety plan. If the victim seeking relocation
890 assistance is a victim of a human trafficking offense as
891 specified in s. 787.06(3)(b), (d), (f), or (g), the certified
892 rape crisis center's or certified domestic violence center's
893 certification shall include approval of the state attorney or
894 statewide prosecutor, who shall attest that the victim is
895 cooperating with law enforcement officials, if applicable.

896 (e) The act of sexual battery or human trafficking as
897 specified in s. 787.06(3)(b), (d), (f), or (g) must be committed
898 in the victim's place of residence or in a location that would
899 lead the victim to reasonably fear for his or her continued
900 safety in the place of residence.

901 (3) Relocation payments for a sexual battery or human
902 trafficking claim under this section shall be denied if the
903 department has previously approved or paid out a domestic
904 violence relocation claim under s. 960.198 to the same victim
905 regarding the same incident.

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906 Section 15. Paragraph (g) of subsection (67) of section
907 39.01, Florida Statutes, is amended to read:

908 39.01 Definitions.—When used in this chapter, unless the
909 context otherwise requires:

910 (67) “Sexual abuse of a child” for purposes of finding a
911 child to be dependent means one or more of the following acts:

912 (g) The sexual exploitation of a child, which includes the
913 act of a child offering to engage in or engaging in
914 prostitution, provided that the child is not under arrest or is
915 not being prosecuted in a delinquency or criminal proceeding for
916 a violation of any offense in chapter 796 based on such
917 behavior; or allowing, encouraging, or forcing a child to:

918 1. Solicit for or engage in prostitution;

919 2. Engage in a sexual performance, as defined by chapter
920 827; or

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

923 Section 16. Paragraphs (b) and (c) of subsection (2) of
924 section 90.404, Florida Statutes, are amended to read:

925 90.404 Character evidence; when admissible.—

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

927 (b)1. In a criminal case in which the defendant is charged
928 with a crime involving child molestation, evidence of the
929 defendant’s commission of other crimes, wrongs, or acts of child
930 molestation is admissible and may be considered for its bearing
931 on any matter to which it is relevant.

932 2. For the purposes of this paragraph, the term “child
933 molestation” means conduct proscribed by s. 787.025(2)(c), s.
934 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.

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935 794.05, ~~s. 796.03, s. 796.035~~, s. 800.04, s. 827.071, s.
936 847.0135(5), s. 847.0145, or s. 985.701(1) when committed
937 against a person 16 years of age or younger.

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

943 2. For the purposes of this paragraph, the term "sexual
944 offense" means conduct proscribed by s. 787.025(2)(c), s.
945 787.06(3)(b), (d), (f), or (g), ~~or~~ (h), s. 794.011, excluding s.
946 794.011(10), s. 794.05, ~~s. 796.03, s. 796.035~~, s.
947 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
948 985.701(1).

949 Section 17. Paragraph (a) of subsection (1) of section
950 772.102, Florida Statutes, is amended to read:

951 772.102 Definitions.—As used in this chapter, the term:

952 (1) "Criminal activity" means to commit, to attempt to
953 commit, to conspire to commit, or to solicit, coerce, or
954 intimidate another person to commit:

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

957 1. Section 210.18, relating to evasion of payment of
958 cigarette taxes.

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

960 3. Section 440.105 or s. 440.106, relating to workers'
961 compensation.

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

963 5. Chapter 517, relating to securities transactions.

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- 964 6. Section 550.235 or s. 550.3551, relating to dogracing
965 and horseracing.
- 966 7. Chapter 550, relating to jai alai frontons.
- 967 8. Chapter 552, relating to the manufacture, distribution,
968 and use of explosives.
- 969 9. Chapter 562, relating to beverage law enforcement.
- 970 10. Section 624.401, relating to transacting insurance
971 without a certificate of authority, s. 624.437(4)(c)1., relating
972 to operating an unauthorized multiple-employer welfare
973 arrangement, or s. 626.902(1)(b), relating to representing or
974 aiding an unauthorized insurer.
- 975 11. Chapter 687, relating to interest and usurious
976 practices.
- 977 12. Section 721.08, s. 721.09, or s. 721.13, relating to
978 real estate timeshare plans.
- 979 13. Chapter 782, relating to homicide.
- 980 14. Chapter 784, relating to assault and battery.
- 981 15. Chapter 787, relating to kidnapping or human
982 trafficking.
- 983 16. Chapter 790, relating to weapons and firearms.
- 984 17. Section ~~796.03~~, s. 796.04, s. 796.05, or s. 796.07,
985 relating to prostitution.
- 986 18. Chapter 806, relating to arson.
- 987 19. Section 810.02(2)(c), relating to specified burglary of
988 a dwelling or structure.
- 989 20. Chapter 812, relating to theft, robbery, and related
990 crimes.
- 991 21. Chapter 815, relating to computer-related crimes.
- 992 22. Chapter 817, relating to fraudulent practices, false

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993 pretenses, fraud generally, and credit card crimes.

994 23. Section 827.071, relating to commercial sexual
995 exploitation of children.

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

997 25. Chapter 832, relating to issuance of worthless checks
998 and drafts.

999 26. Section 836.05, relating to extortion.

1000 27. Chapter 837, relating to perjury.

1001 28. Chapter 838, relating to bribery and misuse of public
1002 office.

1003 29. Chapter 843, relating to obstruction of justice.

1004 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1005 s. 847.07, relating to obscene literature and profanity.

1006 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
1007 849.25, relating to gambling.

1008 32. Chapter 893, relating to drug abuse prevention and
1009 control.

1010 33. Section 914.22 or s. 914.23, relating to witnesses,
1011 victims, or informants.

1012 34. Section 918.12 or s. 918.13, relating to tampering with
1013 jurors and evidence.

1014 Section 18. Paragraph (m) of subsection (1) of section
1015 775.0877, Florida Statutes, is amended to read:

1016 775.0877 Criminal transmission of HIV; procedures;
1017 penalties.—

1018 (1) In any case in which a person has been convicted of or
1019 has pled nolo contendere or guilty to, regardless of whether
1020 adjudication is withheld, any of the following offenses, or the
1021 attempt thereof, which offense or attempted offense involves the

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1022 transmission of body fluids from one person to another:

1023 (m) Sections ~~796.03~~, 796.07, and 796.08, relating to
1024 prostitution; or

1025
1026 the court shall order the offender to undergo HIV testing, to be
1027 performed under the direction of the Department of Health in
1028 accordance with s. 381.004, unless the offender has undergone
1029 HIV testing voluntarily or pursuant to procedures established in
1030 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
1031 rule providing for HIV testing of criminal offenders or inmates,
1032 subsequent to her or his arrest for an offense enumerated in
1033 paragraphs (a)-(n) for which she or he was convicted or to which
1034 she or he pled nolo contendere or guilty. The results of an HIV
1035 test performed on an offender pursuant to this subsection are
1036 not admissible in any criminal proceeding arising out of the
1037 alleged offense.

1038 Section 19. Paragraph (a) of subsection (4) and paragraph
1039 (b) of subsection (10) of section 775.21, Florida Statutes, are
1040 amended to read:

1041 775.21 The Florida Sexual Predators Act.—

1042 (4) SEXUAL PREDATOR CRITERIA.—

1043 (a) For a current offense committed on or after October 1,
1044 1993, upon conviction, an offender shall be designated as a
1045 "sexual predator" under subsection (5), and subject to
1046 registration under subsection (6) and community and public
1047 notification under subsection (7) if:

1048 1. The felony is:

1049 a. A capital, life, or first-degree felony violation, or
1050 any attempt thereof, of s. 787.01 or s. 787.02, where the victim

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1051 is a minor and the defendant is not the victim's parent or
1052 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
1053 violation of a similar law of another jurisdiction; or

1054 b. Any felony violation, or any attempt thereof, of s.
1055 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
1056 minor and the defendant is not the victim's parent or guardian;
1057 s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding
1058 s. 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
1059 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s.
1060 847.0145; or s. 985.701(1); or a violation of a similar law of
1061 another jurisdiction, and the offender has previously been
1062 convicted of or found to have committed, or has pled nolo
1063 contendere or guilty to, regardless of adjudication, any
1064 violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1065 the victim is a minor and the defendant is not the victim's
1066 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
1067 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1068 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
1069 847.0135, excluding s. 847.0135(6); s. 847.0145; or s.
1070 985.701(1); or a violation of a similar law of another
1071 jurisdiction;

1072 2. The offender has not received a pardon for any felony or
1073 similar law of another jurisdiction that is necessary for the
1074 operation of this paragraph; and

1075 3. A conviction of a felony or similar law of another
1076 jurisdiction necessary to the operation of this paragraph has
1077 not been set aside in any postconviction proceeding.

1078 (10) PENALTIES.—

1079 (b) A sexual predator who has been convicted of or found to

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1080 have committed, or has pled nolo contendere or guilty to,
1081 regardless of adjudication, any violation, or attempted
1082 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1083 the victim is a minor and the defendant is not the victim's
1084 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
1085 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s. 827.071; s.
1086 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a
1087 violation of a similar law of another jurisdiction when the
1088 victim of the offense was a minor, and who works, whether for
1089 compensation or as a volunteer, at any business, school, child
1090 care facility, park, playground, or other place where children
1091 regularly congregate, commits a felony of the third degree,
1092 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1093 Section 20. Paragraph (a) of subsection (3) of section
1094 787.01, Florida Statutes, is amended to read:

1095 787.01 Kidnapping; kidnapping of child under age 13,
1096 aggravating circumstances.—

1097 (3) (a) A person who commits the offense of kidnapping upon
1098 a child under the age of 13 and who, in the course of committing
1099 the offense, commits one or more of the following:

- 1100 1. Aggravated child abuse, as defined in s. 827.03;
- 1101 2. Sexual battery, as defined in chapter 794, against the
1102 child;
- 1103 3. Lewd or lascivious battery, lewd or lascivious
1104 molestation, lewd or lascivious conduct, or lewd or lascivious
1105 exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 1106 4. A violation of ~~s. 796.03~~ or s. 796.04, relating to
1107 prostitution, upon the child; or
- 1108 5. Exploitation of the child or allowing the child to be

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1109 exploited, in violation of s. 450.151,
1110
1111 commits a life felony, punishable as provided in s. 775.082, s.
1112 775.083, or s. 775.084.

1113 Section 21. Paragraph (a) of subsection (3) of section
1114 787.02, Florida Statutes, is amended to read:

1115 787.02 False imprisonment; false imprisonment of child
1116 under age 13, aggravating circumstances.—

1117 (3) (a) A person who commits the offense of false
1118 imprisonment upon a child under the age of 13 and who, in the
1119 course of committing the offense, commits any offense enumerated
1120 in subparagraphs 1.-5., commits a felony of the first degree,
1121 punishable by imprisonment for a term of years not exceeding
1122 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1123 1. Aggravated child abuse, as defined in s. 827.03;

1124 2. Sexual battery, as defined in chapter 794, against the
1125 child;

1126 3. Lewd or lascivious battery, lewd or lascivious
1127 molestation, lewd or lascivious conduct, or lewd or lascivious
1128 exhibition, in violation of s. 800.04 or s. 847.0135(5);

1129 4. A violation of ~~s. 796.03~~ or s. 796.04, relating to
1130 prostitution, upon the child; or

1131 5. Exploitation of the child or allowing the child to be
1132 exploited, in violation of s. 450.151.

1133 Section 22. Subsection (1) of section 794.056, Florida
1134 Statutes, is amended to read:

1135 794.056 Rape Crisis Program Trust Fund.—

1136 (1) The Rape Crisis Program Trust Fund is created within
1137 the Department of Health for the purpose of providing funds for

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1138 rape crisis centers in this state. Trust fund moneys shall be
 1139 used exclusively for the purpose of providing services for
 1140 victims of sexual assault. Funds credited to the trust fund
 1141 consist of those funds collected as an additional court
 1142 assessment in each case in which a defendant pleads guilty or
 1143 nolo contendere to, or is found guilty of, regardless of
 1144 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1145 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1146 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1147 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1148 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1149 ~~s. 796.03; s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s.
 1150 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1151 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 1152 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 1153 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 1154 (14)(c); or s. 985.701(1). Funds credited to the trust fund also
 1155 shall include revenues provided by law, moneys appropriated by
 1156 the Legislature, and grants from public or private entities.

1157 Section 23. Subsection (1) of section 856.022, Florida
 1158 Statutes, is amended to read:

1159 856.022 Loitering or prowling by certain offenders in close
 1160 proximity to children; penalty.-

1161 (1) Except as provided in subsection (2), this section
 1162 applies to a person convicted of committing, or attempting,
 1163 soliciting, or conspiring to commit, any of the criminal
 1164 offenses proscribed in the following statutes in this state or
 1165 similar offenses in another jurisdiction against a victim who
 1166 was under 18 years of age at the time of the offense: s. 787.01,

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1167 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1168 the offender was not the victim's parent or guardian; s.
1169 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1170 ~~796.035~~; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s.
1171 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1172 847.0145; s. 985.701(1); or any similar offense committed in
1173 this state which has been redesignated from a former statute
1174 number to one of those listed in this subsection, if the person
1175 has not received a pardon for any felony or similar law of
1176 another jurisdiction necessary for the operation of this
1177 subsection and a conviction of a felony or similar law of
1178 another jurisdiction necessary for the operation of this
1179 subsection has not been set aside in any postconviction
1180 proceeding.

1181 Section 24. Paragraph (a) of subsection (1) of section
1182 895.02, Florida Statutes, is amended to read:

1183 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1184 (1) "Racketeering activity" means to commit, to attempt to
1185 commit, to conspire to commit, or to solicit, coerce, or
1186 intimidate another person to commit:

1187 (a) Any crime that is chargeable by petition, indictment,
1188 or information under the following provisions of the Florida
1189 Statutes:

1190 1. Section 210.18, relating to evasion of payment of
1191 cigarette taxes.

1192 2. Section 316.1935, relating to fleeing or attempting to
1193 elude a law enforcement officer and aggravated fleeing or
1194 eluding.

1195 3. Section 403.727(3)(b), relating to environmental

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- 1196 control.
- 1197 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 1198 fraud.
- 1199 5. Section 414.39, relating to public assistance fraud.
- 1200 6. Section 440.105 or s. 440.106, relating to workers'
- 1201 compensation.
- 1202 7. Section 443.071(4), relating to creation of a fictitious
- 1203 employer scheme to commit reemployment assistance fraud.
- 1204 8. Section 465.0161, relating to distribution of medicinal
- 1205 drugs without a permit as an Internet pharmacy.
- 1206 9. Section 499.0051, relating to crimes involving
- 1207 contraband and adulterated drugs.
- 1208 10. Part IV of chapter 501, relating to telemarketing.
- 1209 11. Chapter 517, relating to sale of securities and
- 1210 investor protection.
- 1211 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1212 and horseracing.
- 1213 13. Chapter 550, relating to jai alai frontons.
- 1214 14. Section 551.109, relating to slot machine gaming.
- 1215 15. Chapter 552, relating to the manufacture, distribution,
- 1216 and use of explosives.
- 1217 16. Chapter 560, relating to money transmitters, if the
- 1218 violation is punishable as a felony.
- 1219 17. Chapter 562, relating to beverage law enforcement.
- 1220 18. Section 624.401, relating to transacting insurance
- 1221 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1222 to operating an unauthorized multiple-employer welfare
- 1223 arrangement, or s. 626.902(1)(b), relating to representing or
- 1224 aiding an unauthorized insurer.

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- 1225 19. Section 655.50, relating to reports of currency
1226 transactions, when such violation is punishable as a felony.
- 1227 20. Chapter 687, relating to interest and usurious
1228 practices.
- 1229 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1230 real estate timeshare plans.
- 1231 22. Section 775.13(5)(b), relating to registration of
1232 persons found to have committed any offense for the purpose of
1233 benefiting, promoting, or furthering the interests of a criminal
1234 gang.
- 1235 23. Section 777.03, relating to commission of crimes by
1236 accessories after the fact.
- 1237 24. Chapter 782, relating to homicide.
- 1238 25. Chapter 784, relating to assault and battery.
- 1239 26. Chapter 787, relating to kidnapping or human
1240 trafficking.
- 1241 27. Chapter 790, relating to weapons and firearms.
- 1242 28. Chapter 794, relating to sexual battery, but only if
1243 such crime was committed with the intent to benefit, promote, or
1244 further the interests of a criminal gang, or for the purpose of
1245 increasing a criminal gang member's own standing or position
1246 within a criminal gang.
- 1247 29. Section ~~796.03, s. 796.035, s.~~ 796.04, s. 796.05, or s.
1248 796.07, relating to prostitution and sex trafficking.
- 1249 30. Chapter 806, relating to arson and criminal mischief.
- 1250 31. Chapter 810, relating to burglary and trespass.
- 1251 32. Chapter 812, relating to theft, robbery, and related
1252 crimes.
- 1253 33. Chapter 815, relating to computer-related crimes.

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- 1254 34. Chapter 817, relating to fraudulent practices, false
1255 pretenses, fraud generally, and credit card crimes.
- 1256 35. Chapter 825, relating to abuse, neglect, or
1257 exploitation of an elderly person or disabled adult.
- 1258 36. Section 827.071, relating to commercial sexual
1259 exploitation of children.
- 1260 37. Section 828.122, relating to fighting or baiting
1261 animals.
- 1262 38. Chapter 831, relating to forgery and counterfeiting.
- 1263 39. Chapter 832, relating to issuance of worthless checks
1264 and drafts.
- 1265 40. Section 836.05, relating to extortion.
- 1266 41. Chapter 837, relating to perjury.
- 1267 42. Chapter 838, relating to bribery and misuse of public
1268 office.
- 1269 43. Chapter 843, relating to obstruction of justice.
- 1270 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
1271 s. 847.07, relating to obscene literature and profanity.
- 1272 45. Chapter 849, relating to gambling, lottery, gambling or
1273 gaming devices, slot machines, or any of the provisions within
1274 that chapter.
- 1275 46. Chapter 874, relating to criminal gangs.
- 1276 47. Chapter 893, relating to drug abuse prevention and
1277 control.
- 1278 48. Chapter 896, relating to offenses related to financial
1279 transactions.
- 1280 49. Sections 914.22 and 914.23, relating to tampering with
1281 or harassing a witness, victim, or informant, and retaliation
1282 against a witness, victim, or informant.

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1283 50. Sections 918.12 and 918.13, relating to tampering with
1284 jurors and evidence.

1285 Section 25. Section 938.085, Florida Statutes, is amended
1286 to read:

1287 938.085 Additional cost to fund rape crisis centers.—In
1288 addition to any sanction imposed when a person pleads guilty or
1289 nolo contendere to, or is found guilty of, regardless of
1290 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
1291 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1292 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1293 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1294 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; ~~s. 796.03;~~
1295 ~~s. 796.035;~~ s. 796.04; s. 796.05; s. 796.06; s. 796.07(2) (a)-(d)
1296 and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s.
1297 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s.
1298 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145;
1299 s. 943.0435(4) (c), (7), (8), (9) (a), (13), and (14) (c); or s.
1300 985.701(1), the court shall impose a surcharge of \$151. Payment
1301 of the surcharge shall be a condition of probation, community
1302 control, or any other court-ordered supervision. The sum of \$150
1303 of the surcharge shall be deposited into the Rape Crisis Program
1304 Trust Fund established within the Department of Health by
1305 chapter 2003-140, Laws of Florida. The clerk of the court shall
1306 retain \$1 of each surcharge that the clerk of the court collects
1307 as a service charge of the clerk's office.

1308 Section 26. Subsection (1) of section 938.10, Florida
1309 Statutes, is amended to read:

1310 938.10 Additional court cost imposed in cases of certain
1311 crimes.—

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1312 (1) If a person pleads guilty or nolo contendere to, or is
 1313 found guilty of, regardless of adjudication, any offense against
 1314 a minor in violation of s. 784.085, chapter 787, chapter 794, ~~s.~~
 1315 ~~796.03, s. 796.035,~~ s. 800.04, chapter 827, s. 847.012, s.
 1316 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145, s.
 1317 893.147(3), or s. 985.701, or any offense in violation of s.
 1318 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1319 court shall impose a court cost of \$151 against the offender in
 1320 addition to any other cost or penalty required by law.

1321 Section 27. Paragraph (a) of subsection (1) of section
 1322 943.0435, Florida Statutes, is amended to read:

1323 943.0435 Sexual offenders required to register with the
 1324 department; penalty.—

1325 (1) As used in this section, the term:

1326 (a)1. "Sexual offender" means a person who meets the
 1327 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1328 subparagraph c., or sub-subparagraph d., as follows:

1329 a.(I) Has been convicted of committing, or attempting,
 1330 soliciting, or conspiring to commit, any of the criminal
 1331 offenses proscribed in the following statutes in this state or
 1332 similar offenses in another jurisdiction: s. 787.01, s. 787.02,
 1333 or s. 787.025(2)(c), where the victim is a minor and the
 1334 defendant is not the victim's parent or guardian; s.
 1335 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
 1336 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035;~~ s. 800.04; s.
 1337 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
 1338 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1339 or s. 985.701(1); or any similar offense committed in this state
 1340 which has been redesignated from a former statute number to one

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1341 of those listed in this sub-sub-subparagraph; and

1342 (II) Has been released on or after October 1, 1997, from
1343 the sanction imposed for any conviction of an offense described
1344 in sub-sub-subparagraph (I). For purposes of sub-sub-
1345 subparagraph (I), a sanction imposed in this state or in any
1346 other jurisdiction includes, but is not limited to, a fine,
1347 probation, community control, parole, conditional release,
1348 control release, or incarceration in a state prison, federal
1349 prison, private correctional facility, or local detention
1350 facility;

1351 b. Establishes or maintains a residence in this state and
1352 who has not been designated as a sexual predator by a court of
1353 this state but who has been designated as a sexual predator, as
1354 a sexually violent predator, or by another sexual offender
1355 designation in another state or jurisdiction and was, as a
1356 result of such designation, subjected to registration or
1357 community or public notification, or both, or would be if the
1358 person were a resident of that state or jurisdiction, without
1359 regard to whether the person otherwise meets the criteria for
1360 registration as a sexual offender;

1361 c. Establishes or maintains a residence in this state who
1362 is in the custody or control of, or under the supervision of,
1363 any other state or jurisdiction as a result of a conviction for
1364 committing, or attempting, soliciting, or conspiring to commit,
1365 any of the criminal offenses proscribed in the following
1366 statutes or similar offense in another jurisdiction: s. 787.01,
1367 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1368 the defendant is not the victim's parent or guardian; s.
1369 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding s.

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1370 794.011(10); s. 794.05; ~~s. 796.03; s. 796.035~~; s. 800.04; s.
1371 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1372 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1373 or s. 985.701(1); or any similar offense committed in this state
1374 which has been redesignated from a former statute number to one
1375 of those listed in this sub-subparagraph; or

1376 d. On or after July 1, 2007, has been adjudicated
1377 delinquent for committing, or attempting, soliciting, or
1378 conspiring to commit, any of the criminal offenses proscribed in
1379 the following statutes in this state or similar offenses in
1380 another jurisdiction when the juvenile was 14 years of age or
1381 older at the time of the offense:

1382 (I) Section 794.011, excluding s. 794.011(10);

1383 (II) Section 800.04(4)(b) where the victim is under 12
1384 years of age or where the court finds sexual activity by the use
1385 of force or coercion;

1386 (III) Section 800.04(5)(c)1. where the court finds
1387 molestation involving unclothed genitals; or

1388 (IV) Section 800.04(5)(d) where the court finds the use of
1389 force or coercion and unclothed genitals.

1390 2. For all qualifying offenses listed in sub-subparagraph
1391 (1)(a)1.d., the court shall make a written finding of the age of
1392 the offender at the time of the offense.

1393
1394 For each violation of a qualifying offense listed in this
1395 subsection, the court shall make a written finding of the age of
1396 the victim at the time of the offense. For a violation of s.
1397 800.04(4), the court shall additionally make a written finding
1398 indicating that the offense did or did not involve sexual

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1399 activity and indicating that the offense did or did not involve
1400 force or coercion. For a violation of s. 800.04(5), the court
1401 shall additionally make a written finding that the offense did
1402 or did not involve unclothed genitals or genital area and that
1403 the offense did or did not involve the use of force or coercion.

1404 Section 28. Section 943.0585, Florida Statutes, is amended
1405 to read:

1406 943.0585 Court-ordered expunction of criminal history
1407 records.—The courts of this state have jurisdiction over their
1408 own procedures, including the maintenance, expunction, and
1409 correction of judicial records containing criminal history
1410 information to the extent such procedures are not inconsistent
1411 with the conditions, responsibilities, and duties established by
1412 this section. Any court of competent jurisdiction may order a
1413 criminal justice agency to expunge the criminal history record
1414 of a minor or an adult who complies with the requirements of
1415 this section. The court may ~~shall~~ not order a criminal justice
1416 agency to expunge a criminal history record until the person
1417 seeking to expunge a criminal history record has applied for and
1418 received a certificate of eligibility for expunction pursuant to
1419 subsection (2). A criminal history record that relates to a
1420 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1421 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1422 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1423 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1424 or any violation specified as a predicate offense for
1425 registration as a sexual predator pursuant to s. 775.21, without
1426 regard to whether that offense alone is sufficient to require
1427 such registration, or for registration as a sexual offender

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1428 pursuant to s. 943.0435, may not be expunged, without regard to
1429 whether adjudication was withheld, if the defendant was found
1430 guilty of or pled guilty or nolo contendere to the offense, or
1431 if the defendant, as a minor, was found to have committed, or
1432 pled guilty or nolo contendere to committing, the offense as a
1433 delinquent act. The court may only order expunction of a
1434 criminal history record pertaining to one arrest or one incident
1435 of alleged criminal activity, except as provided in this
1436 section. The court may, at its sole discretion, order the
1437 expunction of a criminal history record pertaining to more than
1438 one arrest if the additional arrests directly relate to the
1439 original arrest. If the court intends to order the expunction of
1440 records pertaining to such additional arrests, such intent must
1441 be specified in the order. A criminal justice agency may not
1442 expunge any record pertaining to such additional arrests if the
1443 order to expunge does not articulate the intention of the court
1444 to expunge a record pertaining to more than one arrest. This
1445 section does not prevent the court from ordering the expunction
1446 of only a portion of a criminal history record pertaining to one
1447 arrest or one incident of alleged criminal activity.

1448 Notwithstanding any law to the contrary, a criminal justice
1449 agency may comply with laws, court orders, and official requests
1450 of other jurisdictions relating to expunction, correction, or
1451 confidential handling of criminal history records or information
1452 derived therefrom. This section does not confer any right to the
1453 expunction of any criminal history record, and any request for
1454 expunction of a criminal history record may be denied at the
1455 sole discretion of the court.

1456 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each

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1457 petition to a court to expunge a criminal history record is
1458 complete only when accompanied by:

1459 (a) A valid certificate of eligibility for expunction
1460 issued by the department pursuant to subsection (2).

1461 (b) The petitioner's sworn statement attesting that the
1462 petitioner:

1463 1. Has never, prior to the date on which the petition is
1464 filed, been adjudicated guilty of a criminal offense or
1465 comparable ordinance violation, or been adjudicated delinquent
1466 for committing any felony or a misdemeanor specified in s.
1467 943.051(3)(b).

1468 2. Has not been adjudicated guilty of, or adjudicated
1469 delinquent for committing, any of the acts stemming from the
1470 arrest or alleged criminal activity to which the petition
1471 pertains.

1472 3. Has never secured a prior sealing or expunction of a
1473 criminal history record under this section, s. 943.059, former
1474 s. 893.14, former s. 901.33, or former s. 943.058, unless
1475 expunction is sought of a criminal history record previously
1476 sealed for 10 years pursuant to paragraph (2)(h) and the record
1477 is otherwise eligible for expunction.

1478 4. Is eligible for such an expunction to the best of his or
1479 her knowledge or belief and does not have any other petition to
1480 expunge or any petition to seal pending before any court.

1481
1482 A ~~Any~~ person who knowingly provides false information on such
1483 sworn statement to the court commits a felony of the third
1484 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1485 775.084.

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1486 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Before ~~Prior~~
1487 ~~to~~ petitioning the court to expunge a criminal history record, a
1488 person seeking to expunge a criminal history record shall apply
1489 to the department for a certificate of eligibility for
1490 expunction. The department shall, by rule adopted pursuant to
1491 chapter 120, establish procedures pertaining to the application
1492 for and issuance of certificates of eligibility for expunction.
1493 A certificate of eligibility for expunction is valid for 12
1494 months after the date stamped on the certificate when issued by
1495 the department. After that time, the petitioner must reapply to
1496 the department for a new certificate of eligibility. Eligibility
1497 for a renewed certification of eligibility must be based on the
1498 status of the applicant and the law in effect at the time of the
1499 renewal application. The department shall issue a certificate of
1500 eligibility for expunction to a person who is the subject of a
1501 criminal history record if that person:

1502 (a) Has obtained, and submitted to the department, a
1503 written, certified statement from the appropriate state attorney
1504 or statewide prosecutor which indicates:

1505 1. That an indictment, information, or other charging
1506 document was not filed or issued in the case.

1507 2. That an indictment, information, or other charging
1508 document, if filed or issued in the case, was dismissed or nolle
1509 prosequi by the state attorney or statewide prosecutor, or was
1510 dismissed by a court of competent jurisdiction, and that none of
1511 the charges related to the arrest or alleged criminal activity
1512 to which the petition to expunge pertains resulted in a trial,
1513 without regard to whether the outcome of the trial was other
1514 than an adjudication of guilt.

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1515 3. That the criminal history record does not relate to a
1516 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1517 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1518 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1519 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1520 or any violation specified as a predicate offense for
1521 registration as a sexual predator pursuant to s. 775.21, without
1522 regard to whether that offense alone is sufficient to require
1523 such registration, or for registration as a sexual offender
1524 pursuant to s. 943.0435, where the defendant was found guilty
1525 of, or pled guilty or nolo contendere to any such offense, or
1526 that the defendant, as a minor, was found to have committed, or
1527 pled guilty or nolo contendere to committing, such an offense as
1528 a delinquent act, without regard to whether adjudication was
1529 withheld.

1530 (b) Remits a \$75 processing fee to the department for
1531 placement in the Department of Law Enforcement Operating Trust
1532 Fund, unless such fee is waived by the executive director.

1533 (c) Has submitted to the department a certified copy of the
1534 disposition of the charge to which the petition to expunge
1535 pertains.

1536 (d) Has never, prior to the date on which the application
1537 for a certificate of eligibility is filed, been adjudicated
1538 guilty of a criminal offense or comparable ordinance violation,
1539 or been adjudicated delinquent for committing any felony or a
1540 misdemeanor specified in s. 943.051(3)(b).

1541 (e) Has not been adjudicated guilty of, or adjudicated
1542 delinquent for committing, any of the acts stemming from the
1543 arrest or alleged criminal activity to which the petition to

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1544 expunge pertains.

1545 (f) Has never secured a prior sealing or expunction of a
1546 criminal history record under this section, s. 943.059, former
1547 s. 893.14, former s. 901.33, or former s. 943.058, unless
1548 expunction is sought of a criminal history record previously
1549 sealed for 10 years pursuant to paragraph (h) and the record is
1550 otherwise eligible for expunction.

1551 (g) Is no longer under court supervision applicable to the
1552 disposition of the arrest or alleged criminal activity to which
1553 the petition to expunge pertains.

1554 (h) Has previously obtained a court order sealing the
1555 record under this section, former s. 893.14, former s. 901.33,
1556 or former s. 943.058 for a minimum of 10 years because
1557 adjudication was withheld or because all charges related to the
1558 arrest or alleged criminal activity to which the petition to
1559 expunge pertains were not dismissed prior to trial, without
1560 regard to whether the outcome of the trial was other than an
1561 adjudication of guilt. The requirement for the record to have
1562 previously been sealed for a minimum of 10 years does not apply
1563 when a plea was not entered or all charges related to the arrest
1564 or alleged criminal activity to which the petition to expunge
1565 pertains were dismissed prior to trial.

1566 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1567 (a) In judicial proceedings under this section, a copy of
1568 the completed petition to expunge shall be served upon the
1569 appropriate state attorney or the statewide prosecutor and upon
1570 the arresting agency; however, it is not necessary to make any
1571 agency other than the state a party. The appropriate state
1572 attorney or the statewide prosecutor and the arresting agency

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1573 may respond to the court regarding the completed petition to
1574 expunge.

1575 (b) If relief is granted by the court, the clerk of the
1576 court shall certify copies of the order to the appropriate state
1577 attorney or the statewide prosecutor and the arresting agency.
1578 The arresting agency is responsible for forwarding the order to
1579 any other agency to which the arresting agency disseminated the
1580 criminal history record information to which the order pertains.
1581 The department shall forward the order to expunge to the Federal
1582 Bureau of Investigation. The clerk of the court shall certify a
1583 copy of the order to any other agency which the records of the
1584 court reflect has received the criminal history record from the
1585 court.

1586 (c) For an order to expunge entered by a court prior to
1587 July 1, 1992, the department shall notify the appropriate state
1588 attorney or statewide prosecutor of an order to expunge which is
1589 contrary to law because the person who is the subject of the
1590 record has previously been convicted of a crime or comparable
1591 ordinance violation or has had a prior criminal history record
1592 sealed or expunged. Upon receipt of such notice, the appropriate
1593 state attorney or statewide prosecutor shall take action, within
1594 60 days, to correct the record and petition the court to void
1595 the order to expunge. The department shall seal the record until
1596 such time as the order is voided by the court.

1597 (d) On or after July 1, 1992, the department or any other
1598 criminal justice agency is not required to act on an order to
1599 expunge entered by a court when such order does not comply with
1600 the requirements of this section. Upon receipt of such an order,
1601 the department must notify the issuing court, the appropriate

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1602 state attorney or statewide prosecutor, the petitioner or the
1603 petitioner's attorney, and the arresting agency of the reason
1604 for noncompliance. The appropriate state attorney or statewide
1605 prosecutor shall take action within 60 days to correct the
1606 record and petition the court to void the order. No cause of
1607 action, including contempt of court, shall arise against any
1608 criminal justice agency for failure to comply with an order to
1609 expunge when the petitioner for such order failed to obtain the
1610 certificate of eligibility as required by this section or such
1611 order does not otherwise comply with the requirements of this
1612 section.

1613 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1614 criminal history record of a minor or an adult which is ordered
1615 expunged by a court of competent jurisdiction pursuant to this
1616 section must be physically destroyed or obliterated by any
1617 criminal justice agency having custody of such record; except
1618 that any criminal history record in the custody of the
1619 department must be retained in all cases. A criminal history
1620 record ordered expunged that is retained by the department is
1621 confidential and exempt from the provisions of s. 119.07(1) and
1622 s. 24(a), Art. I of the State Constitution and not available to
1623 any person or entity except upon order of a court of competent
1624 jurisdiction. A criminal justice agency may retain a notation
1625 indicating compliance with an order to expunge.

1626 (a) The person who is the subject of a criminal history
1627 record that is expunged under this section or under other
1628 provisions of law, including former s. 893.14, former s. 901.33,
1629 and former s. 943.058, may lawfully deny or fail to acknowledge
1630 the arrests covered by the expunged record, except when the

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1631 subject of the record:

1632 1. Is a candidate for employment with a criminal justice
1633 agency;

1634 2. Is a defendant in a criminal prosecution;

1635 3. Concurrently or subsequently petitions for relief under
1636 this section, s. 943.0583, or s. 943.059;

1637 4. Is a candidate for admission to The Florida Bar;

1638 5. Is seeking to be employed or licensed by or to contract
1639 with the Department of Children and Families, the Division of
1640 Vocational Rehabilitation within the Department of Education,
1641 the Agency for Health Care Administration, the Agency for
1642 Persons with Disabilities, the Department of Health, the
1643 Department of Elderly Affairs, or the Department of Juvenile
1644 Justice or to be employed or used by such contractor or licensee
1645 in a sensitive position having direct contact with children, the
1646 disabled, or the elderly; or

1647 6. Is seeking to be employed or licensed by the Department
1648 of Education, any district school board, any university
1649 laboratory school, any charter school, any private or parochial
1650 school, or any local governmental entity that licenses child
1651 care facilities.

1652 (b) Subject to the exceptions in paragraph (a), a person
1653 who has been granted an expunction under this section, former s.
1654 893.14, former s. 901.33, or former s. 943.058 may not be held
1655 under any provision of law of this state to commit perjury or to
1656 be otherwise liable for giving a false statement by reason of
1657 such person's failure to recite or acknowledge an expunged
1658 criminal history record.

1659 (c) Information relating to the existence of an expunged

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1660 criminal history record which is provided in accordance with
1661 paragraph (a) is confidential and exempt from the provisions of
1662 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1663 except that the department shall disclose the existence of a
1664 criminal history record ordered expunged to the entities set
1665 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
1666 respective licensing, access authorization, and employment
1667 purposes, and to criminal justice agencies for their respective
1668 criminal justice purposes. It is unlawful for any employee of an
1669 entity set forth in subparagraph (a)1., subparagraph (a)4.,
1670 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
1671 disclose information relating to the existence of an expunged
1672 criminal history record of a person seeking employment, access
1673 authorization, or licensure with such entity or contractor,
1674 except to the person to whom the criminal history record relates
1675 or to persons having direct responsibility for employment,
1676 access authorization, or licensure decisions. Any person who
1677 violates this paragraph commits a misdemeanor of the first
1678 degree, punishable as provided in s. 775.082 or s. 775.083.

1679 (5) STATUTORY REFERENCES.—Any reference to any other
1680 chapter, section, or subdivision of the Florida Statutes in this
1681 section constitutes a general reference under the doctrine of
1682 incorporation by reference.

1683 Section 29. Section 943.059, Florida Statutes, is amended
1684 to read:

1685 943.059 Court-ordered sealing of criminal history records.—
1686 The courts of this state shall continue to have jurisdiction
1687 over their own procedures, including the maintenance, sealing,
1688 and correction of judicial records containing criminal history

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1689 information to the extent such procedures are not inconsistent
1690 with the conditions, responsibilities, and duties established by
1691 this section. Any court of competent jurisdiction may order a
1692 criminal justice agency to seal the criminal history record of a
1693 minor or an adult who complies with the requirements of this
1694 section. The court may ~~shall~~ not order a criminal justice agency
1695 to seal a criminal history record until the person seeking to
1696 seal a criminal history record has applied for and received a
1697 certificate of eligibility for sealing pursuant to subsection
1698 (2). A criminal history record that relates to a violation of s.
1699 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1700 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
1701 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1702 s. 916.1075, a violation enumerated in s. 907.041, or any
1703 violation specified as a predicate offense for registration as a
1704 sexual predator pursuant to s. 775.21, without regard to whether
1705 that offense alone is sufficient to require such registration,
1706 or for registration as a sexual offender pursuant to s.
1707 943.0435, may not be sealed, without regard to whether
1708 adjudication was withheld, if the defendant was found guilty of
1709 or pled guilty or nolo contendere to the offense, or if the
1710 defendant, as a minor, was found to have committed or pled
1711 guilty or nolo contendere to committing the offense as a
1712 delinquent act. The court may only order sealing of a criminal
1713 history record pertaining to one arrest or one incident of
1714 alleged criminal activity, except as provided in this section.
1715 The court may, at its sole discretion, order the sealing of a
1716 criminal history record pertaining to more than one arrest if
1717 the additional arrests directly relate to the original arrest.

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1718 If the court intends to order the sealing of records pertaining
1719 to such additional arrests, such intent must be specified in the
1720 order. A criminal justice agency may not seal any record
1721 pertaining to such additional arrests if the order to seal does
1722 not articulate the intention of the court to seal records
1723 pertaining to more than one arrest. This section does not
1724 prevent the court from ordering the sealing of only a portion of
1725 a criminal history record pertaining to one arrest or one
1726 incident of alleged criminal activity. Notwithstanding any law
1727 to the contrary, a criminal justice agency may comply with laws,
1728 court orders, and official requests of other jurisdictions
1729 relating to sealing, correction, or confidential handling of
1730 criminal history records or information derived therefrom. This
1731 section does not confer any right to the sealing of any criminal
1732 history record, and any request for sealing a criminal history
1733 record may be denied at the sole discretion of the court.

1734 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1735 petition to a court to seal a criminal history record is
1736 complete only when accompanied by:

1737 (a) A valid certificate of eligibility for sealing issued
1738 by the department pursuant to subsection (2).

1739 (b) The petitioner's sworn statement attesting that the
1740 petitioner:

1741 1. Has never, prior to the date on which the petition is
1742 filed, been adjudicated guilty of a criminal offense or
1743 comparable ordinance violation, or been adjudicated delinquent
1744 for committing any felony or a misdemeanor specified in s.
1745 943.051(3)(b).

1746 2. Has not been adjudicated guilty of or adjudicated

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1747 delinquent for committing any of the acts stemming from the
1748 arrest or alleged criminal activity to which the petition to
1749 seal pertains.

1750 3. Has never secured a prior sealing or expunction of a
1751 criminal history record under this section, s. 943.0585, former
1752 s. 893.14, former s. 901.33, or former s. 943.058.

1753 4. Is eligible for such a sealing to the best of his or her
1754 knowledge or belief and does not have any other petition to seal
1755 or any petition to expunge pending before any court.

1756

1757 A ~~Any~~ person who knowingly provides false information on such
1758 sworn statement to the court commits a felony of the third
1759 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1760 775.084.

1761 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1762 petitioning the court to seal a criminal history record, a
1763 person seeking to seal a criminal history record shall apply to
1764 the department for a certificate of eligibility for sealing. The
1765 department shall, by rule adopted pursuant to chapter 120,
1766 establish procedures pertaining to the application for and
1767 issuance of certificates of eligibility for sealing. A
1768 certificate of eligibility for sealing is valid for 12 months
1769 after the date stamped on the certificate when issued by the
1770 department. After that time, the petitioner must reapply to the
1771 department for a new certificate of eligibility. Eligibility for
1772 a renewed certification of eligibility must be based on the
1773 status of the applicant and the law in effect at the time of the
1774 renewal application. The department shall issue a certificate of
1775 eligibility for sealing to a person who is the subject of a

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1776 criminal history record provided that such person:

1777 (a) Has submitted to the department a certified copy of the
1778 disposition of the charge to which the petition to seal
1779 pertains.

1780 (b) Remits a \$75 processing fee to the department for
1781 placement in the Department of Law Enforcement Operating Trust
1782 Fund, unless such fee is waived by the executive director.

1783 (c) Has never, prior to the date on which the application
1784 for a certificate of eligibility is filed, been adjudicated
1785 guilty of a criminal offense or comparable ordinance violation,
1786 or been adjudicated delinquent for committing any felony or a
1787 misdemeanor specified in s. 943.051(3)(b).

1788 (d) Has not been adjudicated guilty of or adjudicated
1789 delinquent for committing any of the acts stemming from the
1790 arrest or alleged criminal activity to which the petition to
1791 seal pertains.

1792 (e) Has never secured a prior sealing or expunction of a
1793 criminal history record under this section, s. 943.0585, former
1794 s. 893.14, former s. 901.33, or former s. 943.058.

1795 (f) Is no longer under court supervision applicable to the
1796 disposition of the arrest or alleged criminal activity to which
1797 the petition to seal pertains.

1798 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1799 (a) In judicial proceedings under this section, a copy of
1800 the completed petition to seal shall be served upon the
1801 appropriate state attorney or the statewide prosecutor and upon
1802 the arresting agency; however, it is not necessary to make any
1803 agency other than the state a party. The appropriate state
1804 attorney or the statewide prosecutor and the arresting agency

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1805 may respond to the court regarding the completed petition to
1806 seal.

1807 (b) If relief is granted by the court, the clerk of the
1808 court shall certify copies of the order to the appropriate state
1809 attorney or the statewide prosecutor and to the arresting
1810 agency. The arresting agency is responsible for forwarding the
1811 order to any other agency to which the arresting agency
1812 disseminated the criminal history record information to which
1813 the order pertains. The department shall forward the order to
1814 seal to the Federal Bureau of Investigation. The clerk of the
1815 court shall certify a copy of the order to any other agency
1816 which the records of the court reflect has received the criminal
1817 history record from the court.

1818 (c) For an order to seal entered by a court prior to July
1819 1, 1992, the department shall notify the appropriate state
1820 attorney or statewide prosecutor of any order to seal which is
1821 contrary to law because the person who is the subject of the
1822 record has previously been convicted of a crime or comparable
1823 ordinance violation or has had a prior criminal history record
1824 sealed or expunged. Upon receipt of such notice, the appropriate
1825 state attorney or statewide prosecutor shall take action, within
1826 60 days, to correct the record and petition the court to void
1827 the order to seal. The department shall seal the record until
1828 such time as the order is voided by the court.

1829 (d) On or after July 1, 1992, the department or any other
1830 criminal justice agency is not required to act on an order to
1831 seal entered by a court when such order does not comply with the
1832 requirements of this section. Upon receipt of such an order, the
1833 department must notify the issuing court, the appropriate state

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1834 attorney or statewide prosecutor, the petitioner or the
1835 petitioner's attorney, and the arresting agency of the reason
1836 for noncompliance. The appropriate state attorney or statewide
1837 prosecutor shall take action within 60 days to correct the
1838 record and petition the court to void the order. No cause of
1839 action, including contempt of court, shall arise against any
1840 criminal justice agency for failure to comply with an order to
1841 seal when the petitioner for such order failed to obtain the
1842 certificate of eligibility as required by this section or when
1843 such order does not comply with the requirements of this
1844 section.

1845 (e) An order sealing a criminal history record pursuant to
1846 this section does not require that such record be surrendered to
1847 the court, and such record shall continue to be maintained by
1848 the department and other criminal justice agencies.

1849 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1850 history record of a minor or an adult which is ordered sealed by
1851 a court of competent jurisdiction pursuant to this section is
1852 confidential and exempt from the provisions of s. 119.07(1) and
1853 s. 24(a), Art. I of the State Constitution and is available only
1854 to the person who is the subject of the record, to the subject's
1855 attorney, to criminal justice agencies for their respective
1856 criminal justice purposes, which include conducting a criminal
1857 history background check for approval of firearms purchases or
1858 transfers as authorized by state or federal law, to judges in
1859 the state courts system for the purpose of assisting them in
1860 their case-related decisionmaking responsibilities, as set forth
1861 in s. 943.053(5), or to those entities set forth in
1862 subparagraphs (a)1., 4., 5., 6., and 8. for their respective

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1863 licensing, access authorization, and employment purposes.

1864 (a) The subject of a criminal history record sealed under
1865 this section or under other provisions of law, including former
1866 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1867 deny or fail to acknowledge the arrests covered by the sealed
1868 record, except when the subject of the record:

1869 1. Is a candidate for employment with a criminal justice
1870 agency;

1871 2. Is a defendant in a criminal prosecution;

1872 3. Concurrently or subsequently petitions for relief under
1873 this section, s. 943.0583, or s. 943.0585;

1874 4. Is a candidate for admission to The Florida Bar;

1875 5. Is seeking to be employed or licensed by or to contract
1876 with the Department of Children and Families, the Division of
1877 Vocational Rehabilitation within the Department of Education,
1878 the Agency for Health Care Administration, the Agency for
1879 Persons with Disabilities, the Department of Health, the
1880 Department of Elderly Affairs, or the Department of Juvenile
1881 Justice or to be employed or used by such contractor or licensee
1882 in a sensitive position having direct contact with children, the
1883 disabled, or the elderly;

1884 6. Is seeking to be employed or licensed by the Department
1885 of Education, any district school board, any university
1886 laboratory school, any charter school, any private or parochial
1887 school, or any local governmental entity that licenses child
1888 care facilities; or

1889 7. Is attempting to purchase a firearm from a licensed
1890 importer, licensed manufacturer, or licensed dealer and is
1891 subject to a criminal history check under state or federal law.

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1892 (b) Subject to the exceptions in paragraph (a), a person
1893 who has been granted a sealing under this section, former s.
1894 893.14, former s. 901.33, or former s. 943.058 may not be held
1895 under any provision of law of this state to commit perjury or to
1896 be otherwise liable for giving a false statement by reason of
1897 such person's failure to recite or acknowledge a sealed criminal
1898 history record.

1899 (c) Information relating to the existence of a sealed
1900 criminal record provided in accordance with the provisions of
1901 paragraph (a) is confidential and exempt from the provisions of
1902 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1903 except that the department shall disclose the sealed criminal
1904 history record to the entities set forth in subparagraphs (a)1.,
1905 4., 5., 6., and 8. for their respective licensing, access
1906 authorization, and employment purposes. It is unlawful for any
1907 employee of an entity set forth in subparagraph (a)1.,
1908 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or
1909 subparagraph (a)8. to disclose information relating to the
1910 existence of a sealed criminal history record of a person
1911 seeking employment, access authorization, or licensure with such
1912 entity or contractor, except to the person to whom the criminal
1913 history record relates or to persons having direct
1914 responsibility for employment, access authorization, or
1915 licensure decisions. Any person who violates the provisions of
1916 this paragraph commits a misdemeanor of the first degree,
1917 punishable as provided in s. 775.082 or s. 775.083.

1918 (5) STATUTORY REFERENCES.—Any reference to any other
1919 chapter, section, or subdivision of the Florida Statutes in this
1920 section constitutes a general reference under the doctrine of

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1921 incorporation by reference.

1922 Section 30. Paragraph (b) of subsection (1) of section
1923 944.606, Florida Statutes, is amended to read:

1924 944.606 Sexual offenders; notification upon release.-

1925 (1) As used in this section:

1926 (b) "Sexual offender" means a person who has been convicted
1927 of committing, or attempting, soliciting, or conspiring to
1928 commit, any of the criminal offenses proscribed in the following
1929 statutes in this state or similar offenses in another
1930 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1931 the victim is a minor and the defendant is not the victim's
1932 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
1933 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1934 ~~796.035~~; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1935 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1936 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1937 committed in this state which has been redesignated from a
1938 former statute number to one of those listed in this subsection,
1939 when the department has received verified information regarding
1940 such conviction; an offender's computerized criminal history
1941 record is not, in and of itself, verified information.

1942 Section 31. Paragraph (a) of subsection (1) of section
1943 944.607, Florida Statutes, is amended to read:

1944 944.607 Notification to Department of Law Enforcement of
1945 information on sexual offenders.-

1946 (1) As used in this section, the term:

1947 (a) "Sexual offender" means a person who is in the custody
1948 or control of, or under the supervision of, the department or is
1949 in the custody of a private correctional facility:

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1950 1. On or after October 1, 1997, as a result of a conviction
1951 for committing, or attempting, soliciting, or conspiring to
1952 commit, any of the criminal offenses proscribed in the following
1953 statutes in this state or similar offenses in another
1954 jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1955 the victim is a minor and the defendant is not the victim's
1956 parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or~~ (h);
1957 s. 794.011, excluding s. 794.011(10); s. 794.05; ~~s. 796.03; s.~~
1958 ~~796.035~~; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s.
1959 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1960 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense
1961 committed in this state which has been redesignated from a
1962 former statute number to one of those listed in this paragraph;
1963 or

1964 2. Who establishes or maintains a residence in this state
1965 and who has not been designated as a sexual predator by a court
1966 of this state but who has been designated as a sexual predator,
1967 as a sexually violent predator, or by another sexual offender
1968 designation in another state or jurisdiction and was, as a
1969 result of such designation, subjected to registration or
1970 community or public notification, or both, or would be if the
1971 person were a resident of that state or jurisdiction, without
1972 regard as to whether the person otherwise meets the criteria for
1973 registration as a sexual offender.

1974 Section 32. Subsection (2) of section 948.013, Florida
1975 Statutes, is amended to read:

1976 948.013 Administrative probation.—

1977 (2) Effective for an offense committed on or after July 1,
1978 1998, a person is ineligible for placement on administrative

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1979 probation if the person is sentenced to or is serving a term of
1980 probation or community control, regardless of the conviction or
1981 adjudication, for committing, or attempting, conspiring, or
1982 soliciting to commit, any of the felony offenses described in s.
1983 787.01 or s. 787.02, where the victim is a minor and the
1984 defendant is not the victim's parent; s. 787.025; chapter 794;
1985 ~~s. 796.03~~; s. 800.04; s. 825.1025(2)(b); s. 827.071; s.
1986 847.0133; s. 847.0135; or s. 847.0145.

1987 Section 33. Subsection (1) of section 948.32, Florida
1988 Statutes, is amended to read:

1989 948.32 Requirements of law enforcement agency upon arrest
1990 of persons for certain sex offenses.—

1991 (1) When any state or local law enforcement agency
1992 investigates or arrests a person for committing, or attempting,
1993 soliciting, or conspiring to commit, a violation of s.
1994 787.025(2)(c), chapter 794, ~~s. 796.03~~, s. 800.04, s. 827.071, s.
1995 847.0133, s. 847.0135, or s. 847.0145, the law enforcement
1996 agency shall contact the Department of Corrections to verify
1997 whether the person under investigation or under arrest is on
1998 probation, community control, parole, conditional release, or
1999 control release.

2000 Section 34. This act shall take effect October 1, 2014.