

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Spano offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 186 and 187, insert:

5 Section 6. Subsection (5) is added to section 450.021,  
6 Florida Statutes, to read:

7 450.021 Minimum age; general.—

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

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14 Section 7. Subsection (3) is added to section 450.045,  
15 Florida Statutes, to read:

16 450.045 Proof of identity and age; posting of notices.—

17 (3) (a) In order to provide the department and law  
18 enforcement agencies the means to more effectively identify,  
19 investigate, and arrest persons engaging in human trafficking,  
20 an adult theater, as defined in s. 847.001(2) (b), shall obtain  
21 proof of the identity and age of each of its employees or  
22 independent contractors, and shall verify the validity of the  
23 identification and age verification document with the issuer,  
24 before his or her employment or provision of services as an  
25 independent contractor.

26 (b) The adult theater shall obtain and keep on record a  
27 photocopy of the person's driver license or state or federal  
28 government-issued photo identification card, along with a record  
29 of the verification of the validity of the identification and  
30 age verification document with the issuer, during the entire  
31 period of employment or business relationship with the  
32 independent contractor and for at least 3 years after the  
33 employee or independent contractor ceases employment or the  
34 provision of services.

35 (c) The department and its agents have the authority to  
36 enter during operating hours, unannounced and without prior  
37 notice, and inspect at any time a place or establishment covered  
38 by this subsection and to have access to age verification

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39 documents kept on file by the adult theater and such other  
40 records as may aid in the enforcement of this subsection.

41 Section 8. Subsection (18) is added to section 775.15,  
42 Florida Statutes, to read:

43 775.15 Time limitations; general time limitations;  
44 exceptions.—

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

49 Section 9. Subsections (3) and (4) of section 787.06,  
50 Florida Statutes, are amended, and subsection (8) is added to  
51 that section, to read:

52 787.06 Human trafficking.—

53 (3) Any person who knowingly, or in reckless disregard of  
54 the facts, engages in human trafficking, or attempts to engage  
55 in human trafficking, or benefits financially by receiving  
56 anything of value from participation in a venture that has  
57 subjected a person to human trafficking:

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

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

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

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

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

74 (d) Using coercion for commercial sexual activity of an  
75 adult ~~any individual~~ who is an unauthorized alien commits a  
76 felony of the first degree, punishable as provided in s.  
77 775.082, s. 775.083, or s. 775.084.

78 (e) 1. Using coercion For labor or services who does so by  
79 the transfer or transport of any child under the age of 18  
80 ~~individual~~ from outside this state to within the state commits a  
81 felony of the first degree, punishable as provided in s.  
82 775.082, s. 775.083, or s. 775.084.

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

87 (f) 1. Using coercion For commercial sexual activity who  
88 does so by the transfer or transport of any child under the age  
89 of 18 individual from outside this state to within the state

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90 commits a felony of the first degree, punishable by imprisonment  
91 for a term of years not exceeding life, or as provided in s.  
92 775.082, s. 775.083, or s. 775.084.

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

97 (g) For commercial sexual activity in which any child  
98 under the age of 18, or in which any person who is mentally  
99 defective or mentally incapacitated as those terms are defined  
100 in s. 794.011(1), is involved commits a life felony ~~of the first~~  
101 ~~degree, punishable by imprisonment for a term of years not~~  
102 ~~exceeding life, or as provided in s. 775.082(3) (a)5. 775.082, s.~~  
103 ~~775.083, or s. 775.084. In a prosecution under this paragraph in~~  
104 ~~which the defendant had a reasonable opportunity to observe the~~  
105 ~~person who was subject to human trafficking, the state need not~~  
106 ~~prove that the defendant knew that the person had not attained~~  
107 ~~the age of 18 years.~~

108 ~~(h) For commercial sexual activity in which any child~~  
109 ~~under the age of 15 is involved commits a life felony,~~  
110 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~  
111 ~~In a prosecution under this paragraph in which the defendant had~~  
112 ~~a reasonable opportunity to observe the person who was subject~~  
113 ~~to human trafficking, the state need not prove that the~~  
114 ~~defendant knew that the person had not attained the age of 15~~  
115 ~~years.~~

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116  
117 For each instance of human trafficking of any individual under  
118 this subsection, a separate crime is committed and a separate  
119 punishment is authorized.

120 (4) (a) Any parent, legal guardian, or other person having  
121 custody or control of a minor who sells or otherwise transfers  
122 custody or control of such minor, or offers to sell or otherwise  
123 transfer custody of such minor, with knowledge or in reckless  
124 disregard of the fact that, as a consequence of the sale or  
125 transfer, the minor will be subject to human trafficking commits  
126 a life ~~first-degree~~ felony, punishable as provided in s.  
127 775.082, s. 775.083, or s. 775.084.

128 (b) Any person who permanently brands, or directs to be  
129 branded, a victim of an offense under this section commits a  
130 second degree felony, punishable as provided in s. 775.082, s.  
131 775.083, or s. 775.084. For purposes of this subsection, the  
132 term "permanently branded" means a mark on the individual's body  
133 that, if it can be removed or repaired at all, can only be  
134 removed or repaired by surgical means, laser treatment, or other  
135 medical procedure.

136 (8) In a prosecution under this section, the defendant's  
137 ignorance of the victim's age, the victim's misrepresentation of  
138 his or her age, or the defendant's bona fide belief of the  
139 victim's age cannot be raised as a defense.

140 Section 10. Paragraph (a) of subsection (3) of section  
141 775.082, Florida Statutes, is amended to read:

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142 775.082 Penalties; applicability of sentencing structures;  
143 mandatory minimum sentences for certain reoffenders previously  
144 released from prison.-

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

147 (a)1. For a life felony committed prior to October 1,  
148 1983, by a term of imprisonment for life or for a term of years  
149 not less than 30.

150 2. For a life felony committed on or after October 1,  
151 1983, by a term of imprisonment for life or by a term of  
152 imprisonment not exceeding 40 years.

153 3. Except as provided in subparagraph 4., for a life  
154 felony committed on or after July 1, 1995, by a term of  
155 imprisonment for life or by imprisonment for a term of years not  
156 exceeding life imprisonment.

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

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

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

165 b. For a life felony committed on or after July 1, 2008,  
166 which is a person's second or subsequent violation of s.  
167 800.04(5)(b), by a term of imprisonment for life.

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168 5. For a life felony committed on or after October 1,  
169 2014, which is a violation of s. 787.06(3)(g), by a term of  
170 imprisonment for life.

171 Section 11. Section 796.001, Florida Statutes, is created  
172 to read:

173 796.001 Offenses by adults involving minors; intent.—It is  
174 the intent of the Legislature that adults who involve minors in  
175 any behavior prohibited under this chapter be prosecuted under  
176 other laws of this state, such as, but not limited to, s.  
177 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and  
178 chapter 847. The Legislature finds that prosecution of such  
179 adults under this chapter is inappropriate since a minor is  
180 unable to consent to such behavior.

181 Section 12. Sections 796.03, 796.035, and 796.036, Florida  
182 Statutes, are repealed.

183 Section 13. Section 796.05, Florida Statutes, is amended  
184 to read:

185 796.05 Deriving support from the proceeds of  
186 prostitution.—

187 (1) It shall be unlawful for any person with reasonable  
188 belief or knowing another person is engaged in prostitution to  
189 live or derive support or maintenance in whole or in part from  
190 what is believed to be the earnings or proceeds of such person's  
191 prostitution.

192 (2) Anyone violating this section commits:

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193        (a) For a first offense, a felony of the second ~~third~~  
194 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
195 775.084.

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

198        (c) For a third or subsequent offense, a felony of the  
199 first degree punishable as provided in s. 775.082, s. 775.083,  
200 or s. 775.084, with a mandatory minimum term of imprisonment of  
201 10 years.

202        Section 14. Subsection (3), paragraph (a) of subsection  
203 (8), and paragraph (a) of subsection (10) of section 943.0583,  
204 Florida Statutes, are amended to read:

205        943.0583 Human trafficking victim expunction.—

206        (3) A person who is a victim of human trafficking may  
207 petition for the expunction of a criminal history record  
208 resulting from the arrest or filing of charges ~~any conviction~~  
209 for an offense committed or reported to have been committed  
210 while the person ~~he or she~~ was a victim of human trafficking,  
211 which offense was committed or reported to have been committed  
212 as a part of the human trafficking scheme of which the person ~~he~~  
213 ~~or she~~ was a victim or at the direction of an operator of the  
214 scheme, including, but not limited to, violations under chapters  
215 796 and 847, without regard to the disposition of the arrest or  
216 of any charges. However, this section does not apply to any  
217 offense listed in s. 775.084(1)(b)1. Determination of the  
218 petition under this section should be by a preponderance of the

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219 evidence. A conviction expunged under this section is deemed to  
220 have been vacated due to a substantive defect in the underlying  
221 criminal proceedings. If a person is adjudicated not guilty by  
222 reason of insanity or is found to be incompetent to stand trial  
223 for any such charge, the expunction of the criminal history  
224 record may not prevent the entry of the judgment or finding in  
225 state and national databases for use in determining eligibility  
226 to purchase or possess a firearm or to carry a concealed  
227 firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.  
228 922(t), nor shall it prevent any governmental agency that is  
229 authorized by state or federal law to determine eligibility to  
230 purchase or possess a firearm or to carry a concealed firearm  
231 from accessing or using the record of the judgment or finding in  
232 the course of such agency's official duties.

233 (8) (a) Any criminal history record of a minor or an adult  
234 that is ordered expunged by the court of original jurisdiction  
235 over the charges ~~crime~~ sought to be expunged pursuant to this  
236 section must be physically destroyed or obliterated by any  
237 criminal justice agency having custody of such record, except  
238 that any criminal history record in the custody of the  
239 department must be retained in all cases.

240 (10) (a) A criminal history record ordered expunged under  
241 this section that is retained by the department is confidential  
242 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
243 Constitution, except that the record shall be made available to  
244 criminal justice agencies for their respective criminal justice

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245 purposes and to any governmental agency that is authorized by  
 246 state or federal law to determine eligibility to purchase or  
 247 possess a firearm or to carry a concealed firearm for use in the  
 248 course of such agency's official duties. Otherwise, such record  
 249 shall not be disclosed to any person or entity except upon order  
 250 of a court of competent jurisdiction. A criminal justice agency  
 251 may retain a notation indicating compliance with an order to  
 252 expunge.

253 Section 15. Paragraphs (c), (e), and (g) through (j) of  
 254 subsection (3) of section 921.0022, Florida Statutes, are  
 255 amended to read:

256 921.0022 Criminal Punishment Code; offense severity  
 257 ranking chart.—

258 (3) OFFENSE SEVERITY RANKING CHART  
 259 (c) LEVEL 3

260

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.

261

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264	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
265	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
266	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
267	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
268	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
269	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
270	327.35(2)(b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit

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fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.

271

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

272

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

273

379.2431 3rd Taking, disturbing, mutilating,  
(1) (e) 5. destroying, causing to be  
destroyed, transferring,  
selling, offering to sell,  
molesting, or harassing marine  
turtles, marine turtle eggs, or  
marine turtle nests in  
violation of the Marine Turtle  
Protection Act.

274

379.2431 3rd Soliciting to commit or  
(1) (e) 6. conspiring to commit a  
violation of the Marine Turtle  
Protection Act.

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275

400.9935 (4) 3rd Operating a clinic without a license or filing false license application or other required information.

276

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

277

501.001 (2) (b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

278

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

279

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

280

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

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281	697.08	3rd	Equity skimming.
282	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
283	<del>796.05(1)</del>	<del>3rd</del>	<del>Live on earnings of a prostitute.</del>
284	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
285	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
286	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
287	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
288			

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289	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
290	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
291	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
292	817.233	3rd	Burning to defraud insurer.
293	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
294	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
295	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or

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fraudulent motor vehicle  
insurance card.

296

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

297

817.505(4) 3rd Patient brokering.

298

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

299

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

300

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

301

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

302

843.19 3rd Injure, disable, or kill police

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dog or horse.

303

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

304

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

305

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).

306

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.

307

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.,

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(2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.

308

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

309

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

310

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

311

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

312

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

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

314

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.

315

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

316

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

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monetary benefit for the  
practitioner.

317

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

318

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

319

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

320

985.721 3rd Escapes from a juvenile  
facility (secure detention or  
residential commitment  
facility).

321

322 (e) LEVEL 5

323

Florida Statute	Felony Degree	Description
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324

316.027(1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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325	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
326	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
328	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
329	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
330	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
331	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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332	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
333	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
334	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
335	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
336	790.01 (2)	3rd	Carrying a concealed firearm.
337	790.162	2nd	Threat to throw or discharge destructive device.
338	790.163 (1)	2nd	False report of deadly explosive or weapon of mass

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destruction.

339

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

340

790.23 2nd Felons in possession of  
firearms, ammunition, or  
electronic weapons or devices.

341

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

342

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

343

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

344

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

345

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

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

347

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

348

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

349

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

350

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

351

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

352

817.2341 (1), 3rd Filing false financial  
(2) (a) & statements, making false  
(3) (a) entries of material fact or  
false statements regarding  
property values relating to the  
solvency of an insuring entity.

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353

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.

354

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

355

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

356

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

357

827.071 (5) 3rd Possess, control, or

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intentionally view any  
photographic material, motion  
picture, etc., which includes  
sexual conduct by a child.

358

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.

359

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

360

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

361

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

362

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

363

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364	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
365	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 to join a criminal gang.
366	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).
	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

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community center.

367

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

368

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.

369

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.

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370

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).

371

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

372

373                      (g)      LEVEL 7

374

Florida Statute	Felony Degree	Description
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375

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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376

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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377

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with
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wanton disregard for safety  
while fleeing or attempting to  
elude law enforcement officer  
who is in a patrol vehicle with  
siren and lights activated.

378

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

379

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

380

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

381

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

382

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

383

456.065 (2)                2nd    Practicing a health care

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profession without a license  
which results in serious bodily  
injury.

384

458.327 (1) 3rd Practicing medicine without a  
license.

385

459.013 (1) 3rd Practicing osteopathic medicine  
without a license.

386

460.411 (1) 3rd Practicing chiropractic  
medicine without a license.

387

461.012 (1) 3rd Practicing podiatric medicine  
without a license.

388

462.17 3rd Practicing naturopathy without  
a license.

389

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

390

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

391

465.015 (2) 3rd Practicing pharmacy without a

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license.

392

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

393

467.201 3rd Practicing midwifery without a  
license.

394

468.366 3rd Delivering respiratory care  
services without a license.

395

483.828 (1) 3rd Practicing as clinical  
laboratory personnel without a  
license.

396

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

397

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

398

484.053 3rd Dispensing hearing aids without  
a license.

399

494.0018 (2) 1st Conviction of any violation of  
ss. 494.001-494.0077 in which

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the total money and property  
unlawfully obtained exceeded  
\$50,000 and there were five or  
more victims.

400

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.

401

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

402

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

403

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

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404

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

405

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

406

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

407

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

408

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

409

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410	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
411	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
412	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
413	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
414	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
415	784.048 (7)	3rd	Aggravated stalking; violation of court order.
416	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility

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staff.

417

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

418

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

419

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

420

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

421

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

422

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.

423

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424	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
425	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
426	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
427	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
428	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
429	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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430	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
431	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.
432	<del>796.03</del>	2nd	<del>Procuring any person under 16 years for prostitution.</del>
433	<u>796.05 (1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 2nd offense.</u>
434	<u>796.05 (1)</u>	<u>1st</u>	<u>Live on earnings of a prostitute; 3rd and subsequent offense.</u>
435	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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436	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.
437	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
438	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
439	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
440	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
441	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property

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stolen while causing other  
property damage; 1st degree  
grand theft.

442

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

443

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

444

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

445

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

446

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

447

812.131 (2) (a)        2nd    Robbery by sudden snatching.

448

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449	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
450	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
451	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
452	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
453	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
454	817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
	817.535(2)(a)	3rd	Filing false lien or other

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unauthorized document.

455

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

456

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.

457

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

458

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

459

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

460

838.015 2nd Bribery.

461

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462	838.016	2nd	Unlawful compensation or reward for official behavior.
463	838.021(3)(a)	2nd	Unlawful harm to a public servant.
464	838.22	2nd	Bid tampering.
465	843.0855(2)	3rd	Impersonation of a public officer or employee.
466	843.0855(3)	3rd	Unlawful simulation of legal process.
467	843.0855(4)	3rd	Intimidation of a public officer or employee.
468	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
469	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
470	872.06	2nd	Abuse of a dead human body.

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471 874.05(2)(b) 1st Encouraging or recruiting  
person under 13 to join a  
criminal gang; second or  
subsequent offense.

472 874.10 1st,PBL Knowingly initiates, organizes,  
plans, finances, directs,  
manages, or supervises criminal  
gang-related activity.

473 893.13(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.

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

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(2) (a), (2) (b), or (2) (c) 4.,  
within 1,000 feet of property  
used for religious services or  
a specified business site.

474

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).

475

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

476

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

477

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

478

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

479

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480	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
481	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
482	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
483	893.135 (1)(h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
484	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
485	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

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trafficking in or manufacturing  
of controlled substance.

486

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

487

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

488

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

489

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

490

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

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491	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
492	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
493	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
494	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
495	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
496	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure

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to respond to address  
verification.

497

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

498

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

499

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

500

501            (h)    LEVEL 8

502

Florida	Felony	Description
Statute	Degree	

503

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

504

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

505

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

506

499.0051 (7) 1st Knowing trafficking in  
contraband prescription drugs.

507

499.0051 (8) 1st Knowing forgery of prescription  
labels or prescription drug  
labels.

508

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.

509

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.

510

655.50 (10) (b) 2. 2nd Failure to report financial  
transactions totaling or

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exceeding \$20,000, but less than \$100,000 by financial institutions.

511

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

512

782.04(4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

513

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

514

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

515

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## Amendment No.

516	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
517	<u>787.06 (3) (a) 1.</u>	<u>1st</u>	<u>Human trafficking for labor and services of a child.</u>
518	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity <u>of an adult.</u>
519	787.06 (3) (c) <u>2.</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien <u>adult.</u>
520	<u>787.06 (3) (e) 1.</u>	<u>1st</u>	<u>Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.</u>
	787.06 (3) (f) <u>2.</u>	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any <u>adult</u> <del>individual</del> from outside Florida

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to within the state.

521

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

522

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

523

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

524

800.04 (4) 2nd Lewd or lascivious battery.

525

806.01 (1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

526

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

527

810.02 (2) (b) 1st, PBL Burglary; armed with explosives

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or dangerous weapon.

528

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

529

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

530

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

531

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

532

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

533

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

534

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535	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
536	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.
537	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
538	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
539	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
	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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540	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
541	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
542	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
543	860.16	1st	Aircraft piracy.
544	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) .
545	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .
546			

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547	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
548	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
549	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
550	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
551	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
552	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

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200 grams.

553

893.135 1st Trafficking in flunitrazepam,  
(1) (g) 1.b. 14 grams or more, less than 28  
grams.

554

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

555

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

556

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

557

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

558

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

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activity.

559

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

560

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

561

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

562

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.

563

564 (i) LEVEL 9

565

Florida Felony Description

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	Statute	Degree	
566	316.193	1st	DUI manslaughter; failing to
	(3) (c) 3.b.		render aid or give information.
567	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to
			render aid or give information.
568	409.920	1st	Medicaid provider fraud;
	(2) (b) 1.c.		\$50,000 or more.
569	499.0051 (9)	1st	Knowing sale or purchase of
			contraband prescription drugs
			resulting in great bodily harm.
570	560.123 (8) (b) 3.	1st	Failure to report currency or
			payment instruments totaling or
			exceeding \$100,000 by money
			transmitter.
571	560.125 (5) (c)	1st	Money transmitter business by
			unauthorized person, currency,
			or payment instruments totaling
			or exceeding \$100,000.
572	655.50 (10) (b) 3.	1st	Failure to report financial

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transactions totaling or  
exceeding \$100,000 by financial  
institution.

573

775.0844 1st Aggravated white collar crime.

574

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

575

782.04(3) 1st,PBL Accomplice to murder in  
connection with arson, sexual  
battery, robbery, burglary,  
aggravated fleeing or eluding  
with serious bodily injury or  
death, and other specified  
felonies.

576

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

577

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

578

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579 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or  
reward or as a shield or  
hostage.

580 787.01(1)(a)2. 1st,PBL Kidnapping with intent to  
commit or facilitate commission  
of any felony.

581 787.01(1)(a)4. 1st,PBL Kidnapping with intent to  
interfere with performance of  
any governmental or political  
function.

582 787.02(3)(a) 1st False imprisonment; child under  
age 13; perpetrator also  
commits aggravated child abuse,  
sexual battery, or lewd or  
lascivious battery,  
molestation, conduct, or  
exhibition.

583 787.06(3)(c)1. 1st Human trafficking for labor and  
services of an unauthorized  
alien child.

787.06(3)(d) 1st Human trafficking using

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coercion for commercial sexual  
activity of an unauthorized  
adult alien.

584

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

585

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

586

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

587

790.161      1st      Attempted capital destructive  
device offense.

588

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

589

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

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age.

590

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

591

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

592

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

593

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

594

~~796.035 1st Selling or buying of minors into prostitution.~~

595

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

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596

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

597

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

598

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

599

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

600

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

601

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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Amendment No.

instrument.

602

817.568 (7) 2nd, Fraudulent use of personal  
PBL identification information of  
an individual under the age of  
18 by his or her parent, legal  
guardian, or person exercising  
custodial authority.

603

827.03 (2) (a) 1st Aggravated child abuse.

604

847.0145 (1) 1st Selling, or otherwise  
transferring custody or  
control, of a minor.

605

847.0145 (2) 1st Purchasing, or otherwise  
obtaining custody or control,  
of a minor.

606

859.01 1st Poisoning or introducing  
bacteria, radioactive  
materials, viruses, or chemical  
compounds into food, drink,  
medicine, or water with intent  
to kill or injure another  
person.

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607	893.135	1st	Attempted capital trafficking offense.
608	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
609	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
610	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
611	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
612	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
613	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
614	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10

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kilograms or more.

615

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

616

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

617

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

618

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

619

620 (j) LEVEL 10

621

Florida	Felony	Description
Statute	Degree	

622

499.0051 (10) 1st Knowing sale or purchase of  
contraband prescription drugs  
resulting in death.

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623

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

624

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

625

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

626

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.

627

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

628

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

629

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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.

630

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

631

876.32 1st Treason against the state.

632

633 Section 16. Paragraph (g) of subsection (67) of section  
634 39.01, Florida Statutes, is amended to read:

635 39.01 Definitions.—When used in this chapter, unless the  
636 context otherwise requires:

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

639 (g) The sexual exploitation of a child, which includes the  
640 act of a child offering to engage in or engaging in  
641 prostitution, provided that the child is not under arrest or is  
642 not being prosecuted in a delinquency or criminal proceeding for  
643 a violation of any offense in chapter 796 based on such  
644 behavior; or allowing, encouraging, or forcing a child to:

645 1. Solicit for or engage in prostitution;

646 2. Engage in a sexual performance, as defined by chapter  
647 827; or

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

650 Section 17. Paragraphs (b) and (c) of subsection (2) of  
651 section 90.404, Florida Statutes, are amended to read:

652 90.404 Character evidence; when admissible.—

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

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

659 2. For the purposes of this paragraph, the term "child  
660 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
661 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.  
662 794.05, former s. 796.03, former s. 796.035, s. 800.04, s.  
663 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when  
664 committed against a person 16 years of age or younger.

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

670 2. For the purposes of this paragraph, the term "sexual  
671 offense" means conduct proscribed by s. 787.025(2)(c), s.  
672 787.06(3)(b), (d), (f), or (g), ~~or (h)~~, s. 794.011, excluding s.  
673 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.

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674 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.  
675 985.701(1).

676 Section 18. Paragraph (a) of subsection (1) of section  
677 772.102, Florida Statutes, is amended to read:

678 772.102 Definitions.—As used in this chapter, the term:

679 (1) "Criminal activity" means to commit, to attempt to  
680 commit, to conspire to commit, or to solicit, coerce, or  
681 intimidate another person to commit:

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

684 1. Section 210.18, relating to evasion of payment of  
685 cigarette taxes.

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

687 3. Section 440.105 or s. 440.106, relating to workers'  
688 compensation.

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

690 5. Chapter 517, relating to securities transactions.

691 6. Section 550.235 or s. 550.3551, relating to dogracing  
692 and horseracing.

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

694 8. Chapter 552, relating to the manufacture, distribution,  
695 and use of explosives.

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

697 10. Section 624.401, relating to transacting insurance  
698 without a certificate of authority, s. 624.437(4)(c)1., relating  
699 to operating an unauthorized multiple-employer welfare

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- 700 arrangement, or s. 626.902(1)(b), relating to representing or  
701 aiding an unauthorized insurer.
- 702 11. Chapter 687, relating to interest and usurious  
703 practices.
- 704 12. Section 721.08, s. 721.09, or s. 721.13, relating to  
705 real estate timeshare plans.
- 706 13. Chapter 782, relating to homicide.
- 707 14. Chapter 784, relating to assault and battery.
- 708 15. Chapter 787, relating to kidnapping or human  
709 trafficking.
- 710 16. Chapter 790, relating to weapons and firearms.
- 711 17. Former section 796.03, s. 796.04, s. 796.05, or s.  
712 796.07, relating to prostitution.
- 713 18. Chapter 806, relating to arson.
- 714 19. Section 810.02(2)(c), relating to specified burglary  
715 of a dwelling or structure.
- 716 20. Chapter 812, relating to theft, robbery, and related  
717 crimes.
- 718 21. Chapter 815, relating to computer-related crimes.
- 719 22. Chapter 817, relating to fraudulent practices, false  
720 pretenses, fraud generally, and credit card crimes.
- 721 23. Section 827.071, relating to commercial sexual  
722 exploitation of children.
- 723 24. Chapter 831, relating to forgery and counterfeiting.
- 724 25. Chapter 832, relating to issuance of worthless checks  
725 and drafts.

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- 726           26. Section 836.05, relating to extortion.  
727           27. Chapter 837, relating to perjury.  
728           28. Chapter 838, relating to bribery and misuse of public  
729 office.  
730           29. Chapter 843, relating to obstruction of justice.  
731           30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
732 s. 847.07, relating to obscene literature and profanity.  
733           31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.  
734 849.25, relating to gambling.  
735           32. Chapter 893, relating to drug abuse prevention and  
736 control.  
737           33. Section 914.22 or s. 914.23, relating to witnesses,  
738 victims, or informants.  
739           34. Section 918.12 or s. 918.13, relating to tampering  
740 with jurors and evidence.  
741           Section 19. Paragraphs (m) and (n) of subsection (1) of  
742 section 775.0877, Florida Statutes, are amended, and paragraph  
743 (o) is added to that section, to read:  
744           775.0877 Criminal transmission of HIV; procedures;  
745 penalties.—  
746           (1) In any case in which a person has been convicted of or  
747 has pled nolo contendere or guilty to, regardless of whether  
748 adjudication is withheld, any of the following offenses, or the  
749 attempt thereof, which offense or attempted offense involves the  
750 transmission of body fluids from one person to another:

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751 (m) Sections ~~796.03,~~ 796.07~~,~~ and 796.08, relating to  
752 prostitution; ~~or~~

753 (n) Section 381.0041(11) (b), relating to donation of  
754 blood, plasma, organs, skin, or other human tissue; or

755 (o) Sections 787.06(3) (b), (d), (f), and (g), relating to  
756 human trafficking,

757

758 the court shall order the offender to undergo HIV testing, to be  
759 performed under the direction of the Department of Health in  
760 accordance with s. 381.004, unless the offender has undergone  
761 HIV testing voluntarily or pursuant to procedures established in  
762 s. 381.004(2) (h)6. or s. 951.27, or any other applicable law or  
763 rule providing for HIV testing of criminal offenders or inmates,  
764 subsequent to her or his arrest for an offense enumerated in  
765 paragraphs (a)-(n) for which she or he was convicted or to which  
766 she or he pled nolo contendere or guilty. The results of an HIV  
767 test performed on an offender pursuant to this subsection are  
768 not admissible in any criminal proceeding arising out of the  
769 alleged offense.

770 Section 20. Paragraph (a) of subsection (4) and paragraph  
771 (b) of subsection (10) of section 775.21, Florida Statutes, is  
772 amended to read:

773 775.21 The Florida Sexual Predators Act.—

774 (4) SEXUAL PREDATOR CRITERIA.—

775 (a) For a current offense committed on or after October 1,  
776 1993, upon conviction, an offender shall be designated as a

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777 "sexual predator" under subsection (5), and subject to  
778 registration under subsection (6) and community and public  
779 notification under subsection (7) if:

780 1. The felony is:

781 a. A capital, life, or first-degree felony violation, or  
782 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
783 is a minor and the defendant is not the victim's parent or  
784 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
785 violation of a similar law of another jurisdiction; or

786 b. Any felony violation, or any attempt thereof, of s.  
787 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
788 minor and the defendant is not the victim's parent or guardian;  
789 s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding  
790 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
791 s. 800.04; s. 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s.  
792 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a  
793 similar law of another jurisdiction, and the offender has  
794 previously been convicted of or found to have committed, or has  
795 pled nolo contendere or guilty to, regardless of adjudication,  
796 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),  
797 where the victim is a minor and the defendant is not the  
798 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g),  
799 ~~or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former  
800 s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.  
801 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.

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802 847.0145; or s. 985.701(1); or a violation of a similar law of  
803 another jurisdiction;

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

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

810 (10) PENALTIES.—

811 (b) A sexual predator who has been convicted of or found  
812 to have committed, or has pled nolo contendere or guilty to,  
813 regardless of adjudication, any violation, or attempted  
814 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
815 the victim is a minor and the defendant is not the victim's  
816 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
817 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
818 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.  
819 985.701(1); or a violation of a similar law of another  
820 jurisdiction when the victim of the offense was a minor, and who  
821 works, whether for compensation or as a volunteer, at any  
822 business, school, child care facility, park, playground, or  
823 other place where children regularly congregate, commits a  
824 felony of the third degree, punishable as provided in s.  
825 775.082, s. 775.083, or s. 775.084.

826 Section 21. Paragraph (a) of subsection (3) of section  
827 787.01, Florida Statutes, is amended to read:

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828 787.01 Kidnapping; kidnapping of child under age 13,  
829 aggravating circumstances.—

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

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

834 2. Sexual battery, as defined in chapter 794, against the  
835 child;

836 3. Lewd or lascivious battery, lewd or lascivious  
837 molestation, lewd or lascivious conduct, or lewd or lascivious  
838 exhibition, in violation of s. 800.04 or s. 847.0135(5);

839 4. A violation of former s. 796.03 or s. 796.04, relating  
840 to prostitution, upon the child; ~~or~~

841 5. Exploitation of the child or allowing the child to be  
842 exploited, in violation of s. 450.151; or

843 6. A violation of s. 787.06(3)(g), relating to human  
844 trafficking,

845  
846 commits a life felony, punishable as provided in s. 775.082, s.  
847 775.083, or s. 775.084.

848 Section 22. Paragraph (a) of subsection (3) of section  
849 787.02, Florida Statutes, is amended to read:

850 787.02 False imprisonment; false imprisonment of child  
851 under age 13, aggravating circumstances.—

852 (3) (a) A person who commits the offense of false  
853 imprisonment upon a child under the age of 13 and who, in the

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854 course of committing the offense, commits any offense enumerated  
855 in subparagraphs 1.-5., commits a felony of the first degree,  
856 punishable by imprisonment for a term of years not exceeding  
857 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

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

859 2. Sexual battery, as defined in chapter 794, against the  
860 child;

861 3. Lewd or lascivious battery, lewd or lascivious  
862 molestation, lewd or lascivious conduct, or lewd or lascivious  
863 exhibition, in violation of s. 800.04 or s. 847.0135(5);

864 4. A violation of former s. 796.03 or s. 796.04, relating  
865 to prostitution, upon the child; ~~or~~

866 5. Exploitation of the child or allowing the child to be  
867 exploited, in violation of s. 450.151; or

868 6. A violation of s. 878.06(3)(g) relating to human  
869 trafficking.

870 Section 23. Subsection (1) of section 794.056, Florida  
871 Statutes, is amended to read:

872 794.056 Rape Crisis Program Trust Fund.—

873 (1) The Rape Crisis Program Trust Fund is created within  
874 the Department of Health for the purpose of providing funds for  
875 rape crisis centers in this state. Trust fund moneys shall be  
876 used exclusively for the purpose of providing services for  
877 victims of sexual assault. Funds credited to the trust fund  
878 consist of those funds collected as an additional court  
879 assessment in each case in which a defendant pleads guilty or

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880 nolo contendere to, or is found guilty of, regardless of  
881 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
882 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
883 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
884 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
885 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
886 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
887 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
888 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
889 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
890 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
891 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
892 fund also shall include revenues provided by law, moneys  
893 appropriated by the Legislature, and grants from public or  
894 private entities.

895 Section 24. Subsection (1) of section 856.022, Florida  
896 Statutes, is amended to read:

897 856.022 Loitering or prowling by certain offenders in  
898 close proximity to children; penalty.-

899 (1) Except as provided in subsection (2), this section  
900 applies to a person convicted of committing, or attempting,  
901 soliciting, or conspiring to commit, any of the criminal  
902 offenses proscribed in the following statutes in this state or  
903 similar offenses in another jurisdiction against a victim who  
904 was under 18 years of age at the time of the offense: s. 787.01,  
905 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and

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906 the offender was not the victim's parent or guardian; s.  
907 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;  
908 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.  
909 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
910 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any  
911 similar offense committed in this state which has been  
912 redesignated from a former statute number to one of those listed  
913 in this subsection, if the person has not received a pardon for  
914 any felony or similar law of another jurisdiction necessary for  
915 the operation of this subsection and a conviction of a felony or  
916 similar law of another jurisdiction necessary for the operation  
917 of this subsection has not been set aside in any postconviction  
918 proceeding.

919 Section 25. Paragraph (a) of subsection (1) of section  
920 895.02, Florida Statutes, is amended to read:

921 895.02 Definitions.—As used in ss. 895.01-895.08, the  
922 term:

923 (1) "Racketeering activity" means to commit, to attempt to  
924 commit, to conspire to commit, or to solicit, coerce, or  
925 intimidate another person to commit:

926 (a) Any crime that is chargeable by petition, indictment,  
927 or information under the following provisions of the Florida  
928 Statutes:

929 1. Section 210.18, relating to evasion of payment of  
930 cigarette taxes.

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- 931           2. Section 316.1935, relating to fleeing or attempting to  
932 elude a law enforcement officer and aggravated fleeing or  
933 eluding.
- 934           3. Section 403.727(3)(b), relating to environmental  
935 control.
- 936           4. Section 409.920 or s. 409.9201, relating to Medicaid  
937 fraud.
- 938           5. Section 414.39, relating to public assistance fraud.
- 939           6. Section 440.105 or s. 440.106, relating to workers'  
940 compensation.
- 941           7. Section 443.071(4), relating to creation of a  
942 fictitious employer scheme to commit reemployment assistance  
943 fraud.
- 944           8. Section 465.0161, relating to distribution of medicinal  
945 drugs without a permit as an Internet pharmacy.
- 946           9. Section 499.0051, relating to crimes involving  
947 contraband and adulterated drugs.
- 948           10. Part IV of chapter 501, relating to telemarketing.
- 949           11. Chapter 517, relating to sale of securities and  
950 investor protection.
- 951           12. Section 550.235 or s. 550.3551, relating to dogracing  
952 and horseracing.
- 953           13. Chapter 550, relating to jai alai frontons.
- 954           14. Section 551.109, relating to slot machine gaming.
- 955           15. Chapter 552, relating to the manufacture,  
956 distribution, and use of explosives.

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- 957           16. Chapter 560, relating to money transmitters, if the  
958 violation is punishable as a felony.
- 959           17. Chapter 562, relating to beverage law enforcement.
- 960           18. Section 624.401, relating to transacting insurance  
961 without a certificate of authority, s. 624.437(4)(c)1., relating  
962 to operating an unauthorized multiple-employer welfare  
963 arrangement, or s. 626.902(1)(b), relating to representing or  
964 aiding an unauthorized insurer.
- 965           19. Section 655.50, relating to reports of currency  
966 transactions, when such violation is punishable as a felony.
- 967           20. Chapter 687, relating to interest and usurious  
968 practices.
- 969           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
970 real estate timeshare plans.
- 971           22. Section 775.13(5)(b), relating to registration of  
972 persons found to have committed any offense for the purpose of  
973 benefiting, promoting, or furthering the interests of a criminal  
974 gang.
- 975           23. Section 777.03, relating to commission of crimes by  
976 accessories after the fact.
- 977           24. Chapter 782, relating to homicide.
- 978           25. Chapter 784, relating to assault and battery.
- 979           26. Chapter 787, relating to kidnapping or human  
980 trafficking.
- 981           27. Chapter 790, relating to weapons and firearms.

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982           28. Chapter 794, relating to sexual battery, but only if  
983 such crime was committed with the intent to benefit, promote, or  
984 further the interests of a criminal gang, or for the purpose of  
985 increasing a criminal gang member's own standing or position  
986 within a criminal gang.

987           29. Former section 796.03, former s. 796.035, s. 796.04,  
988 s. 796.05, or s. 796.07, relating to prostitution ~~and sex~~  
989 ~~trafficking~~.

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

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

992           32. Chapter 812, relating to theft, robbery, and related  
993 crimes.

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

995           34. Chapter 817, relating to fraudulent practices, false  
996 pretenses, fraud generally, and credit card crimes.

997           35. Chapter 825, relating to abuse, neglect, or  
998 exploitation of an elderly person or disabled adult.

999           36. Section 827.071, relating to commercial sexual  
1000 exploitation of children.

1001           37. Section 828.122, relating to fighting or baiting  
1002 animals.

1003           38. Chapter 831, relating to forgery and counterfeiting.

1004           39. Chapter 832, relating to issuance of worthless checks  
1005 and drafts.

1006           40. Section 836.05, relating to extortion.

1007           41. Chapter 837, relating to perjury.

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- 1008 42. Chapter 838, relating to bribery and misuse of public  
1009 office.
- 1010 43. Chapter 843, relating to obstruction of justice.
- 1011 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or  
1012 s. 847.07, relating to obscene literature and profanity.
- 1013 45. Chapter 849, relating to gambling, lottery, gambling  
1014 or gaming devices, slot machines, or any of the provisions  
1015 within that chapter.
- 1016 46. Chapter 874, relating to criminal gangs.
- 1017 47. Chapter 893, relating to drug abuse prevention and  
1018 control.
- 1019 48. Chapter 896, relating to offenses related to financial  
1020 transactions.
- 1021 49. Sections 914.22 and 914.23, relating to tampering with  
1022 or harassing a witness, victim, or informant, and retaliation  
1023 against a witness, victim, or informant.
- 1024 50. Sections 918.12 and 918.13, relating to tampering with  
1025 jurors and evidence.
- 1026 Section 26. Section 938.085, Florida Statutes, is amended  
1027 to read:
- 1028 938.085 Additional cost to fund rape crisis centers.—In  
1029 addition to any sanction imposed when a person pleads guilty or  
1030 nolo contendere to, or is found guilty of, regardless of  
1031 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
1032 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
1033 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.

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1034 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
1035 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
1036 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
1037 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
1038 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
1039 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
1040 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
1041 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
1042 \$151. Payment of the surcharge shall be a condition of  
1043 probation, community control, or any other court-ordered  
1044 supervision. The sum of \$150 of the surcharge shall be deposited  
1045 into the Rape Crisis Program Trust Fund established within the  
1046 Department of Health by chapter 2003-140, Laws of Florida. The  
1047 clerk of the court shall retain \$1 of each surcharge that the  
1048 clerk of the court collects as a service charge of the clerk's  
1049 office.

1050 Section 27. Subsection (1) of section 938.10, Florida  
1051 Statutes, is amended to read:

1052 938.10 Additional court cost imposed in cases of certain  
1053 crimes.-

1054 (1) If a person pleads guilty or nolo contendere to, or is  
1055 found guilty of, regardless of adjudication, any offense against  
1056 a minor in violation of s. 784.085, chapter 787, chapter 794,  
1057 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.  
1058 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,  
1059 s. 893.147(3), or s. 985.701, or any offense in violation of s.

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1060 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
1061 court shall impose a court cost of \$151 against the offender in  
1062 addition to any other cost or penalty required by law.

1063 Section 28. Paragraph (a) of subsection (1) of section  
1064 943.0435, Florida Statutes, is amended to read:

1065 943.0435 Sexual offenders required to register with the  
1066 department; penalty.—

1067 (1) As used in this section, the term:

1068 (a)1. "Sexual offender" means a person who meets the  
1069 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
1070 subparagraph c., or sub-subparagraph d., as follows:

1071 a.(I) Has been convicted of committing, or attempting,  
1072 soliciting, or conspiring to commit, any of the criminal  
1073 offenses proscribed in the following statutes in this state or  
1074 similar offenses in another jurisdiction: s. 787.01, s. 787.02,  
1075 or s. 787.025(2)(c), where the victim is a minor and the  
1076 defendant is not the victim's parent or guardian; s.  
1077 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.  
1078 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
1079 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
1080 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1081 847.0145; or s. 985.701(1); or any similar offense committed in  
1082 this state which has been redesignated from a former statute  
1083 number to one of those listed in this sub-sub-subparagraph; and  
1084 (II) Has been released on or after October 1, 1997, from  
1085 the sanction imposed for any conviction of an offense described

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1086 in sub-sub-subparagraph (I). For purposes of sub-sub-  
1087 subparagraph (I), a sanction imposed in this state or in any  
1088 other jurisdiction includes, but is not limited to, a fine,  
1089 probation, community control, parole, conditional release,  
1090 control release, or incarceration in a state prison, federal  
1091 prison, private correctional facility, or local detention  
1092 facility;

1093 b. Establishes or maintains a residence in this state and  
1094 who has not been designated as a sexual predator by a court of  
1095 this state but who has been designated as a sexual predator, as  
1096 a sexually violent predator, or by another sexual offender  
1097 designation in another state or jurisdiction and was, as a  
1098 result of such designation, subjected to registration or  
1099 community or public notification, or both, or would be if the  
1100 person were a resident of that state or jurisdiction, without  
1101 regard to whether the person otherwise meets the criteria for  
1102 registration as a sexual offender;

1103 c. Establishes or maintains a residence in this state who  
1104 is in the custody or control of, or under the supervision of,  
1105 any other state or jurisdiction as a result of a conviction for  
1106 committing, or attempting, soliciting, or conspiring to commit,  
1107 any of the criminal offenses proscribed in the following  
1108 statutes or similar offense in another jurisdiction: s. 787.01,  
1109 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
1110 the defendant is not the victim's parent or guardian; s.  
1111 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding s.

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1112 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
1113 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.  
1114 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1115 847.0145; or s. 985.701(1); or any similar offense committed in  
1116 this state which has been redesignated from a former statute  
1117 number to one of those listed in this sub-subparagraph; or  
1118 d. On or after July 1, 2007, has been adjudicated  
1119 delinquent for committing, or attempting, soliciting, or  
1120 conspiring to commit, any of the criminal offenses proscribed in  
1121 the following statutes in this state or similar offenses in  
1122 another jurisdiction when the juvenile was 14 years of age or  
1123 older at the time of the offense:

1124 (I) Section 794.011, excluding s. 794.011(10);

1125 (II) Section 800.04(4)(b) where the victim is under 12  
1126 years of age or where the court finds sexual activity by the use  
1127 of force or coercion;

1128 (III) Section 800.04(5)(c)1. where the court finds  
1129 molestation involving unclothed genitals; or

1130 (IV) Section 800.04(5)(d) where the court finds the use of  
1131 force or coercion and unclothed genitals.

1132 2. For all qualifying offenses listed in sub-subparagraph  
1133 (1)(a)1.d., the court shall make a written finding of the age of  
1134 the offender at the time of the offense.

1135

1136 For each violation of a qualifying offense listed in this  
1137 subsection, the court shall make a written finding of the age of

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1138 the victim at the time of the offense. For a violation of s.  
1139 800.04(4), the court shall additionally make a written finding  
1140 indicating that the offense did or did not involve sexual  
1141 activity and indicating that the offense did or did not involve  
1142 force or coercion. For a violation of s. 800.04(5), the court  
1143 shall additionally make a written finding that the offense did  
1144 or did not involve unclothed genitals or genital area and that  
1145 the offense did or did not involve the use of force or coercion.

1146 Section 29. Section 943.0585, Florida Statutes, is amended  
1147 to read:

1148 943.0585 Court-ordered expunction of criminal history  
1149 records.—The courts of this state have jurisdiction over their  
1150 own procedures, including the maintenance, expunction, and  
1151 correction of judicial records containing criminal history  
1152 information to the extent such procedures are not inconsistent  
1153 with the conditions, responsibilities, and duties established by  
1154 this section. Any court of competent jurisdiction may order a  
1155 criminal justice agency to expunge the criminal history record  
1156 of a minor or an adult who complies with the requirements of  
1157 this section. The court shall not order a criminal justice  
1158 agency to expunge a criminal history record until the person  
1159 seeking to expunge a criminal history record has applied for and  
1160 received a certificate of eligibility for expunction pursuant to  
1161 subsection (2). A criminal history record that relates to a  
1162 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1163 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,

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1164 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
1165 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,  
1166 or any violation specified as a predicate offense for  
1167 registration as a sexual predator pursuant to s. 775.21, without  
1168 regard to whether that offense alone is sufficient to require  
1169 such registration, or for registration as a sexual offender  
1170 pursuant to s. 943.0435, may not be expunged, without regard to  
1171 whether adjudication was withheld, if the defendant was found  
1172 guilty of or pled guilty or nolo contendere to the offense, or  
1173 if the defendant, as a minor, was found to have committed, or  
1174 pled guilty or nolo contendere to committing, the offense as a  
1175 delinquent act. The court may only order expunction of a  
1176 criminal history record pertaining to one arrest or one incident  
1177 of alleged criminal activity, except as provided in this  
1178 section. The court may, at its sole discretion, order the  
1179 expunction of a criminal history record pertaining to more than  
1180 one arrest if the additional arrests directly relate to the  
1181 original arrest. If the court intends to order the expunction of  
1182 records pertaining to such additional arrests, such intent must  
1183 be specified in the order. A criminal justice agency may not  
1184 expunge any record pertaining to such additional arrests if the  
1185 order to expunge does not articulate the intention of the court  
1186 to expunge a record pertaining to more than one arrest. This  
1187 section does not prevent the court from ordering the expunction  
1188 of only a portion of a criminal history record pertaining to one  
1189 arrest or one incident of alleged criminal activity.

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1190 Notwithstanding any law to the contrary, a criminal justice  
1191 agency may comply with laws, court orders, and official requests  
1192 of other jurisdictions relating to expunction, correction, or  
1193 confidential handling of criminal history records or information  
1194 derived therefrom. This section does not confer any right to the  
1195 expunction of any criminal history record, and any request for  
1196 expunction of a criminal history record may be denied at the  
1197 sole discretion of the court.

1198 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1199 petition to a court to expunge a criminal history record is  
1200 complete only when accompanied by:

1201 (a) A valid certificate of eligibility for expunction  
1202 issued by the department pursuant to subsection (2).

1203 (b) The petitioner's sworn statement attesting that the  
1204 petitioner:

1205 1. Has never, prior to the date on which the petition is  
1206 filed, been adjudicated guilty of a criminal offense or  
1207 comparable ordinance violation, or been adjudicated delinquent  
1208 for committing any felony or a misdemeanor specified in s.  
1209 943.051(3)(b).

1210 2. Has not been adjudicated guilty of, or adjudicated  
1211 delinquent for committing, any of the acts stemming from the  
1212 arrest or alleged criminal activity to which the petition  
1213 pertains.

1214 3. Has never secured a prior sealing or expunction of a  
1215 criminal history record under this section, s. 943.059, former

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1216 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1217 expunction is sought of a criminal history record previously  
1218 sealed for 10 years pursuant to paragraph (2) (h) and the record  
1219 is otherwise eligible for expunction.

1220 4. Is eligible for such an expunction to the best of his  
1221 or her knowledge or belief and does not have any other petition  
1222 to expunge or any petition to seal pending before any court.  
1223

1224 Any person who knowingly provides false information on such  
1225 sworn statement to the court commits a felony of the third  
1226 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1227 775.084.

1228 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1229 petitioning the court to expunge a criminal history record, a  
1230 person seeking to expunge a criminal history record shall apply  
1231 to the department for a certificate of eligibility for  
1232 expunction. The department shall, by rule adopted pursuant to  
1233 chapter 120, establish procedures pertaining to the application  
1234 for and issuance of certificates of eligibility for expunction.  
1235 A certificate of eligibility for expunction is valid for 12  
1236 months after the date stamped on the certificate when issued by  
1237 the department. After that time, the petitioner must reapply to  
1238 the department for a new certificate of eligibility. Eligibility  
1239 for a renewed certification of eligibility must be based on the  
1240 status of the applicant and the law in effect at the time of the  
1241 renewal application. The department shall issue a certificate of

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1242 eligibility for expunction to a person who is the subject of a  
1243 criminal history record if that person:

1244 (a) Has obtained, and submitted to the department, a  
1245 written, certified statement from the appropriate state attorney  
1246 or statewide prosecutor which indicates:

1247 1. That an indictment, information, or other charging  
1248 document was not filed or issued in the case.

1249 2. That an indictment, information, or other charging  
1250 document, if filed or issued in the case, was dismissed or nolle  
1251 prosequi by the state attorney or statewide prosecutor, or was  
1252 dismissed by a court of competent jurisdiction, and that none of  
1253 the charges related to the arrest or alleged criminal activity  
1254 to which the petition to expunge pertains resulted in a trial,  
1255 without regard to whether the outcome of the trial was other  
1256 than an adjudication of guilt.

1257 3. That the criminal history record does not relate to a  
1258 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1259 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
1260 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,  
1261 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,  
1262 or any violation specified as a predicate offense for  
1263 registration as a sexual predator pursuant to s. 775.21, without  
1264 regard to whether that offense alone is sufficient to require  
1265 such registration, or for registration as a sexual offender  
1266 pursuant to s. 943.0435, where the defendant was found guilty  
1267 of, or pled guilty or nolo contendere to any such offense, or

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1268 that the defendant, as a minor, was found to have committed, or  
1269 pled guilty or nolo contendere to committing, such an offense as  
1270 a delinquent act, without regard to whether adjudication was  
1271 withheld.

1272 (b) Remits a \$75 processing fee to the department for  
1273 placement in the Department of Law Enforcement Operating Trust  
1274 Fund, unless such fee is waived by the executive director.

1275 (c) Has submitted to the department a certified copy of  
1276 the disposition of the charge to which the petition to expunge  
1277 pertains.

1278 (d) Has never, prior to the date on which the application  
1279 for a certificate of eligibility is filed, been adjudicated  
1280 guilty of a criminal offense or comparable ordinance violation,  
1281 or been adjudicated delinquent for committing any felony or a  
1282 misdemeanor specified in s. 943.051(3)(b).

1283 (e) Has not been adjudicated guilty of, or adjudicated  
1284 delinquent for committing, any of the acts stemming from the  
1285 arrest or alleged criminal activity to which the petition to  
1286 expunge pertains.

1287 (f) Has never secured a prior sealing or expunction of a  
1288 criminal history record under this section, s. 943.059, former  
1289 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1290 expunction is sought of a criminal history record previously  
1291 sealed for 10 years pursuant to paragraph (h) and the record is  
1292 otherwise eligible for expunction.

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1293 (g) Is no longer under court supervision applicable to the  
1294 disposition of the arrest or alleged criminal activity to which  
1295 the petition to expunge pertains.

1296 (h) Has previously obtained a court order sealing the  
1297 record under this section, former s. 893.14, former s. 901.33,  
1298 or former s. 943.058 for a minimum of 10 years because  
1299 adjudication was withheld or because all charges related to the  
1300 arrest or alleged criminal activity to which the petition to  
1301 expunge pertains were not dismissed prior to trial, without  
1302 regard to whether the outcome of the trial was other than an  
1303 adjudication of guilt. The requirement for the record to have  
1304 previously been sealed for a minimum of 10 years does not apply  
1305 when a plea was not entered or all charges related to the arrest  
1306 or alleged criminal activity to which the petition to expunge  
1307 pertains were dismissed prior to trial.

1308 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1309 (a) In judicial proceedings under this section, a copy of  
1310 the completed petition to expunge shall be served upon the  
1311 appropriate state attorney or the statewide prosecutor and upon  
1312 the arresting agency; however, it is not necessary to make any  
1313 agency other than the state a party. The appropriate state  
1314 attorney or the statewide prosecutor and the arresting agency  
1315 may respond to the court regarding the completed petition to  
1316 expunge.

1317 (b) If relief is granted by the court, the clerk of the  
1318 court shall certify copies of the order to the appropriate state

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1319 attorney or the statewide prosecutor and the arresting agency.  
1320 The arresting agency is responsible for forwarding the order to  
1321 any other agency to which the arresting agency disseminated the  
1322 criminal history record information to which the order pertains.  
1323 The department shall forward the order to expunge to the Federal  
1324 Bureau of Investigation. The clerk of the court shall certify a  
1325 copy of the order to any other agency which the records of the  
1326 court reflect has received the criminal history record from the  
1327 court.

1328 (c) For an order to expunge entered by a court prior to  
1329 July 1, 1992, the department shall notify the appropriate state  
1330 attorney or statewide prosecutor of an order to expunge which is  
1331 contrary to law because the person who is the subject of the  
1332 record has previously been convicted of a crime or comparable  
1333 ordinance violation or has had a prior criminal history record  
1334 sealed or expunged. Upon receipt of such notice, the appropriate  
1335 state attorney or statewide prosecutor shall take action, within  
1336 60 days, to correct the record and petition the court to void  
1337 the order to expunge. The department shall seal the record until  
1338 such time as the order is voided by the court.

1339 (d) On or after July 1, 1992, the department or any other  
1340 criminal justice agency is not required to act on an order to  
1341 expunge entered by a court when such order does not comply with  
1342 the requirements of this section. Upon receipt of such an order,  
1343 the department must notify the issuing court, the appropriate  
1344 state attorney or statewide prosecutor, the petitioner or the

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1345 petitioner's attorney, and the arresting agency of the reason  
1346 for noncompliance. The appropriate state attorney or statewide  
1347 prosecutor shall take action within 60 days to correct the  
1348 record and petition the court to void the order. No cause of  
1349 action, including contempt of court, shall arise against any  
1350 criminal justice agency for failure to comply with an order to  
1351 expunge when the petitioner for such order failed to obtain the  
1352 certificate of eligibility as required by this section or such  
1353 order does not otherwise comply with the requirements of this  
1354 section.

1355 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1356 criminal history record of a minor or an adult which is ordered  
1357 expunged by a court of competent jurisdiction pursuant to this  
1358 section must be physically destroyed or obliterated by any  
1359 criminal justice agency having custody of such record; except  
1360 that any criminal history record in the custody of the  
1361 department must be retained in all cases. A criminal history  
1362 record ordered expunged that is retained by the department is  
1363 confidential and exempt from the provisions of s. 119.07(1) and  
1364 s. 24(a), Art. I of the State Constitution and not available to  
1365 any person or entity except upon order of a court of competent  
1366 jurisdiction. A criminal justice agency may retain a notation  
1367 indicating compliance with an order to expunge.

1368 (a) The person who is the subject of a criminal history  
1369 record that is expunged under this section or under other  
1370 provisions of law, including former s. 893.14, former s. 901.33,

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1371 and former s. 943.058, may lawfully deny or fail to acknowledge  
1372 the arrests covered by the expunged record, except when the  
1373 subject of the record:

1374 1. Is a candidate for employment with a criminal justice  
1375 agency;

1376 2. Is a defendant in a criminal prosecution;

1377 3. Concurrently or subsequently petitions for relief under  
1378 this section, s. 943.0583, or s. 943.059;

1379 4. Is a candidate for admission to The Florida Bar;

1380 5. Is seeking to be employed or licensed by or to contract  
1381 with the Department of Children and Families, the Division of  
1382 Vocational Rehabilitation within the Department of Education,  
1383 the Agency for Health Care Administration, the Agency for  
1384 Persons with Disabilities, the Department of Health, the  
1385 Department of Elderly Affairs, or the Department of Juvenile  
1386 Justice or to be employed or used by such contractor or licensee  
1387 in a sensitive position having direct contact with children, the  
1388 disabled, or the elderly; or

1389 6. Is seeking to be employed or licensed by the Department  
1390 of Education, any district school board, any university  
1391 laboratory school, any charter school, any private or parochial  
1392 school, or any local governmental entity that licenses child  
1393 care facilities.

1394 (b) Subject to the exceptions in paragraph (a), a person  
1395 who has been granted an expunction under this section, former s.  
1396 893.14, former s. 901.33, or former s. 943.058 may not be held

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1397 under any provision of law of this state to commit perjury or to  
1398 be otherwise liable for giving a false statement by reason of  
1399 such person's failure to recite or acknowledge an expunged  
1400 criminal history record.

1401 (c) Information relating to the existence of an expunged  
1402 criminal history record which is provided in accordance with  
1403 paragraph (a) is confidential and exempt from the provisions of  
1404 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1405 except that the department shall disclose the existence of a  
1406 criminal history record ordered expunged to the entities set  
1407 forth in subparagraphs (a)1., 4., 5., 6., and 7. for their  
1408 respective licensing, access authorization, and employment  
1409 purposes, and to criminal justice agencies for their respective  
1410 criminal justice purposes. It is unlawful for any employee of an  
1411 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1412 subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to  
1413 disclose information relating to the existence of an expunged  
1414 criminal history record of a person seeking employment, access  
1415 authorization, or licensure with such entity or contractor,  
1416 except to the person to whom the criminal history record relates  
1417 or to persons having direct responsibility for employment,  
1418 access authorization, or licensure decisions. Any person who  
1419 violates this paragraph commits a misdemeanor of the first  
1420 degree, punishable as provided in s. 775.082 or s. 775.083.

1421 (5) STATUTORY REFERENCES.—Any reference to any other  
1422 chapter, section, or subdivision of the Florida Statutes in this

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1423 section constitutes a general reference under the doctrine of  
1424 incorporation by reference.

1425 Section 30. Section 943.059, Florida Statutes, is amended  
1426 to read:

1427 943.059 Court-ordered sealing of criminal history  
1428 records.—The courts of this state shall continue to have  
1429 jurisdiction over their own procedures, including the  
1430 maintenance, sealing, and correction of judicial records  
1431 containing criminal history information to the extent such  
1432 procedures are not inconsistent with the conditions,  
1433 responsibilities, and duties established by this section. Any  
1434 court of competent jurisdiction may order a criminal justice  
1435 agency to seal the criminal history record of a minor or an  
1436 adult who complies with the requirements of this section. The  
1437 court shall not order a criminal justice agency to seal a  
1438 criminal history record until the person seeking to seal a  
1439 criminal history record has applied for and received a  
1440 certificate of eligibility for sealing pursuant to subsection  
1441 (2). A criminal history record that relates to a violation of s.  
1442 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
1443 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,  
1444 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,  
1445 s. 916.1075, a violation enumerated in s. 907.041, or any  
1446 violation specified as a predicate offense for registration as a  
1447 sexual predator pursuant to s. 775.21, without regard to whether  
1448 that offense alone is sufficient to require such registration,

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1449 or for registration as a sexual offender pursuant to s.  
1450 943.0435, may not be sealed, without regard to whether  
1451 adjudication was withheld, if the defendant was found guilty of  
1452 or pled guilty or nolo contendere to the offense, or if the  
1453 defendant, as a minor, was found to have committed or pled  
1454 guilty or nolo contendere to committing the offense as a  
1455 delinquent act. The court may only order sealing of a criminal  
1456 history record pertaining to one arrest or one incident of  
1457 alleged criminal activity, except as provided in this section.  
1458 The court may, at its sole discretion, order the sealing of a  
1459 criminal history record pertaining to more than one arrest if  
1460 the additional arrests directly relate to the original arrest.  
1461 If the court intends to order the sealing of records pertaining  
1462 to such additional arrests, such intent must be specified in the  
1463 order. A criminal justice agency may not seal any record  
1464 pertaining to such additional arrests if the order to seal does  
1465 not articulate the intention of the court to seal records  
1466 pertaining to more than one arrest. This section does not  
1467 prevent the court from ordering the sealing of only a portion of  
1468 a criminal history record pertaining to one arrest or one  
1469 incident of alleged criminal activity. Notwithstanding any law  
1470 to the contrary, a criminal justice agency may comply with laws,  
1471 court orders, and official requests of other jurisdictions  
1472 relating to sealing, correction, or confidential handling of  
1473 criminal history records or information derived therefrom. This  
1474 section does not confer any right to the sealing of any criminal

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1475 history record, and any request for sealing a criminal history  
1476 record may be denied at the sole discretion of the court.

1477 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1478 petition to a court to seal a criminal history record is  
1479 complete only when accompanied by:

1480 (a) A valid certificate of eligibility for sealing issued  
1481 by the department pursuant to subsection (2).

1482 (b) The petitioner's sworn statement attesting that the  
1483 petitioner:

1484 1. Has never, prior to the date on which the petition is  
1485 filed, been adjudicated guilty of a criminal offense or  
1486 comparable ordinance violation, or been adjudicated delinquent  
1487 for committing any felony or a misdemeanor specified in s.  
1488 943.051(3)(b).

1489 2. Has not been adjudicated guilty of or adjudicated  
1490 delinquent for committing any of the acts stemming from the  
1491 arrest or alleged criminal activity to which the petition to  
1492 seal pertains.

1493 3. Has never secured a prior sealing or expunction of a  
1494 criminal history record under this section, s. 943.0585, former  
1495 s. 893.14, former s. 901.33, or former s. 943.058.

1496 4. Is eligible for such a sealing to the best of his or  
1497 her knowledge or belief and does not have any other petition to  
1498 seal or any petition to expunge pending before any court.

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1500 Any person who knowingly provides false information on such  
1501 sworn statement to the court commits a felony of the third  
1502 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1503 775.084.

1504 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
1505 petitioning the court to seal a criminal history record, a  
1506 person seeking to seal a criminal history record shall apply to  
1507 the department for a certificate of eligibility for sealing. The  
1508 department shall, by rule adopted pursuant to chapter 120,  
1509 establish procedures pertaining to the application for and  
1510 issuance of certificates of eligibility for sealing. A  
1511 certificate of eligibility for sealing is valid for 12 months  
1512 after the date stamped on the certificate when issued by the  
1513 department. After that time, the petitioner must reapply to the  
1514 department for a new certificate of eligibility. Eligibility for  
1515 a renewed certification of eligibility must be based on the  
1516 status of the applicant and the law in effect at the time of the  
1517 renewal application. The department shall issue a certificate of  
1518 eligibility for sealing to a person who is the subject of a  
1519 criminal history record provided that such person:

1520 (a) Has submitted to the department a certified copy of  
1521 the disposition of the charge to which the petition to seal  
1522 pertains.

1523 (b) Remits a \$75 processing fee to the department for  
1524 placement in the Department of Law Enforcement Operating Trust  
1525 Fund, unless such fee is waived by the executive director.

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1526 (c) Has never, prior to the date on which the application  
1527 for a certificate of eligibility is filed, been adjudicated  
1528 guilty of a criminal offense or comparable ordinance violation,  
1529 or been adjudicated delinquent for committing any felony or a  
1530 misdemeanor specified in s. 943.051(3)(b).

1531 (d) Has not been adjudicated guilty of or adjudicated  
1532 delinquent for committing any of the acts stemming from the  
1533 arrest or alleged criminal activity to which the petition to  
1534 seal pertains.

1535 (e) Has never secured a prior sealing or expunction of a  
1536 criminal history record under this section, s. 943.0585, former  
1537 s. 893.14, former s. 901.33, or former s. 943.058.

1538 (f) Is no longer under court supervision applicable to the  
1539 disposition of the arrest or alleged criminal activity to which  
1540 the petition to seal pertains.

1541 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1542 (a) In judicial proceedings under this section, a copy of  
1543 the completed petition to seal shall be served upon the  
1544 appropriate state attorney or the statewide prosecutor and upon  
1545 the arresting agency; however, it is not necessary to make any  
1546 agency other than the state a party. The appropriate state  
1547 attorney or the statewide prosecutor and the arresting agency  
1548 may respond to the court regarding the completed petition to  
1549 seal.

1550 (b) If relief is granted by the court, the clerk of the  
1551 court shall certify copies of the order to the appropriate state

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1552 attorney or the statewide prosecutor and to the arresting  
1553 agency. The arresting agency is responsible for forwarding the  
1554 order to any other agency to which the arresting agency  
1555 disseminated the criminal history record information to which  
1556 the order pertains. The department shall forward the order to  
1557 seal to the Federal Bureau of Investigation. The clerk of the  
1558 court shall certify a copy of the order to any other agency  
1559 which the records of the court reflect has received the criminal  
1560 history record from the court.

1561 (c) For an order to seal entered by a court prior to July  
1562 1, 1992, the department shall notify the appropriate state  
1563 attorney or statewide prosecutor of any order to seal which is  
1564 contrary to law because the person who is the subject of the  
1565 record has previously been convicted of a crime or comparable  
1566 ordinance violation or has had a prior criminal history record  
1567 sealed or expunged. Upon receipt of such notice, the appropriate  
1568 state attorney or statewide prosecutor shall take action, within  
1569 60 days, to correct the record and petition the court to void  
1570 the order to seal. The department shall seal the record until  
1571 such time as the order is voided by the court.

1572 (d) On or after July 1, 1992, the department or any other  
1573 criminal justice agency is not required to act on an order to  
1574 seal entered by a court when such order does not comply with the  
1575 requirements of this section. Upon receipt of such an order, the  
1576 department must notify the issuing court, the appropriate state  
1577 attorney or statewide prosecutor, the petitioner or the

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1578 petitioner's attorney, and the arresting agency of the reason  
1579 for noncompliance. The appropriate state attorney or statewide  
1580 prosecutor shall take action within 60 days to correct the  
1581 record and petition the court to void the order. No cause of  
1582 action, including contempt of court, shall arise against any  
1583 criminal justice agency for failure to comply with an order to  
1584 seal when the petitioner for such order failed to obtain the  
1585 certificate of eligibility as required by this section or when  
1586 such order does not comply with the requirements of this  
1587 section.

1588 (e) An order sealing a criminal history record pursuant to  
1589 this section does not require that such record be surrendered to  
1590 the court, and such record shall continue to be maintained by  
1591 the department and other criminal justice agencies.

1592 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1593 history record of a minor or an adult which is ordered sealed by  
1594 a court of competent jurisdiction pursuant to this section is  
1595 confidential and exempt from the provisions of s. 119.07(1) and  
1596 s. 24(a), Art. I of the State Constitution and is available only  
1597 to the person who is the subject of the record, to the subject's  
1598 attorney, to criminal justice agencies for their respective  
1599 criminal justice purposes, which include conducting a criminal  
1600 history background check for approval of firearms purchases or  
1601 transfers as authorized by state or federal law, to judges in  
1602 the state courts system for the purpose of assisting them in  
1603 their case-related decisionmaking responsibilities, as set forth

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1604 in s. 943.053(5), or to those entities set forth in  
1605 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
1606 licensing, access authorization, and employment purposes.

1607 (a) The subject of a criminal history record sealed under  
1608 this section or under other provisions of law, including former  
1609 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1610 deny or fail to acknowledge the arrests covered by the sealed  
1611 record, except when the subject of the record:

1612 1. Is a candidate for employment with a criminal justice  
1613 agency;

1614 2. Is a defendant in a criminal prosecution;

1615 3. Concurrently or subsequently petitions for relief under  
1616 this section, s. 943.0583, or s. 943.0585;

1617 4. Is a candidate for admission to The Florida Bar;

1618 5. Is seeking to be employed or licensed by or to contract  
1619 with the Department of Children and Families, the Division of  
1620 Vocational Rehabilitation within the Department of Education,  
1621 the Agency for Health Care Administration, the Agency for  
1622 Persons with Disabilities, the Department of Health, the  
1623 Department of Elderly Affairs, or the Department of Juvenile  
1624 Justice or to be employed or used by such contractor or licensee  
1625 in a sensitive position having direct contact with children, the  
1626 disabled, or the elderly;

1627 6. Is seeking to be employed or licensed by the Department  
1628 of Education, any district school board, any university  
1629 laboratory school, any charter school, any private or parochial

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1630 school, or any local governmental entity that licenses child  
1631 care facilities; or

1632 7. Is attempting to purchase a firearm from a licensed  
1633 importer, licensed manufacturer, or licensed dealer and is  
1634 subject to a criminal history check under state or federal law.

1635 (b) Subject to the exceptions in paragraph (a), a person  
1636 who has been granted a sealing under this section, former s.  
1637 893.14, former s. 901.33, or former s. 943.058 may not be held  
1638 under any provision of law of this state to commit perjury or to  
1639 be otherwise liable for giving a false statement by reason of  
1640 such person's failure to recite or acknowledge a sealed criminal  
1641 history record.

1642 (c) Information relating to the existence of a sealed  
1643 criminal record provided in accordance with the provisions of  
1644 paragraph (a) is confidential and exempt from the provisions of  
1645 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1646 except that the department shall disclose the sealed criminal  
1647 history record to the entities set forth in subparagraphs (a)1.,  
1648 4., 5., 6., and 8. for their respective licensing, access  
1649 authorization, and employment purposes. It is unlawful for any  
1650 employee of an entity set forth in subparagraph (a)1.,  
1651 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
1652 subparagraph (a)8. to disclose information relating to the  
1653 existence of a sealed criminal history record of a person  
1654 seeking employment, access authorization, or licensure with such  
1655 entity or contractor, except to the person to whom the criminal

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1656 history record relates or to persons having direct  
1657 responsibility for employment, access authorization, or  
1658 licensure decisions. Any person who violates the provisions of  
1659 this paragraph commits a misdemeanor of the first degree,  
1660 punishable as provided in s. 775.082 or s. 775.083.

1661 (5) STATUTORY REFERENCES.—Any reference to any other  
1662 chapter, section, or subdivision of the Florida Statutes in this  
1663 section constitutes a general reference under the doctrine of  
1664 incorporation by reference.

1665 Section 31. Paragraph (b) of subsection (1) of section  
1666 944.606, Florida Statutes, is amended to read:

1667 944.606 Sexual offenders; notification upon release.—

1668 (1) As used in this section:

1669 (b) "Sexual offender" means a person who has been  
1670 convicted of committing, or attempting, soliciting, or  
1671 conspiring to commit, any of the criminal offenses proscribed in  
1672 the following statutes in this state or similar offenses in  
1673 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
1674 where the victim is a minor and the defendant is not the  
1675 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g) ~~r~~  
1676 ~~er~~ (h); s. 794.011, excluding s. 794.011(10); s. 794.05; former  
1677 s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.  
1678 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
1679 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
1680 985.701(1); or any similar offense committed in this state which  
1681 has been redesignated from a former statute number to one of

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1682 those listed in this subsection, when the department has  
1683 received verified information regarding such conviction; an  
1684 offender's computerized criminal history record is not, in and  
1685 of itself, verified information.

1686 Section 32. Paragraph (a) of subsection (1) of section  
1687 944.607, Florida Statutes, is amended to read:

1688 944.607 Notification to Department of Law Enforcement of  
1689 information on sexual offenders.—

1690 (1) As used in this section, the term:

1691 (a) "Sexual offender" means a person who is in the custody  
1692 or control of, or under the supervision of, the department or is  
1693 in the custody of a private correctional facility:

1694 1. On or after October 1, 1997, as a result of a  
1695 conviction for committing, or attempting, soliciting, or  
1696 conspiring to commit, any of the criminal offenses proscribed in  
1697 the following statutes in this state or similar offenses in  
1698 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),  
1699 where the victim is a minor and the defendant is not the  
1700 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g)~~r~~  
1701 ~~or~~ (h); s. 794.011, excluding s. 794.011(10); s. 794.05; former  
1702 s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.  
1703 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.  
1704 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.  
1705 985.701(1); or any similar offense committed in this state which  
1706 has been redesignated from a former statute number to one of  
1707 those listed in this paragraph; or

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1708           2. Who establishes or maintains a residence in this state  
1709 and who has not been designated as a sexual predator by a court  
1710 of this state but who has been designated as a sexual predator,  
1711 as a sexually violent predator, or by another sexual offender  
1712 designation in another state or jurisdiction and was, as a  
1713 result of such designation, subjected to registration or  
1714 community or public notification, or both, or would be if the  
1715 person were a resident of that state or jurisdiction, without  
1716 regard as to whether the person otherwise meets the criteria for  
1717 registration as a sexual offender.

1718           Section 33. Subsection (2) of section 948.013, Florida  
1719 Statutes, is amended to read:

1720           948.013 Administrative probation.—

1721           (2) Effective for an offense committed on or after July 1,  
1722 1998, a person is ineligible for placement on administrative  
1723 probation if the person is sentenced to or is serving a term of  
1724 probation or community control, regardless of the conviction or  
1725 adjudication, for committing, or attempting, conspiring, or  
1726 soliciting to commit, any of the felony offenses described in s.  
1727 787.01 or s. 787.02, where the victim is a minor and the  
1728 defendant is not the victim's parent; s. 787.025; s.  
1729 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.  
1730 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s.  
1731 847.0145.

1732           Section 34. Subsection (1) of section 948.32, Florida  
1733 Statutes, is amended to read:

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1734 948.32 Requirements of law enforcement agency upon arrest  
1735 of persons for certain sex offenses.—

1736 (1) When any state or local law enforcement agency  
1737 investigates or arrests a person for committing, or attempting,  
1738 soliciting, or conspiring to commit, a violation of s.  
1739 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,  
1740 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145,  
1741 the law enforcement agency shall contact the Department of  
1742 Corrections to verify whether the person under investigation or  
1743 under arrest is on probation, community control, parole,  
1744 conditional release, or control release.

1745 -----  
1746  
**T I T L E A M E N D M E N T**

1747 Remove line 14 and insert:  
1748 for financial relocation assistance; amending s.  
1749 450.021, F.S.; prohibiting the employment of minors in  
1750 adult theaters; amending s. 450.045, F.S.; requiring  
1751 adult theaters to verify the ages of employees and  
1752 independent contractors and maintain specified  
1753 documentation; amending s. 775.15, F.S.; eliminating  
1754 the statute of limitations for prosecutions under a  
1755 specified human trafficking provision; providing  
1756 applicability; amending s. 787.06, F.S.; revising and  
1757 providing penalties for various human trafficking  
1758 offenses against minors and adults; amending s.  
1759

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1760 775.082, F.S.; providing a life sentence for a  
1761 specified felony; creating s. 796.001, F.S.; providing  
1762 legislative intent concerning prosecutions of certain  
1763 offenses by adults involving minors; repealing ss.  
1764 796.03, 796.035, and 796.036, F.S., relating to  
1765 procuring a person under the age of 18 for  
1766 prostitution, selling or buying of minors into  
1767 prostitution, and reclassification of certain  
1768 violations involving minors, respectively; amending s.  
1769 796.05, F.S.; revising and providing penalties for  
1770 deriving support from the proceeds of prostitution;  
1771 amending s. 943.0583, F.S.; providing for expunction  
1772 of criminal history records of certain criminal  
1773 charges against victims of human trafficking that did  
1774 not result in convictions; requiring destruction of  
1775 investigative records related to such expunged  
1776 records; amending s. 921.0022, F.S.; conforming  
1777 provisions of the offense severity ranking chart of  
1778 the Criminal Punishment Code to changes made by the  
1779 act; amending ss. 39.01, 90.404, 772.102, 775.0877,  
1780 775.21, 787.01, 787.02, 794.056, 856.022, 895.02,  
1781 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606,  
1782 944.607, 948.013, and 948.32, F.S.; conforming cross-  
1783 references; providing an

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