



CS/CS/CS/HB 989, Engrossed 1

2014

1 A bill to be entitled
2 An act relating to human trafficking; amending s.
3 39.01, F.S.; including human trafficking in the
4 definition of the term "sexual abuse of a child";
5 amending s. 92.56, F.S.; including human trafficking
6 within provisions providing for confidentiality of
7 court records concerning certain offenses involving
8 children; amending s. 787.06, F.S.; clarifying the
9 offense of human trafficking; amending s. 960.065,
10 F.S.; providing that victims of human trafficking are
11 eligible for crime victim compensation awards under
12 certain circumstances; amending s. 960.199, F.S.;
13 allowing victims of human trafficking to be eligible
14 for financial relocation assistance; amending s.
15 450.021, F.S.; prohibiting the employment of minors in
16 adult theaters; amending s. 450.045, F.S.; requiring
17 adult theaters to verify the ages of employees and
18 independent contractors and maintain specified
19 documentation; amending s. 775.15, F.S.; eliminating
20 the statute of limitations for prosecutions under a
21 specified human trafficking provision; providing
22 applicability; amending s. 787.06, F.S.; revising and
23 providing penalties for various human trafficking
24 offenses against minors and adults; amending s.
25 775.082, F.S.; providing a life sentence for a



CS/CS/CS/HB 989, Engrossed 1

2014

26 | specified felony; creating s. 796.001, F.S.; providing
27 | legislative intent concerning prosecutions of certain
28 | offenses by adults involving minors; repealing ss.
29 | 796.03, 796.035, and 796.036, F.S., relating to
30 | procuring a person under the age of 18 for
31 | prostitution, selling or buying of minors into
32 | prostitution, and reclassification of certain
33 | violations involving minors, respectively; amending s.
34 | 796.05, F.S.; revising and providing penalties for
35 | deriving support from the proceeds of prostitution;
36 | amending s. 943.0583, F.S.; providing for expunction
37 | of criminal history records of certain criminal
38 | charges against victims of human trafficking that did
39 | not result in convictions; requiring destruction of
40 | investigative records related to such expunged
41 | records; amending s. 921.0022, F.S.; conforming
42 | provisions of the offense severity ranking chart of
43 | the Criminal Punishment Code to changes made by the
44 | act; amending ss. 39.01, 90.404, 772.102, 775.0877,
45 | 775.21, 787.01, 787.02, 794.056, 856.022, 895.02,
46 | 938.085, 938.10, 943.0435, 943.0585, 943.059, 944.606,
47 | 944.607, 948.013, and 948.32, F.S.; conforming cross-
48 | references; providing an effective date.

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50 | Be It Enacted by the Legislature of the State of Florida:



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Section 1. Paragraph (g) of subsection (67) of section 39.01, Florida Statutes, is amended to read:

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

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

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

1. Solicit for or engage in prostitution;
2. Engage in a sexual performance, as defined by chapter 827; or
3. Participate in commercial sexual activity ~~the trade of sex trafficking~~ as provided in s. 787.06(3)(g) or (h) or s. 796.035.

Section 2. Subsections (2), (3), and (5) of section 92.56, Florida Statutes, are amended to read:

92.56 Judicial proceedings and court records involving sexual offenses and human trafficking.—

(2) A defendant charged with a crime described in s. 787.06(3)(a) in which the victim is under the age of 18, s.



CS/CS/CS/HB 989, Engrossed 1

2014

76 | 787.06(3)(b), (d), (f), (g), or (h), chapter 794, or chapter
77 | 800, or with child abuse, aggravated child abuse, or sexual
78 | performance by a child as described in chapter 827, may apply to
79 | the trial court for an order of disclosure of information in
80 | court records held confidential and exempt pursuant to s.
81 | 119.0714(1)(h) or maintained as confidential and exempt pursuant
82 | to court order under this section. Such identifying information
83 | concerning the victim may be released to the defendant or his or
84 | her attorney in order to prepare the defense. The confidential
85 | and exempt status of this information may not be construed to
86 | prevent the disclosure of the victim's identity to the
87 | defendant; however, the defendant may not disclose the victim's
88 | identity to any person other than the defendant's attorney or
89 | any other person directly involved in the preparation of the
90 | defense. A willful and knowing disclosure of the identity of the
91 | victim to any other person by the defendant constitutes
92 | contempt.

93 | (3) The state may use a pseudonym instead of the victim's
94 | name to designate the victim of a crime described in s.
95 | 787.06(3)(a) in which the victim is under the age of 18, in s.
96 | 787.06(3)(b), (d), (f), (g), or (h), or in chapter 794 or
97 | chapter 800, or of child abuse, aggravated child abuse, or
98 | sexual performance by a child as described in chapter 827, or
99 | any crime involving the production, possession, or promotion of
100 | child pornography as described in chapter 847, in all court



CS/CS/CS/HB 989, Engrossed 1

2014

101 records and records of court proceedings, both civil and
102 criminal.

103 (5) This section does not prohibit the publication or
104 broadcast of the substance of trial testimony in a prosecution
105 for an offense described in s. 787.06(3)(a) in which the victim
106 is under the age of 18, s. 787.06(3)(b), (d), (f), (g), or (h),
107 chapter 794, or chapter 800, or a crime of child abuse,
108 aggravated child abuse, or sexual performance by a child, as
109 described in chapter 827, but the publication or broadcast may
110 not include an identifying photograph, an identifiable voice, or
111 the name or address of the victim, unless the victim has
112 consented in writing to the publication and filed such consent
113 with the court or unless the court has declared such records not
114 confidential and exempt as provided for in subsection (1).

115 Section 3. Subsection (3) of section 787.06, Florida
116 Statutes, is amended to read:

117 787.06 Human trafficking.—

118 (3) Any person who knowingly, or in reckless disregard of
119 the facts, engages in human trafficking, or attempts to engage
120 in human trafficking, or benefits financially by receiving
121 anything of value from participation in a venture that has
122 subjected a person to human trafficking:

123 (a) Using coercion for labor or services commits a felony
124 of the first degree, punishable as provided in s. 775.082, s.
125 775.083, or s. 775.084.



126 (b) Using coercion for commercial sexual activity commits
127 a felony of the first degree, punishable as provided in s.
128 775.082, s. 775.083, or s. 775.084.

129 (c) Using coercion for labor or services of any individual
130 who is an unauthorized alien commits a felony of the first
131 degree, punishable as provided in s. 775.082, s. 775.083, or s.
132 775.084.

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

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

141 (f) Using coercion for commercial sexual activity who does
142 so by the transfer or transport of any individual from outside
143 this state to within the state commits a felony of the first
144 degree, punishable as provided in s. 775.082, s. 775.083, or s.
145 775.084.

146 (g) For commercial sexual activity in which any child
147 under the age of 18 is involved commits a felony of the first
148 degree, punishable by imprisonment for a term of years not
149 exceeding life, or as provided in s. 775.082, s. 775.083, or s.
150 775.084. In a prosecution under this paragraph in which the



CS/CS/CS/HB 989, Engrossed 1

2014

151 | defendant had a reasonable opportunity to observe the person who
152 | was subject to human trafficking, the state need not prove that
153 | the defendant knew that the person had not attained the age of
154 | 18 years.

155 | (h) For commercial sexual activity in which any child
156 | under the age of 15 is involved commits a life felony,
157 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
158 | In a prosecution under this paragraph in which the defendant had
159 | a reasonable opportunity to observe the person who was subject
160 | to human trafficking, the state need not prove that the
161 | defendant knew that the person had not attained the age of 15
162 | years.

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164 | For each instance of human trafficking of any individual under
165 | this subsection, a separate crime is committed and a separate
166 | punishment is authorized.

167 | Section 4. Paragraph (b) of subsection (2) of section
168 | 960.065, Florida Statutes, is amended to read:

169 | 960.065 Eligibility for awards.—

170 | (2) Any claim filed by or on behalf of a person who:

171 | (b) Was engaged in an unlawful activity at the time of the
172 | crime upon which the claim for compensation is based, unless the
173 | victim was engaged in prostitution as a result of being a victim
174 | of human trafficking as described in s. 787.06(3)(b), (d), (f),
175 | (g), or (h);



CS/CS/CS/HB 989, Engrossed 1

2014

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is ineligible for an award.

Section 5. Section 960.199, Florida Statutes, is amended to read:

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

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

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

(a) There must be proof that a sexual battery offense or human trafficking offense, as described in s. 787.06(3)(b), (d), (f), (g), or (h), was committed.

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

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



201 (d) The center's ~~center~~ certification must assert that the
202 victim is cooperating with law enforcement officials, if
203 applicable, and must include documentation that the victim has
204 developed a safety plan. If the victim seeking relocation
205 assistance is a victim of a human trafficking offense as
206 described in s. 787.06(3)(b), (d), (f), (g), or (h), the
207 certified rape crisis center's or certified domestic violence
208 center's certification must include, if applicable, approval of
209 the state attorney or statewide prosecutor attesting that the
210 victim is cooperating with law enforcement officials.

211 (e) The act of sexual battery or human trafficking, as
212 described in s. 787.06(3)(b), (d), (f), (g), or (h), must be
213 committed in the victim's place of residence or in a location
214 that would lead the victim to reasonably fear for his or her
215 continued safety in the place of residence.

216 (3) Relocation payments for a sexual battery or human
217 trafficking claim under this section shall be denied if the
218 department has previously approved or paid out a domestic
219 violence relocation claim under s. 960.198 to the same victim
220 regarding the same incident.

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

223 450.021 Minimum age; general.—

224 (5) In order to better ensure the elimination of minors
225 being exploited and becoming victims of human trafficking, a



226 person under the age of 18, whether or not such person's
227 disabilities of nonage have been removed by marriage or
228 otherwise, may not be employed, permitted, or suffered to work
229 in an adult theater, as defined in s. 847.001(2)(b).

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

232 450.045 Proof of identity and age; posting of notices.—

233 (3)(a) In order to provide the department and law
234 enforcement agencies the means to more effectively identify,
235 investigate, and arrest persons engaging in human trafficking,
236 an adult theater, as defined in s. 847.001(2)(b), shall obtain
237 proof of the identity and age of each of its employees or
238 independent contractors, and shall verify the validity of the
239 identification and age verification document with the issuer,
240 before his or her employment or provision of services as an
241 independent contractor.

242 (b) The adult theater shall obtain and keep on record a
243 photocopy of the person's driver license or state or federal
244 government-issued photo identification card, along with a record
245 of the verification of the validity of the identification and
246 age verification document with the issuer, during the entire
247 period of employment or business relationship with the
248 independent contractor and for at least 3 years after the
249 employee or independent contractor ceases employment or the
250 provision of services.



CS/CS/CS/HB 989, Engrossed 1

2014

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

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

259 775.15 Time limitations; general time limitations;
260 exceptions.—

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

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

268 787.06 Human trafficking.—

269 (3) Any person who knowingly, or in reckless disregard of
270 the facts, engages in human trafficking, or attempts to engage
271 in human trafficking, or benefits financially by receiving
272 anything of value from participation in a venture that has
273 subjected a person to human trafficking:

274 (a) 1. ~~Using coercion~~ For labor or services of any child
275 under the age of 18 commits a felony of the first degree,



CS/CS/CS/HB 989, Engrossed 1

2014

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

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

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

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

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

290 (d) Using coercion for commercial sexual activity of an
291 adult ~~any individual~~ who is an unauthorized alien commits a
292 felony of the first degree, punishable as provided in s.
293 775.082, s. 775.083, or s. 775.084.

294 (e) 1. Using coercion For labor or services who does so by
295 the transfer or transport of any child under the age of 18
296 ~~individual~~ from outside this state to within the state commits a
297 felony of the first degree, punishable as provided in s.
298 775.082, s. 775.083, or s. 775.084.

299 2. Using coercion for labor or services who does so by the
300 transfer or transport of an adult from outside this state to



301 within the state commits a felony of the first degree,
302 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

303 (f) 1. Using coercion For commercial sexual activity who
304 does so by the transfer or transport of any child under the age
305 of 18 individual from outside this state to within the state
306 commits a felony of the first degree, punishable by imprisonment
307 for a term of years not exceeding life, or as provided in s.
308 775.082, s. 775.083, or s. 775.084.

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

313 (g) For commercial sexual activity in which any child
314 under the age of 18, or in which any person who is mentally
315 defective or mentally incapacitated as those terms are defined
316 in s. 794.011(1), is involved commits a life felony ~~of the first~~
317 ~~degree,~~ punishable by imprisonment for a term of years not
318 ~~exceeding life, or~~ as provided in s. 775.082(3)(a)5. ~~775.082,~~ s.
319 775.083, or s. 775.084. ~~In a prosecution under this paragraph in~~
320 ~~which the defendant had a reasonable opportunity to observe the~~
321 ~~person who was subject to human trafficking, the state need not~~
322 ~~prove that the defendant knew that the person had not attained~~
323 ~~the age of 18 years.~~

324 ~~(h) For commercial sexual activity in which any child~~
325 ~~under the age of 15 is involved commits a life felony,~~



CS/CS/CS/HB 989, Engrossed 1

2014

326 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
327 ~~In a prosecution under this paragraph in which the defendant had~~
328 ~~a reasonable opportunity to observe the person who was subject~~
329 ~~to human trafficking, the state need not prove that the~~
330 ~~defendant knew that the person had not attained the age of 15~~
331 ~~years.~~

332
333 For each instance of human trafficking of any individual under
334 this subsection, a separate crime is committed and a separate
335 punishment is authorized.

336 (4) (a) Any parent, legal guardian, or other person having
337 custody or control of a minor who sells or otherwise transfers
338 custody or control of such minor, or offers to sell or otherwise
339 transfer custody of such minor, with knowledge or in reckless
340 disregard of the fact that, as a consequence of the sale or
341 transfer, the minor will be subject to human trafficking commits
342 a life first-degree felony, punishable as provided in s.
343 775.082, s. 775.083, or s. 775.084.

344 (b) Any person who permanently brands, or directs to be
345 branded, a victim of an offense under this section commits a
346 second degree felony, punishable as provided in s. 775.082, s.
347 775.083, or s. 775.084. For purposes of this subsection, the
348 term "permanently branded" means a mark on the individual's body
349 that, if it can be removed or repaired at all, can only be
350 removed or repaired by surgical means, laser treatment, or other



351 medical procedure.

352 (8) In a prosecution under this section, the defendant's
353 ignorance of the victim's age, the victim's misrepresentation of
354 his or her age, or the defendant's bona fide belief of the
355 victim's age cannot be raised as a defense.

356 Section 10. Paragraph (a) of subsection (3) of section
357 775.082, Florida Statutes, is amended to read:

358 775.082 Penalties; applicability of sentencing structures;
359 mandatory minimum sentences for certain reoffenders previously
360 released from prison.—

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

363 (a)1. For a life felony committed prior to October 1,
364 1983, by a term of imprisonment for life or for a term of years
365 not less than 30.

366 2. For a life felony committed on or after October 1,
367 1983, by a term of imprisonment for life or by a term of
368 imprisonment not exceeding 40 years.

369 3. Except as provided in subparagraph 4., for a life
370 felony committed on or after July 1, 1995, by a term of
371 imprisonment for life or by imprisonment for a term of years not
372 exceeding life imprisonment.

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



CS/CS/CS/HB 989, Engrossed 1

2014

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

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

381 b. For a life felony committed on or after July 1, 2008,
382 which is a person's second or subsequent violation of s.
383 800.04(5)(b), by a term of imprisonment for life.

384 5. For a life felony committed on or after October 1,
385 2014, which is a violation of s. 787.06(3)(g), by a term of
386 imprisonment for life.

387 Section 11. Section 796.001, Florida Statutes, is created
388 to read:

389 796.001 Offenses by adults involving minors; intent.—It is
390 the intent of the Legislature that adults who involve minors in
391 any behavior prohibited under this chapter be prosecuted under
392 other laws of this state, such as, but not limited to, s.
393 787.06, chapter 794, chapter 800, s. 810.145, chapter 827, and
394 chapter 847. The Legislature finds that prosecution of such
395 adults under this chapter is inappropriate since a minor is
396 unable to consent to such behavior.

397 Section 12. Sections 796.03, 796.035, and 796.036, Florida
398 Statutes, are repealed.

399 Section 13. Section 796.05, Florida Statutes, is amended
400 to read:



CS/CS/CS/HB 989, Engrossed 1

2014

401 796.05 Deriving support from the proceeds of
402 prostitution.—

403 (1) It shall be unlawful for any person with reasonable
404 belief or knowing another person is engaged in prostitution to
405 live or derive support or maintenance in whole or in part from
406 what is believed to be the earnings or proceeds of such person's
407 prostitution.

408 (2) Anyone violating this section commits:

409 (a) For a first offense, a felony of the second ~~third~~
410 degree, punishable as provided in s. 775.082, s. 775.083, or s.
411 775.084.

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

414 (c) For a third or subsequent offense, a felony of the
415 first degree punishable as provided in s. 775.082, s. 775.083,
416 or s. 775.084, with a mandatory minimum term of imprisonment of
417 10 years.

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

421 943.0583 Human trafficking victim expunction.—

422 (3) A person who is a victim of human trafficking may
423 petition for the expunction of a criminal history record
424 resulting from the arrest or filing of charges ~~any conviction~~
425 for an offense committed or reported to have been committed



426 | while the person ~~he or she~~ was a victim of human trafficking,
427 | which offense was committed or reported to have been committed
428 | as a part of the human trafficking scheme of which the person ~~he~~
429 | ~~or she~~ was a victim or at the direction of an operator of the
430 | scheme, including, but not limited to, violations under chapters
431 | 796 and 847, without regard to the disposition of the arrest or
432 | of any charges. However, this section does not apply to any
433 | offense listed in s. 775.084(1)(b)1. Determination of the
434 | petition under this section should be by a preponderance of the
435 | evidence. A conviction expunged under this section is deemed to
436 | have been vacated due to a substantive defect in the underlying
437 | criminal proceedings. If a person is adjudicated not guilty by
438 | reason of insanity or is found to be incompetent to stand trial
439 | for any such charge, the expunction of the criminal history
440 | record may not prevent the entry of the judgment or finding in
441 | state and national databases for use in determining eligibility
442 | to purchase or possess a firearm or to carry a concealed
443 | firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
444 | 922(t), nor shall it prevent any governmental agency that is
445 | authorized by state or federal law to determine eligibility to
446 | purchase or possess a firearm or to carry a concealed firearm
447 | from accessing or using the record of the judgment or finding in
448 | the course of such agency's official duties.

449 | (8) (a) Any criminal history record of a minor or an adult
450 | that is ordered expunged by the court of original jurisdiction



CS/CS/CS/HB 989, Engrossed 1

2014

451 over the charges ~~crime~~ sought to be expunged pursuant to this
452 section must be physically destroyed or obliterated by any
453 criminal justice agency having custody of such record, except
454 that any criminal history record in the custody of the
455 department must be retained in all cases.

456 (10)(a) A criminal history record ordered expunged under
457 this section that is retained by the department is confidential
458 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
459 Constitution, except that the record shall be made available to
460 criminal justice agencies for their respective criminal justice
461 purposes and to any governmental agency that is authorized by
462 state or federal law to determine eligibility to purchase or
463 possess a firearm or to carry a concealed firearm for use in the
464 course of such agency's official duties. Otherwise, such record
465 shall not be disclosed to any person or entity except upon order
466 of a court of competent jurisdiction. A criminal justice agency
467 may retain a notation indicating compliance with an order to
468 expunge.

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

472 921.0022 Criminal Punishment Code; offense severity
473 ranking chart.—

474 (3) OFFENSE SEVERITY RANKING CHART

475 (c) LEVEL 3



| | | | |
|-----|--------------------------|--------|---|
| 476 | Florida | Felony | Description |
| | Statute | Degree | |
| 477 | 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
| 478 | 316.066 (3) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 479 | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
| 480 | 316.1935 (2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 481 | 319.30 (4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 482 | 319.33 (1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |



| | | | |
|-----|--------------|-----|---|
| 483 | 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 484 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 485 | 327.35(2)(b) | 3rd | Felony BUI. |
| 486 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 487 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 488 | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 489 | 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.

490

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

491

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

492

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

493

501.001 (2) (b) 2nd Tampers with a consumer product



or the container using
materially false/misleading
information.

494 624.401 (4) (a) 3rd Transacting insurance without a
certificate of authority.

495 624.401 (4) (b) 1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

496 626.902 (1) (a) & 3rd Representing an unauthorized
(b) insurer.

497 697.08 3rd Equity skimming.

498 790.15 (3) 3rd Person directs another to
discharge firearm from a
vehicle.

499 ~~796.05 (1)~~ 3rd ~~Live on earnings of a
prostitute.~~

500 806.10 (1) 3rd Maliciously injure, destroy, or



interfere with vehicles or
equipment used in firefighting.

501

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

502

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

503

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

504

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

505

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

506

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



than \$20,000.

507

817.233 3rd Burning to defraud insurer.

508

817.234 3rd Unlawful solicitation of
(8) (b) - (c) persons involved in motor
vehicle accidents.

509

817.234 (11) (a) 3rd Insurance fraud; property value
less than \$20,000.

510

817.236 3rd Filing a false motor vehicle
insurance application.

511

817.2361 3rd Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

512

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

513

817.505 (4) 3rd Patient brokering.

514

828.12 (2) 3rd Tortures any animal with intent
to inflict intense pain,



serious physical injury, or death.

515

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

516

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

517

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

518

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

519

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

520

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

521

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).

522

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.

523

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public
 housing facility.

524

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



| | | | |
|-----|-----------------|-----|---|
| 525 | 893.13(7)(a)8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 526 | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| 527 | 893.13(7)(a)10. | 3rd | Affix false or forged label to package of controlled substance. |
| 528 | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent material information on any document or record required by chapter 893. |
| 529 | 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.

530

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.

531

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

532

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

533

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



vehicle with suspended license,
 resulting in death or serious
 bodily injury.

543

327.30 (5) 3rd Vessel accidents involving
 personal injury; leaving scene.

544

379.367 (4) 3rd Willful molestation of a
 commercial harvester's spiny
 lobster trap, line, or buoy.

545

379.3671 3rd Willful molestation,
 (2) (c) 3. possession, or removal of a
 commercial harvester's trap
 contents or trap gear by
 another harvester.

546

381.0041 (11) (b) 3rd Donate blood, plasma, or organs
 knowing HIV positive.

547

440.10 (1) (g) 2nd Failure to obtain workers'
 compensation coverage.

548

440.105 (5) 2nd Unlawful solicitation for the
 purpose of making workers'



compensation claims.

549

440.381(2) 2nd Submission of false,
misleading, or incomplete
information with the purpose of
avoiding or reducing workers'
compensation premiums.

550

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

551

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

552

790.01(2) 3rd Carrying a concealed firearm.

553

790.162 2nd Threat to throw or discharge
destructive device.

554

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

555



| | | | |
|-----|-------------------|------------|---|
| 556 | 790.221 (1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 557 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 558 | <u>796.05 (1)</u> | <u>2nd</u> | <u>Live on earnings of a prostitute; 1st offense.</u> |
| 559 | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years. |
| 560 | 800.04 (7) (b) | 2nd | Lewd or lascivious exhibition; offender 18 years or older. |
| 561 | 806.111 (1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 562 | 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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|-----|---------------------------------------|-----|--|
| 563 | 812.015 (8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 564 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| 565 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 566 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 567 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 568 | 817.234 (11) (b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| | 817.2341 (1), (2) (a) & (3) (a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |



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573

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.

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

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

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



| | | | |
|-----|-----------------------|-----|--|
| 574 | 827.071 (5) | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 575 | 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. |
| 576 | 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 577 | 847.0135 (5) (b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older. |
| 578 | 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| | 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by |



electronic device or equipment.

579

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

580

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

581

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).

582

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or



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

583

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.

584

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.

585

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.

586

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).

587

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

588

589 (g) LEVEL 7

590

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

591

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

592

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



injury.

593

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

594

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

595

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

596

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

597

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



\$50,000.

598

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

599

456.065 (2) 2nd Practicing a health care profession without a license which results in serious bodily injury.

600

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

601

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

602

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

603

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

604

462.17 3rd Practicing naturopathy without a license.

605



CS/CS/CS/HB 989, Engrossed 1

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| 606 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 607 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 608 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 609 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 610 | 467.201 | 3rd | Practicing midwifery without a license. |
| 611 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 612 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 613 | 483.901 (9) | 3rd | Practicing medical physics without a license. |



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| 614 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 615 | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 616 | 494.0018 (2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 617 | 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. |
| 618 | 560.125 (5) (a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| | 655.50 (10) (b) 1. | 3rd | Failure to report financial |



transactions exceeding \$300 but less than \$20,000 by financial institution.

619

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

620

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

621

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

622

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

623

782.07(1) 2nd Killing of a human being by the



| | | | |
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| 624 | 782.071 | 2nd | act, procurement, or culpable negligence of another (manslaughter). |
| 625 | 782.072 | 2nd | Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 626 | 784.045 (1) (a) 1. | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 627 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 628 | 784.045 (1) (b) | 2nd | Aggravated battery; using deadly weapon. |
| 629 | | | Aggravated battery; perpetrator aware victim pregnant. |



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|-----|-----------------|-----|---|
| 630 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 631 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 632 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 633 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 634 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 635 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
| 636 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| | 784.083 (1) | 1st | Aggravated battery on code inspector. |



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| 637 | 787.06(3)(a) <u>2.</u> | 1st | Human trafficking using coercion for labor and services of <u>an adult.</u> |
| 638 | 787.06(3)(e) <u>2.</u> | 1st | Human trafficking using coercion for labor and services by the transfer or transport of <u>an adult</u> any individual from outside Florida to within the state. |
| 639 | 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 640 | 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 641 | 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 642 | 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax |



| | | | |
|-----|-------------------|----------|--|
| 643 | | | bomb while committing or attempting to commit a felony. |
| | 790.166 (3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 644 | | | |
| | 790.166 (4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 645 | | | |
| | 790.23 | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 646 | | | |
| | 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. |
| 647 | | | |
| | 796.03 | 2nd | Procuring any person under 16 |



~~years for prostitution.~~

648
649
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654

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

796.05 (1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

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

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.

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

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



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| 655 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 656 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 657 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 658 | 812.014 (2) (a) 1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 659 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree |



grand theft.

660

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

661

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

662

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

663

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

664

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

665

817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

666

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.



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| 667 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 668 | 817.234 (11) (c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 669 | 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. |
| 670 | 817.535 (2) (a) | 3rd | Filing false lien or other unauthorized document. |
| 671 | 825.102 (3) (b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 672 | 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.

673

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

674

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

675

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

676

838.015 2nd Bribery.

677

838.016 2nd Unlawful compensation or reward for official behavior.

678

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

679

838.22 2nd Bid tampering.



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|-----|----------------|----------|--|
| 680 | 843.0855 (2) | 3rd | Impersonation of a public officer or employee. |
| 681 | 843.0855 (3) | 3rd | Unlawful simulation of legal process. |
| 682 | 843.0855 (4) | 3rd | Intimidation of a public officer or employee. |
| 683 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 684 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 685 | 872.06 | 2nd | Abuse of a dead human body. |
| 686 | 874.05 (2) (b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. |
| 687 | 874.10 | 1st, PBL | Knowingly initiates, organizes, |



plans, finances, directs,
manages, or supervises criminal
gang-related activity.

688

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.

689

893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.,
within 1,000 feet of property
used for religious services or
a specified business site.

690



| | | | |
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| 691 | 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). |
| 692 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 693 | 893.135 (1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 694 | 893.135 (1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 695 | 893.135(1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 696 | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |



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| 697 | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 698 | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 699 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 700 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 701 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 702 | 893.1351 (2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |



| | | | |
|-----|--------------------|-----|--|
| 703 | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 704 | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 705 | 943.0435 (4) (c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 706 | 943.0435 (8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 707 | 943.0435 (9) (a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| | 943.0435 (13) | 3rd | Failure to report or providing |



false information about a sexual offender; harbor or conceal a sexual offender.

708

943.0435(14) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

709

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

710

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

711

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

712

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



verification.

713

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

714

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

715

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

716

717 (h) LEVEL 8

718

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

719

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

720

316.1935 (4) (b) 1st Aggravated fleeing or attempted



cluding with serious bodily
injury or death.

721

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

722

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

723

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

724

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.

725

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.

726

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



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

727

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

728

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.

729

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

730

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



give information.

731

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

732

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

733

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

734

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

735

787.06 (3) (e) 1. 1st Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

736

787.06 (3) (f) 2. 1st Human trafficking using coercion for commercial sexual



activity by the transfer or
 transport of any adult
~~individual~~ from outside Florida
 to within the state.

737

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

738

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

739

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

740

800.04 (4) 2nd Lewd or lascivious battery.

741

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

742



| | | | |
|-----|--------------------|----------|---|
| 743 | 810.02 (2) (a) | 1st, PBL | Burglary with assault or battery. |
| 744 | 810.02 (2) (b) | 1st, PBL | Burglary; armed with explosives or dangerous weapon. |
| 745 | 810.02 (2) (c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 746 | 812.014 (2) (a) 2. | 1st | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree. |
| 747 | 812.13 (2) (b) | 1st | Robbery with a weapon. |
| 748 | 812.135 (2) (c) | 1st | Home-invasion robbery, no firearm, deadly weapon, or other weapon. |
| 749 | 817.535 (2) (b) | 2nd | Filing false lien or other unauthorized document; second or subsequent offense. |



| | | | |
|-----|--------------------|-----|--|
| 750 | 817.535 (3) (a) | 2nd | Filing false lien or other unauthorized document; property owner is a public officer or employee. |
| 751 | 817.535 (4) (a) 1. | 2nd | Filing false lien or other unauthorized document; defendant is incarcerated or under supervision. |
| 752 | 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. |
| 753 | 817.568 (6) | 2nd | Fraudulent use of personal identification information of an individual under the age of 18. |
| 754 | 825.102 (2) | 1st | Aggravated abuse of an elderly person or disabled adult. |
| | 825.1025 (2) | 2nd | Lewd or lascivious battery upon |



an elderly person or disabled adult.

755

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

756

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

757

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

758

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

759

860.16 1st Aircraft piracy.

760

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).

761

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

762

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

763

893.135(1) (a) 2. 1st Trafficking in cannabis, more
than 2,000 lbs., less than
10,000 lbs.

764

893.135 1st Trafficking in cocaine, more
(1) (b) 1.b. than 200 grams, less than 400
grams.

765

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

766

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



400 grams.

767

893.135 1st Trafficking in methaqualone,
 (1) (e) 1.b. more than 5 kilograms, less
 than 25 kilograms.

768

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

769

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

770

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

771

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

772

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



400 grams.

773

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

774

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

775

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

776

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

777

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

778



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.

779

780 (i) LEVEL 9

781

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

782

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

783

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

784

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

785

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

786



| | | | |
|-----|--------------------|----------|---|
| 787 | 560.123 (8) (b) 3. | 1st | Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter. |
| 788 | 560.125 (5) (c) | 1st | Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000. |
| 789 | 655.50 (10) (b) 3. | 1st | Failure to report financial transactions totaling or exceeding \$100,000 by financial institution. |
| 790 | 775.0844 | 1st | Aggravated white collar crime. |
| 791 | 782.04 (1) | 1st | Attempt, conspire, or solicit to commit premeditated murder. |
| | 782.04 (3) | 1st, PBL | Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or |



death, and other specified felonies.

792

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

793

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

794

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

795

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

796

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

797



| | | | |
|-----|---------------------------|---------------------|--|
| 798 | 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. |
| 799 | <u>787.06 (3) (c) 1.</u> | <u>1st</u> | <u>Human trafficking for labor and services of an unauthorized alien child.</u> |
| 800 | 787.06 (3) (d) | 1st | Human trafficking using coercion for commercial sexual activity of an unauthorized <u>adult</u> alien. |
| 801 | <u>787.06 (3) (f) 1.</u> | <u>1st, PBL</u> | <u>Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.</u> |
| | 787.06 (3) (g) | 1st, PBL | Human trafficking for commercial sexual activity of a |



~~child under the age of 18.~~

802

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

803

790.161 1st Attempted capital destructive
device offense.

804

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

805

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

806

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

807

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

808



| | | | |
|-----|--------------------|----------------|--|
| 809 | 794.011 (8) (b) | 1st | Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority. |
| 810 | 794.08 (2) | 1st | Female genital mutilation; victim younger than 18 years of age. |
| 811 | 796.035 | 1st | Selling or buying of minors into prostitution. |
| 812 | 800.04 (5) (b) | Life | Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older. |
| 813 | 812.13 (2) (a) | 1st, PBL | Robbery with firearm or other deadly weapon. |
| 814 | 812.133 (2) (a) | 1st, PBL | Carjacking; firearm or other deadly weapon. |
| 815 | 812.135 (2) (b) | 1st | Home-invasion robbery with weapon. |



| | | | |
|-----|--------------------|-------------|--|
| 816 | 817.535 (3) (b) | 1st | Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee. |
| 817 | 817.535 (4) (a) 2. | 1st | Filing false claim or other unauthorized document; defendant is incarcerated or under supervision. |
| 818 | 817.535 (5) (b) | 1st | Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument. |
| 819 | 817.568 (7) | 2nd, PBL | Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority. |



| | | | |
|-----|--------------------|-----|---|
| 820 | 827.03 (2) (a) | 1st | Aggravated child abuse. |
| 821 | 847.0145 (1) | 1st | Selling, or otherwise transferring custody or control, of a minor. |
| 822 | 847.0145 (2) | 1st | Purchasing, or otherwise obtaining custody or control, of a minor. |
| 823 | 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. |
| 824 | 893.135 | 1st | Attempted capital trafficking offense. |
| 825 | 893.135 (1) (a) 3. | 1st | Trafficking in cannabis, more than 10,000 lbs. |
| | 893.135 | 1st | Trafficking in cocaine, more |



| | | | |
|-----|-------------------------|-----|---|
| 826 | (1) (b) 1.c. | | than 400 grams, less than 150 kilograms. |
| 827 | 893.135 (1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 828 | 893.135 (1) (d) 1.c. | 1st | Trafficking in phencyclidine, more than 400 grams. |
| 829 | 893.135 (1) (e) 1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms. |
| 830 | 893.135 (1) (f) 1.c. | 1st | Trafficking in amphetamine, more than 200 grams. |
| 831 | 893.135 (1) (h) 1.c. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more. |
| 832 | 893.135 (1) (j) 1.c. | 1st | Trafficking in 1,4-Butanediol, 10 kilograms or more. |
| | 893.135 (1) (k) 2.c. | 1st | Trafficking in Phenethylamines, 400 grams or more. |



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834
835
836
837
838
839
840

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

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

(j) LEVEL 10

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

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

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

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



| | | | |
|-----|--|-------------|--|
| 841 | 787.01 (1) (a) 3. | 1st, PBL | Kidnapping; inflict bodily harm upon or terrorize victim. |
| 842 | 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. |
| 843 | <u>787.06 (3) (g)</u> 787.06 (3) (h) | Life | Human trafficking for commercial sexual activity of a child under the age of <u>18</u> or <u>mentally defective or incapacitated person</u> 15 . |
| 844 | <u>787.06 (4) (a)</u> | <u>Life</u> | <u>Selling or buying of minors into human trafficking.</u> |
| 845 | 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. |



CS/CS/CS/HB 989, Engrossed 1

2014

846

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

847

876.32 1st Treason against the state.

848

849 Section 16. Paragraph (g) of subsection (67) of section
850 39.01, Florida Statutes, is amended to read:

851 39.01 Definitions.—When used in this chapter, unless the
852 context otherwise requires:

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

855 (g) The sexual exploitation of a child, which includes the
856 act of a child offering to engage in or engaging in
857 prostitution, provided that the child is not under arrest or is
858 not being prosecuted in a delinquency or criminal proceeding for
859 a violation of any offense in chapter 796 based on such
860 behavior; or allowing, encouraging, or forcing a child to:

861 1. Solicit for or engage in prostitution;

862 2. Engage in a sexual performance, as defined by chapter
863 827; or

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

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



CS/CS/CS/HB 989, Engrossed 1

2014

868 | 90.404 Character evidence; when admissible.—

869 | (2) OTHER CRIMES, WRONGS, OR ACTS.—

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

875 | 2. For the purposes of this paragraph, the term "child
876 | molestation" means conduct proscribed by s. 787.025(2)(c), s.
877 | 787.06(3)(g) ~~and (h)~~, s. 794.011, excluding s. 794.011(10), s.
878 | 794.05, former s. 796.03, former s. 796.035, s. 800.04, s.
879 | 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1) when
880 | committed against a person 16 years of age or younger.

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

886 | 2. For the purposes of this paragraph, the term "sexual
887 | offense" means conduct proscribed by s. 787.025(2)(c), s.
888 | 787.06(3)(b), (d), (f), or (g), ~~or (h)~~, s. 794.011, excluding s.
889 | 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
890 | 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s.
891 | 985.701(1).

892 | Section 18. Paragraph (a) of subsection (1) of section



893 772.102, Florida Statutes, is amended to read:

894 772.102 Definitions.—As used in this chapter, the term:

895 (1) "Criminal activity" means to commit, to attempt to
896 commit, to conspire to commit, or to solicit, coerce, or
897 intimidate another person to commit:

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

900 1. Section 210.18, relating to evasion of payment of
901 cigarette taxes.

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

903 3. Section 440.105 or s. 440.106, relating to workers'
904 compensation.

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

906 5. Chapter 517, relating to securities transactions.

907 6. Section 550.235 or s. 550.3551, relating to dogracing
908 and horseracing.

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

910 8. Chapter 552, relating to the manufacture, distribution,
911 and use of explosives.

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

913 10. Section 624.401, relating to transacting insurance
914 without a certificate of authority, s. 624.437(4)(c)1., relating
915 to operating an unauthorized multiple-employer welfare
916 arrangement, or s. 626.902(1)(b), relating to representing or
917 aiding an unauthorized insurer.



- 918 | 11. Chapter 687, relating to interest and usurious
919 | practices.
- 920 | 12. Section 721.08, s. 721.09, or s. 721.13, relating to
921 | real estate timeshare plans.
- 922 | 13. Chapter 782, relating to homicide.
- 923 | 14. Chapter 784, relating to assault and battery.
- 924 | 15. Chapter 787, relating to kidnapping or human
925 | trafficking.
- 926 | 16. Chapter 790, relating to weapons and firearms.
- 927 | 17. Former section 796.03, s. 796.04, s. 796.05, or s.
928 | 796.07, relating to prostitution.
- 929 | 18. Chapter 806, relating to arson.
- 930 | 19. Section 810.02(2)(c), relating to specified burglary
931 | of a dwelling or structure.
- 932 | 20. Chapter 812, relating to theft, robbery, and related
933 | crimes.
- 934 | 21. Chapter 815, relating to computer-related crimes.
- 935 | 22. Chapter 817, relating to fraudulent practices, false
936 | pretenses, fraud generally, and credit card crimes.
- 937 | 23. Section 827.071, relating to commercial sexual
938 | exploitation of children.
- 939 | 24. Chapter 831, relating to forgery and counterfeiting.
- 940 | 25. Chapter 832, relating to issuance of worthless checks
941 | and drafts.
- 942 | 26. Section 836.05, relating to extortion.



CS/CS/CS/HB 989, Engrossed 1

2014

- 943 27. Chapter 837, relating to perjury.
- 944 28. Chapter 838, relating to bribery and misuse of public
945 office.
- 946 29. Chapter 843, relating to obstruction of justice.
- 947 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
948 s. 847.07, relating to obscene literature and profanity.
- 949 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
950 849.25, relating to gambling.
- 951 32. Chapter 893, relating to drug abuse prevention and
952 control.
- 953 33. Section 914.22 or s. 914.23, relating to witnesses,
954 victims, or informants.
- 955 34. Section 918.12 or s. 918.13, relating to tampering
956 with jurors and evidence.
- 957 Section 19. Paragraphs (m) and (n) of subsection (1) of
958 section 775.0877, Florida Statutes, are amended, and paragraph
959 (o) is added to that section, to read:
- 960 775.0877 Criminal transmission of HIV; procedures;
961 penalties.—
- 962 (1) In any case in which a person has been convicted of or
963 has pled nolo contendere or guilty to, regardless of whether
964 adjudication is withheld, any of the following offenses, or the
965 attempt thereof, which offense or attempted offense involves the
966 transmission of body fluids from one person to another:
- 967 (m) Sections ~~796.03~~, ~~796.07~~ and 796.08, relating to



968 prostitution; ~~or~~

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

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

973

974 the court shall order the offender to undergo HIV testing, to be
975 performed under the direction of the Department of Health in
976 accordance with s. 381.004, unless the offender has undergone
977 HIV testing voluntarily or pursuant to procedures established in
978 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
979 rule providing for HIV testing of criminal offenders or inmates,
980 subsequent to her or his arrest for an offense enumerated in
981 paragraphs (a)-(n) for which she or he was convicted or to which
982 she or he pled nolo contendere or guilty. The results of an HIV
983 test performed on an offender pursuant to this subsection are
984 not admissible in any criminal proceeding arising out of the
985 alleged offense.

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

989 775.21 The Florida Sexual Predators Act.—

990 (4) SEXUAL PREDATOR CRITERIA.—

991 (a) For a current offense committed on or after October 1,
992 1993, upon conviction, an offender shall be designated as a



993 "sexual predator" under subsection (5), and subject to
994 registration under subsection (6) and community and public
995 notification under subsection (7) if:

996 1. The felony is:

997 a. A capital, life, or first-degree felony violation, or
998 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
999 is a minor and the defendant is not the victim's parent or
1000 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
1001 violation of a similar law of another jurisdiction; or

1002 b. Any felony violation, or any attempt thereof, of s.
1003 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
1004 minor and the defendant is not the victim's parent or guardian;
1005 s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding
1006 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1007 s. 800.04; s. 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s.
1008 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a
1009 similar law of another jurisdiction, and the offender has
1010 previously been convicted of or found to have committed, or has
1011 pled nolo contendere or guilty to, regardless of adjudication,
1012 any violation of s. 787.01, s. 787.02, or s. 787.025(2)(c),
1013 where the victim is a minor and the defendant is not the
1014 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g),
1015 ~~or (h)~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former
1016 s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
1017 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.



CS/CS/CS/HB 989, Engrossed 1

2014

1018 847.0145; or s. 985.701(1); or a violation of a similar law of
1019 another jurisdiction;

1020 2. The offender has not received a pardon for any felony
1021 or similar law of another jurisdiction that is necessary for the
1022 operation of this paragraph; and

1023 3. A conviction of a felony or similar law of another
1024 jurisdiction necessary to the operation of this paragraph has
1025 not been set aside in any postconviction proceeding.

1026 (10) PENALTIES.—

1027 (b) A sexual predator who has been convicted of or found
1028 to have committed, or has pled nolo contendere or guilty to,
1029 regardless of adjudication, any violation, or attempted
1030 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1031 the victim is a minor and the defendant is not the victim's
1032 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
1033 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
1034 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
1035 985.701(1); or a violation of a similar law of another
1036 jurisdiction when the victim of the offense was a minor, and who
1037 works, whether for compensation or as a volunteer, at any
1038 business, school, child care facility, park, playground, or
1039 other place where children regularly congregate, commits a
1040 felony of the third degree, punishable as provided in s.
1041 775.082, s. 775.083, or s. 775.084.

1042 Section 21. Paragraph (a) of subsection (3) of section



1043 787.01, Florida Statutes, is amended to read:

1044 787.01 Kidnapping; kidnapping of child under age 13,
 1045 aggravating circumstances.—

1046 (3) (a) A person who commits the offense of kidnapping upon
 1047 a child under the age of 13 and who, in the course of committing
 1048 the offense, commits one or more of the following:

1049 1. Aggravated child abuse, as defined in s. 827.03;
 1050 2. Sexual battery, as defined in chapter 794, against the
 1051 child;

1052 3. Lewd or lascivious battery, lewd or lascivious
 1053 molestation, lewd or lascivious conduct, or lewd or lascivious
 1054 exhibition, in violation of s. 800.04 or s. 847.0135(5);

1055 4. A violation of former s. 796.03 or s. 796.04, relating
 1056 to prostitution, upon the child; ~~or~~

1057 5. Exploitation of the child or allowing the child to be
 1058 exploited, in violation of s. 450.151; or,

1059 6. A violation of s. 787.06(3)(g), relating to human
 1060 trafficking,

1061
 1062 commits a life felony, punishable as provided in s. 775.082, s.
 1063 775.083, or s. 775.084.

1064 Section 22. Paragraph (a) of subsection (3) of section
 1065 787.02, Florida Statutes, is amended to read:

1066 787.02 False imprisonment; false imprisonment of child
 1067 under age 13, aggravating circumstances.—



CS/CS/CS/HB 989, Engrossed 1

2014

1068 (3) (a) A person who commits the offense of false
1069 imprisonment upon a child under the age of 13 and who, in the
1070 course of committing the offense, commits any offense enumerated
1071 in subparagraphs 1.-5., commits a felony of the first degree,
1072 punishable by imprisonment for a term of years not exceeding
1073 life or as provided in s. 775.082, s. 775.083, or s. 775.084.

1074 1. Aggravated child abuse, as defined in s. 827.03;

1075 2. Sexual battery, as defined in chapter 794, against the
1076 child;

1077 3. Lewd or lascivious battery, lewd or lascivious
1078 molestation, lewd or lascivious conduct, or lewd or lascivious
1079 exhibition, in violation of s. 800.04 or s. 847.0135(5);

1080 4. A violation of former s. 796.03 or s. 796.04, relating
1081 to prostitution, upon the child; ~~or~~

1082 5. Exploitation of the child or allowing the child to be
1083 exploited, in violation of s. 450.151; or

1084 6. A violation of s. 878.06(3)(g) relating to human
1085 trafficking.

1086 Section 23. Subsection (1) of section 794.056, Florida
1087 Statutes, is amended to read:

1088 794.056 Rape Crisis Program Trust Fund.—

1089 (1) The Rape Crisis Program Trust Fund is created within
1090 the Department of Health for the purpose of providing funds for
1091 rape crisis centers in this state. Trust fund moneys shall be
1092 used exclusively for the purpose of providing services for



CS/CS/CS/HB 989, Engrossed 1

2014

1093 victims of sexual assault. Funds credited to the trust fund
1094 consist of those funds collected as an additional court
1095 assessment in each case in which a defendant pleads guilty or
1096 nolo contendere to, or is found guilty of, regardless of
1097 adjudication, an offense provided in s. 775.21(6) and (10)(a),
1098 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
1099 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
1100 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
1101 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
1102 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
1103 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
1104 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
1105 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
1106 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
1107 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
1108 fund also shall include revenues provided by law, moneys
1109 appropriated by the Legislature, and grants from public or
1110 private entities.

1111 Section 24. Subsection (1) of section 856.022, Florida
1112 Statutes, is amended to read:

1113 856.022 Loitering or prowling by certain offenders in
1114 close proximity to children; penalty.—

1115 (1) Except as provided in subsection (2), this section
1116 applies to a person convicted of committing, or attempting,
1117 soliciting, or conspiring to commit, any of the criminal



CS/CS/CS/HB 989, Engrossed 1

2014

1118 offenses proscribed in the following statutes in this state or
1119 similar offenses in another jurisdiction against a victim who
1120 was under 18 years of age at the time of the offense: s. 787.01,
1121 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1122 the offender was not the victim's parent or guardian; s.
1123 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1124 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
1125 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1126 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
1127 similar offense committed in this state which has been
1128 redesignated from a former statute number to one of those listed
1129 in this subsection, if the person has not received a pardon for
1130 any felony or similar law of another jurisdiction necessary for
1131 the operation of this subsection and a conviction of a felony or
1132 similar law of another jurisdiction necessary for the operation
1133 of this subsection has not been set aside in any postconviction
1134 proceeding.

1135 Section 25. Paragraph (a) of subsection (1) of section
1136 895.02, Florida Statutes, is amended to read:

1137 895.02 Definitions.—As used in ss. 895.01-895.08, the
1138 term:

1139 (1) "Racketeering activity" means to commit, to attempt to
1140 commit, to conspire to commit, or to solicit, coerce, or
1141 intimidate another person to commit:

1142 (a) Any crime that is chargeable by petition, indictment,



1143 | or information under the following provisions of the Florida
 1144 | Statutes:

- 1145 | 1. Section 210.18, relating to evasion of payment of
 1146 | cigarette taxes.
- 1147 | 2. Section 316.1935, relating to fleeing or attempting to
 1148 | elude a law enforcement officer and aggravated fleeing or
 1149 | eluding.
- 1150 | 3. Section 403.727(3)(b), relating to environmental
 1151 | control.
- 1152 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1153 | fraud.
- 1154 | 5. Section 414.39, relating to public assistance fraud.
- 1155 | 6. Section 440.105 or s. 440.106, relating to workers'
 1156 | compensation.
- 1157 | 7. Section 443.071(4), relating to creation of a
 1158 | fictitious employer scheme to commit reemployment assistance
 1159 | fraud.
- 1160 | 8. Section 465.0161, relating to distribution of medicinal
 1161 | drugs without a permit as an Internet pharmacy.
- 1162 | 9. Section 499.0051, relating to crimes involving
 1163 | contraband and adulterated drugs.
- 1164 | 10. Part IV of chapter 501, relating to telemarketing.
- 1165 | 11. Chapter 517, relating to sale of securities and
 1166 | investor protection.
- 1167 | 12. Section 550.235 or s. 550.3551, relating to dogracing



CS/CS/CS/HB 989, Engrossed 1

2014

- 1168 | and horseracing.
- 1169 | 13. Chapter 550, relating to jai alai frontons.
- 1170 | 14. Section 551.109, relating to slot machine gaming.
- 1171 | 15. Chapter 552, relating to the manufacture,
- 1172 | distribution, and use of explosives.
- 1173 | 16. Chapter 560, relating to money transmitters, if the
- 1174 | violation is punishable as a felony.
- 1175 | 17. Chapter 562, relating to beverage law enforcement.
- 1176 | 18. Section 624.401, relating to transacting insurance
- 1177 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 1178 | to operating an unauthorized multiple-employer welfare
- 1179 | arrangement, or s. 626.902(1)(b), relating to representing or
- 1180 | aiding an unauthorized insurer.
- 1181 | 19. Section 655.50, relating to reports of currency
- 1182 | transactions, when such violation is punishable as a felony.
- 1183 | 20. Chapter 687, relating to interest and usurious
- 1184 | practices.
- 1185 | 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1186 | real estate timeshare plans.
- 1187 | 22. Section 775.13(5)(b), relating to registration of
- 1188 | persons found to have committed any offense for the purpose of
- 1189 | benefiting, promoting, or furthering the interests of a criminal
- 1190 | gang.
- 1191 | 23. Section 777.03, relating to commission of crimes by
- 1192 | accessories after the fact.



- 1193 | 24. Chapter 782, relating to homicide.
- 1194 | 25. Chapter 784, relating to assault and battery.
- 1195 | 26. Chapter 787, relating to kidnapping or human
- 1196 | trafficking.
- 1197 | 27. Chapter 790, relating to weapons and firearms.
- 1198 | 28. Chapter 794, relating to sexual battery, but only if
- 1199 | such crime was committed with the intent to benefit, promote, or
- 1200 | further the interests of a criminal gang, or for the purpose of
- 1201 | increasing a criminal gang member's own standing or position
- 1202 | within a criminal gang.
- 1203 | 29. Former section 796.03, former s. 796.035, s. 796.04,
- 1204 | s. 796.05, or s. 796.07, relating to prostitution ~~and sex~~
- 1205 | ~~trafficking~~.
- 1206 | 30. Chapter 806, relating to arson and criminal mischief.
- 1207 | 31. Chapter 810, relating to burglary and trespass.
- 1208 | 32. Chapter 812, relating to theft, robbery, and related
- 1209 | crimes.
- 1210 | 33. Chapter 815, relating to computer-related crimes.
- 1211 | 34. Chapter 817, relating to fraudulent practices, false
- 1212 | pretenses, fraud generally, and credit card crimes.
- 1213 | 35. Chapter 825, relating to abuse, neglect, or
- 1214 | exploitation of an elderly person or disabled adult.
- 1215 | 36. Section 827.071, relating to commercial sexual
- 1216 | exploitation of children.
- 1217 | 37. Section 828.122, relating to fighting or baiting



1218 animals.

1219 38. Chapter 831, relating to forgery and counterfeiting.

1220 39. Chapter 832, relating to issuance of worthless checks

1221 and drafts.

1222 40. Section 836.05, relating to extortion.

1223 41. Chapter 837, relating to perjury.

1224 42. Chapter 838, relating to bribery and misuse of public

1225 office.

1226 43. Chapter 843, relating to obstruction of justice.

1227 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

1228 s. 847.07, relating to obscene literature and profanity.

1229 45. Chapter 849, relating to gambling, lottery, gambling

1230 or gaming devices, slot machines, or any of the provisions

1231 within that chapter.

1232 46. Chapter 874, relating to criminal gangs.

1233 47. Chapter 893, relating to drug abuse prevention and

1234 control.

1235 48. Chapter 896, relating to offenses related to financial

1236 transactions.

1237 49. Sections 914.22 and 914.23, relating to tampering with

1238 or harassing a witness, victim, or informant, and retaliation

1239 against a witness, victim, or informant.

1240 50. Sections 918.12 and 918.13, relating to tampering with

1241 jurors and evidence.

1242 Section 26. Section 938.085, Florida Statutes, is amended



CS/CS/CS/HB 989, Engrossed 1

2014

1243 to read:

1244 938.085 Additional cost to fund rape crisis centers.—In
1245 addition to any sanction imposed when a person pleads guilty or
1246 nolo contendere to, or is found guilty of, regardless of
1247 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1248 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1249 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1250 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1251 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
1252 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
1253 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
1254 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
1255 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
1256 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
1257 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
1258 \$151. Payment of the surcharge shall be a condition of
1259 probation, community control, or any other court-ordered
1260 supervision. The sum of \$150 of the surcharge shall be deposited
1261 into the Rape Crisis Program Trust Fund established within the
1262 Department of Health by chapter 2003-140, Laws of Florida. The
1263 clerk of the court shall retain \$1 of each surcharge that the
1264 clerk of the court collects as a service charge of the clerk's
1265 office.

1266 Section 27. Subsection (1) of section 938.10, Florida
1267 Statutes, is amended to read:



CS/CS/CS/HB 989, Engrossed 1

2014

1268 | 938.10 Additional court cost imposed in cases of certain
1269 | crimes.—

1270 | (1) If a person pleads guilty or nolo contendere to, or is
1271 | found guilty of, regardless of adjudication, any offense against
1272 | a minor in violation of s. 784.085, chapter 787, chapter 794,
1273 | former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
1274 | 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
1275 | s. 893.147(3), or s. 985.701, or any offense in violation of s.
1276 | 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1277 | court shall impose a court cost of \$151 against the offender in
1278 | addition to any other cost or penalty required by law.

1279 | Section 28. Paragraph (a) of subsection (1) of section
1280 | 943.0435, Florida Statutes, is amended to read:

1281 | 943.0435 Sexual offenders required to register with the
1282 | department; penalty.—

1283 | (1) As used in this section, the term:

1284 | (a)1. "Sexual offender" means a person who meets the
1285 | criteria in sub-subparagraph a., sub-subparagraph b., sub-
1286 | subparagraph c., or sub-subparagraph d., as follows:

1287 | a.(I) Has been convicted of committing, or attempting,
1288 | soliciting, or conspiring to commit, any of the criminal
1289 | offenses proscribed in the following statutes in this state or
1290 | similar offenses in another jurisdiction: s. 787.01, s. 787.02,
1291 | or s. 787.025(2)(c), where the victim is a minor and the
1292 | defendant is not the victim's parent or guardian; s.



CS/CS/CS/HB 989, Engrossed 1

2014

1293 787.06(3)(b), (d), (f), or (g), ~~or~~ (h); s. 794.011, excluding s.
1294 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
1295 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
1296 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1297 847.0145; or s. 985.701(1); or any similar offense committed in
1298 this state which has been redesignated from a former statute
1299 number to one of those listed in this sub-sub-subparagraph; and
1300 (II) Has been released on or after October 1, 1997, from
1301 the sanction imposed for any conviction of an offense described
1302 in sub-sub-subparagraph (I). For purposes of sub-sub-
1303 subparagraph (I), a sanction imposed in this state or in any
1304 other jurisdiction includes, but is not limited to, a fine,
1305 probation, community control, parole, conditional release,
1306 control release, or incarceration in a state prison, federal
1307 prison, private correctional facility, or local detention
1308 facility;

1309 b. Establishes or maintains a residence in this state and
1310 who has not been designated as a sexual predator by a court of
1311 this state but who has been designated as a sexual predator, as
1312 a sexually violent predator, or by another sexual offender
1313 designation in another state or jurisdiction and was, as a
1314 result of such designation, subjected to registration or
1315 community or public notification, or both, or would be if the
1316 person were a resident of that state or jurisdiction, without
1317 regard to whether the person otherwise meets the criteria for



1318 registration as a sexual offender;

1319 c. Establishes or maintains a residence in this state who
1320 is in the custody or control of, or under the supervision of,
1321 any other state or jurisdiction as a result of a conviction for
1322 committing, or attempting, soliciting, or conspiring to commit,
1323 any of the criminal offenses proscribed in the following
1324 statutes or similar offense in another jurisdiction: s. 787.01,
1325 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1326 the defendant is not the victim's parent or guardian; s.
1327 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; s. 794.011, excluding s.
1328 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
1329 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
1330 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1331 847.0145; or s. 985.701(1); or any similar offense committed in
1332 this state which has been redesignated from a former statute
1333 number to one of those listed in this sub-subparagraph; or

1334 d. On or after July 1, 2007, has been adjudicated
1335 delinquent for committing, or attempting, soliciting, or
1336 conspiring to commit, any of the criminal offenses proscribed in
1337 the following statutes in this state or similar offenses in
1338 another jurisdiction when the juvenile was 14 years of age or
1339 older at the time of the offense:

1340 (I) Section 794.011, excluding s. 794.011(10);

1341 (II) Section 800.04(4)(b) where the victim is under 12
1342 years of age or where the court finds sexual activity by the use



CS/CS/CS/HB 989, Engrossed 1

2014

1343 of force or coercion;

1344 (III) Section 800.04(5)(c)1. where the court finds
1345 molestation involving unclothed genitals; or

1346 (IV) Section 800.04(5)(d) where the court finds the use of
1347 force or coercion and unclothed genitals.

1348 2. For all qualifying offenses listed in sub-subparagraph
1349 (1)(a)1.d., the court shall make a written finding of the age of
1350 the offender at the time of the offense.

1351
1352 For each violation of a qualifying offense listed in this
1353 subsection, the court shall make a written finding of the age of
1354 the victim at the time of the offense. For a violation of s.
1355 800.04(4), the court shall additionally make a written finding
1356 indicating that the offense did or did not involve sexual
1357 activity and indicating that the offense did or did not involve
1358 force or coercion. For a violation of s. 800.04(5), the court
1359 shall additionally make a written finding that the offense did
1360 or did not involve unclothed genitals or genital area and that
1361 the offense did or did not involve the use of force or coercion.

1362 Section 29. Section 943.0585, Florida Statutes, is amended
1363 to read:

1364 943.0585 Court-ordered expunction of criminal history
1365 records.—The courts of this state have jurisdiction over their
1366 own procedures, including the maintenance, expunction, and
1367 correction of judicial records containing criminal history



1368 information to the extent such procedures are not inconsistent
1369 with the conditions, responsibilities, and duties established by
1370 this section. Any court of competent jurisdiction may order a
1371 criminal justice agency to expunge the criminal history record
1372 of a minor or an adult who complies with the requirements of
1373 this section. The court shall not order a criminal justice
1374 agency to expunge a criminal history record until the person
1375 seeking to expunge a criminal history record has applied for and
1376 received a certificate of eligibility for expunction pursuant to
1377 subsection (2). A criminal history record that relates to a
1378 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1379 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1380 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1381 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1382 or any violation specified as a predicate offense for
1383 registration as a sexual predator pursuant to s. 775.21, without
1384 regard to whether that offense alone is sufficient to require
1385 such registration, or for registration as a sexual offender
1386 pursuant to s. 943.0435, may not be expunged, without regard to
1387 whether adjudication was withheld, if the defendant was found
1388 guilty of or pled guilty or nolo contendere to the offense, or
1389 if the defendant, as a minor, was found to have committed, or
1390 pled guilty or nolo contendere to committing, the offense as a
1391 delinquent act. The court may only order expunction of a
1392 criminal history record pertaining to one arrest or one incident



1393 of alleged criminal activity, except as provided in this
1394 section. The court may, at its sole discretion, order the
1395 expunction of a criminal history record pertaining to more than
1396 one arrest if the additional arrests directly relate to the
1397 original arrest. If the court intends to order the expunction of
1398 records pertaining to such additional arrests, such intent must
1399 be specified in the order. A criminal justice agency may not
1400 expunge any record pertaining to such additional arrests if the
1401 order to expunge does not articulate the intention of the court
1402 to expunge a record pertaining to more than one arrest. This
1403 section does not prevent the court from ordering the expunction
1404 of only a portion of a criminal history record pertaining to one
1405 arrest or one incident of alleged criminal activity.
1406 Notwithstanding any law to the contrary, a criminal justice
1407 agency may comply with laws, court orders, and official requests
1408 of other jurisdictions relating to expunction, correction, or
1409 confidential handling of criminal history records or information
1410 derived therefrom. This section does not confer any right to the
1411 expunction of any criminal history record, and any request for
1412 expunction of a criminal history record may be denied at the
1413 sole discretion of the court.

1414 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1415 petition to a court to expunge a criminal history record is
1416 complete only when accompanied by:

1417 (a) A valid certificate of eligibility for expunction



1418 issued by the department pursuant to subsection (2).

1419 (b) The petitioner's sworn statement attesting that the
1420 petitioner:

1421 1. Has never, prior to the date on which the petition is
1422 filed, been adjudicated guilty of a criminal offense or
1423 comparable ordinance violation, or been adjudicated delinquent
1424 for committing any felony or a misdemeanor specified in s.
1425 943.051(3) (b).

1426 2. Has not been adjudicated guilty of, or adjudicated
1427 delinquent for committing, any of the acts stemming from the
1428 arrest or alleged criminal activity to which the petition
1429 pertains.

1430 3. Has never secured a prior sealing or expunction of a
1431 criminal history record under this section, s. 943.059, former
1432 s. 893.14, former s. 901.33, or former s. 943.058, unless
1433 expunction is sought of a criminal history record previously
1434 sealed for 10 years pursuant to paragraph (2) (h) and the record
1435 is otherwise eligible for expunction.

1436 4. Is eligible for such an expunction to the best of his
1437 or her knowledge or belief and does not have any other petition
1438 to expunge or any petition to seal pending before any court.

1439
1440 Any person who knowingly provides false information on such
1441 sworn statement to the court commits a felony of the third
1442 degree, punishable as provided in s. 775.082, s. 775.083, or s.



CS/CS/CS/HB 989, Engrossed 1

2014

1443 | 775.084.

1444 | (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1445 | petitioning the court to expunge a criminal history record, a
1446 | person seeking to expunge a criminal history record shall apply
1447 | to the department for a certificate of eligibility for
1448 | expunction. The department shall, by rule adopted pursuant to
1449 | chapter 120, establish procedures pertaining to the application
1450 | for and issuance of certificates of eligibility for expunction.
1451 | A certificate of eligibility for expunction is valid for 12
1452 | months after the date stamped on the certificate when issued by
1453 | the department. After that time, the petitioner must reapply to
1454 | the department for a new certificate of eligibility. Eligibility
1455 | for a renewed certification of eligibility must be based on the
1456 | status of the applicant and the law in effect at the time of the
1457 | renewal application. The department shall issue a certificate of
1458 | eligibility for expunction to a person who is the subject of a
1459 | criminal history record if that person:

1460 | (a) Has obtained, and submitted to the department, a
1461 | written, certified statement from the appropriate state attorney
1462 | or statewide prosecutor which indicates:

1463 | 1. That an indictment, information, or other charging
1464 | document was not filed or issued in the case.

1465 | 2. That an indictment, information, or other charging
1466 | document, if filed or issued in the case, was dismissed or nolle
1467 | prosequi by the state attorney or statewide prosecutor, or was



1468 dismissed by a court of competent jurisdiction, and that none of
1469 the charges related to the arrest or alleged criminal activity
1470 to which the petition to expunge pertains resulted in a trial,
1471 without regard to whether the outcome of the trial was other
1472 than an adjudication of guilt.

1473 3. That the criminal history record does not relate to a
1474 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1475 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1476 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1477 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1478 or any violation specified as a predicate offense for
1479 registration as a sexual predator pursuant to s. 775.21, without
1480 regard to whether that offense alone is sufficient to require
1481 such registration, or for registration as a sexual offender
1482 pursuant to s. 943.0435, where the defendant was found guilty
1483 of, or pled guilty or nolo contendere to any such offense, or
1484 that the defendant, as a minor, was found to have committed, or
1485 pled guilty or nolo contendere to committing, such an offense as
1486 a delinquent act, without regard to whether adjudication was
1487 withheld.

1488 (b) Remits a \$75 processing fee to the department for
1489 placement in the Department of Law Enforcement Operating Trust
1490 Fund, unless such fee is waived by the executive director.

1491 (c) Has submitted to the department a certified copy of
1492 the disposition of the charge to which the petition to expunge



1493 | pertains.

1494 | (d) Has never, prior to the date on which the application
1495 | for a certificate of eligibility is filed, been adjudicated
1496 | guilty of a criminal offense or comparable ordinance violation,
1497 | or been adjudicated delinquent for committing any felony or a
1498 | misdemeanor specified in s. 943.051(3)(b).

1499 | (e) Has not been adjudicated guilty of, or adjudicated
1500 | delinquent for committing, any of the acts stemming from the
1501 | arrest or alleged criminal activity to which the petition to
1502 | expunge pertains.

1503 | (f) Has never secured a prior sealing or expunction of a
1504 | criminal history record under this section, s. 943.059, former
1505 | s. 893.14, former s. 901.33, or former s. 943.058, unless
1506 | expunction is sought of a criminal history record previously
1507 | sealed for 10 years pursuant to paragraph (h) and the record is
1508 | otherwise eligible for expunction.

1509 | (g) Is no longer under court supervision applicable to the
1510 | disposition of the arrest or alleged criminal activity to which
1511 | the petition to expunge pertains.

1512 | (h) Has previously obtained a court order sealing the
1513 | record under this section, former s. 893.14, former s. 901.33,
1514 | or former s. 943.058 for a minimum of 10 years because
1515 | adjudication was withheld or because all charges related to the
1516 | arrest or alleged criminal activity to which the petition to
1517 | expunge pertains were not dismissed prior to trial, without



CS/CS/CS/HB 989, Engrossed 1

2014

1518 regard to whether the outcome of the trial was other than an
1519 adjudication of guilt. The requirement for the record to have
1520 previously been sealed for a minimum of 10 years does not apply
1521 when a plea was not entered or all charges related to the arrest
1522 or alleged criminal activity to which the petition to expunge
1523 pertains were dismissed prior to trial.

1524 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1525 (a) In judicial proceedings under this section, a copy of
1526 the completed petition to expunge shall be served upon the
1527 appropriate state attorney or the statewide prosecutor and upon
1528 the arresting agency; however, it is not necessary to make any
1529 agency other than the state a party. The appropriate state
1530 attorney or the statewide prosecutor and the arresting agency
1531 may respond to the court regarding the completed petition to
1532 expunge.

1533 (b) If relief is granted by the court, the clerk of the
1534 court shall certify copies of the order to the appropriate state
1535 attorney or the statewide prosecutor and the arresting agency.
1536 The arresting agency is responsible for forwarding the order to
1537 any other agency to which the arresting agency disseminated the
1538 criminal history record information to which the order pertains.
1539 The department shall forward the order to expunge to the Federal
1540 Bureau of Investigation. The clerk of the court shall certify a
1541 copy of the order to any other agency which the records of the
1542 court reflect has received the criminal history record from the



1543 | court.

1544 | (c) For an order to expunge entered by a court prior to
1545 | July 1, 1992, the department shall notify the appropriate state
1546 | attorney or statewide prosecutor of an order to expunge which is
1547 | contrary to law because the person who is the subject of the
1548 | record has previously been convicted of a crime or comparable
1549 | ordinance violation or has had a prior criminal history record
1550 | sealed or expunged. Upon receipt of such notice, the appropriate
1551 | state attorney or statewide prosecutor shall take action, within
1552 | 60 days, to correct the record and petition the court to void
1553 | the order to expunge. The department shall seal the record until
1554 | such time as the order is voided by the court.

1555 | (d) On or after July 1, 1992, the department or any other
1556 | criminal justice agency is not required to act on an order to
1557 | expunge entered by a court when such order does not comply with
1558 | the requirements of this section. Upon receipt of such an order,
1559 | the department must notify the issuing court, the appropriate
1560 | state attorney or statewide prosecutor, the petitioner or the
1561 | petitioner's attorney, and the arresting agency of the reason
1562 | for noncompliance. The appropriate state attorney or statewide
1563 | prosecutor shall take action within 60 days to correct the
1564 | record and petition the court to void the order. No cause of
1565 | action, including contempt of court, shall arise against any
1566 | criminal justice agency for failure to comply with an order to
1567 | expunge when the petitioner for such order failed to obtain the



1568 certificate of eligibility as required by this section or such
1569 order does not otherwise comply with the requirements of this
1570 section.

1571 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1572 criminal history record of a minor or an adult which is ordered
1573 expunged by a court of competent jurisdiction pursuant to this
1574 section must be physically destroyed or obliterated by any
1575 criminal justice agency having custody of such record; except
1576 that any criminal history record in the custody of the
1577 department must be retained in all cases. A criminal history
1578 record ordered expunged that is retained by the department is
1579 confidential and exempt from the provisions of s. 119.07(1) and
1580 s. 24(a), Art. I of the State Constitution and not available to
1581 any person or entity except upon order of a court of competent
1582 jurisdiction. A criminal justice agency may retain a notation
1583 indicating compliance with an order to expunge.

1584 (a) The person who is the subject of a criminal history
1585 record that is expunged under this section or under other
1586 provisions of law, including former s. 893.14, former s. 901.33,
1587 and former s. 943.058, may lawfully deny or fail to acknowledge
1588 the arrests covered by the expunged record, except when the
1589 subject of the record:

- 1590 1. Is a candidate for employment with a criminal justice
1591 agency;
- 1592 2. Is a defendant in a criminal prosecution;



CS/CS/CS/HB 989, Engrossed 1

2014

1593 3. Concurrently or subsequently petitions for relief under
1594 this section, s. 943.0583, or s. 943.059;

1595 4. Is a candidate for admission to The Florida Bar;

1596 5. Is seeking to be employed or licensed by or to contract
1597 with the Department of Children and Families, the Division of
1598 Vocational Rehabilitation within the Department of Education,
1599 the Agency for Health Care Administration, the Agency for
1600 Persons with Disabilities, the Department of Health, the
1601 Department of Elderly Affairs, or the Department of Juvenile
1602 Justice or to be employed or used by such contractor or licensee
1603 in a sensitive position having direct contact with children, the
1604 disabled, or the elderly; or

1605 6. Is seeking to be employed or licensed by the Department
1606 of Education, any district school board, any university
1607 laboratory school, any charter school, any private or parochial
1608 school, or any local governmental entity that licenses child
1609 care facilities.

1610 (b) Subject to the exceptions in paragraph (a), a person
1611 who has been granted an expunction under this section, former s.
1612 893.14, former s. 901.33, or former s. 943.058 may not be held
1613 under any provision of law of this state to commit perjury or to
1614 be otherwise liable for giving a false statement by reason of
1615 such person's failure to recite or acknowledge an expunged
1616 criminal history record.

1617 (c) Information relating to the existence of an expunged



CS/CS/CS/HB 989, Engrossed 1

2014

1618 | criminal history record which is provided in accordance with
1619 | paragraph (a) is confidential and exempt from the provisions of
1620 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1621 | except that the department shall disclose the existence of a
1622 | criminal history record ordered expunged to the entities set
1623 | forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
1624 | respective licensing, access authorization, and employment
1625 | purposes, and to criminal justice agencies for their respective
1626 | criminal justice purposes. It is unlawful for any employee of an
1627 | entity set forth in subparagraph (a)1., subparagraph (a)4.,
1628 | subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
1629 | disclose information relating to the existence of an expunged
1630 | criminal history record of a person seeking employment, access
1631 | authorization, or licensure with such entity or contractor,
1632 | except to the person to whom the criminal history record relates
1633 | or to persons having direct responsibility for employment,
1634 | access authorization, or licensure decisions. Any person who
1635 | violates this paragraph commits a misdemeanor of the first
1636 | degree, punishable as provided in s. 775.082 or s. 775.083.

1637 | (5) STATUTORY REFERENCES.—Any reference to any other
1638 | chapter, section, or subdivision of the Florida Statutes in this
1639 | section constitutes a general reference under the doctrine of
1640 | incorporation by reference.

1641 | Section 30. Section 943.059, Florida Statutes, is amended
1642 | to read:



CS/CS/CS/HB 989, Engrossed 1

2014

1643 | 943.059 Court-ordered sealing of criminal history
1644 | records.—The courts of this state shall continue to have
1645 | jurisdiction over their own procedures, including the
1646 | maintenance, sealing, and correction of judicial records
1647 | containing criminal history information to the extent such
1648 | procedures are not inconsistent with the conditions,
1649 | responsibilities, and duties established by this section. Any
1650 | court of competent jurisdiction may order a criminal justice
1651 | agency to seal the criminal history record of a minor or an
1652 | adult who complies with the requirements of this section. The
1653 | court shall not order a criminal justice agency to seal a
1654 | criminal history record until the person seeking to seal a
1655 | criminal history record has applied for and received a
1656 | certificate of eligibility for sealing pursuant to subsection
1657 | (2). A criminal history record that relates to a violation of s.
1658 | 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1659 | s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
1660 | chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1661 | s. 916.1075, a violation enumerated in s. 907.041, or any
1662 | violation specified as a predicate offense for registration as a
1663 | sexual predator pursuant to s. 775.21, without regard to whether
1664 | that offense alone is sufficient to require such registration,
1665 | or for registration as a sexual offender pursuant to s.
1666 | 943.0435, may not be sealed, without regard to whether
1667 | adjudication was withheld, if the defendant was found guilty of



1668 | or pled guilty or nolo contendere to the offense, or if the
1669 | defendant, as a minor, was found to have committed or pled
1670 | guilty or nolo contendere to committing the offense as a
1671 | delinquent act. The court may only order sealing of a criminal
1672 | history record pertaining to one arrest or one incident of
1673 | alleged criminal activity, except as provided in this section.
1674 | The court may, at its sole discretion, order the sealing of a
1675 | criminal history record pertaining to more than one arrest if
1676 | the additional arrests directly relate to the original arrest.
1677 | If the court intends to order the sealing of records pertaining
1678 | to such additional arrests, such intent must be specified in the
1679 | order. A criminal justice agency may not seal any record
1680 | pertaining to such additional arrests if the order to seal does
1681 | not articulate the intention of the court to seal records
1682 | pertaining to more than one arrest. This section does not
1683 | prevent the court from ordering the sealing of only a portion of
1684 | a criminal history record pertaining to one arrest or one
1685 | incident of alleged criminal activity. Notwithstanding any law
1686 | to the contrary, a criminal justice agency may comply with laws,
1687 | court orders, and official requests of other jurisdictions
1688 | relating to sealing, correction, or confidential handling of
1689 | criminal history records or information derived therefrom. This
1690 | section does not confer any right to the sealing of any criminal
1691 | history record, and any request for sealing a criminal history
1692 | record may be denied at the sole discretion of the court.



CS/CS/CS/HB 989, Engrossed 1

2014

1693 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1694 petition to a court to seal a criminal history record is
1695 complete only when accompanied by:

1696 (a) A valid certificate of eligibility for sealing issued
1697 by the department pursuant to subsection (2).

1698 (b) The petitioner's sworn statement attesting that the
1699 petitioner:

1700 1. Has never, prior to the date on which the petition is
1701 filed, been adjudicated guilty of a criminal offense or
1702 comparable ordinance violation, or been adjudicated delinquent
1703 for committing any felony or a misdemeanor specified in s.
1704 943.051(3)(b).

1705 2. Has not been adjudicated guilty of or adjudicated
1706 delinquent for committing any of the acts stemming from the
1707 arrest or alleged criminal activity to which the petition to
1708 seal pertains.

1709 3. Has never secured a prior sealing or expunction of a
1710 criminal history record under this section, s. 943.0585, former
1711 s. 893.14, former s. 901.33, or former s. 943.058.

1712 4. Is eligible for such a sealing to the best of his or
1713 her knowledge or belief and does not have any other petition to
1714 seal or any petition to expunge pending before any court.

1715
1716 Any person who knowingly provides false information on such
1717 sworn statement to the court commits a felony of the third



1718 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1719 775.084.

1720 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1721 petitioning the court to seal a criminal history record, a
1722 person seeking to seal a criminal history record shall apply to
1723 the department for a certificate of eligibility for sealing. The
1724 department shall, by rule adopted pursuant to chapter 120,
1725 establish procedures pertaining to the application for and
1726 issuance of certificates of eligibility for sealing. A
1727 certificate of eligibility for sealing is valid for 12 months
1728 after the date stamped on the certificate when issued by the
1729 department. After that time, the petitioner must reapply to the
1730 department for a new certificate of eligibility. Eligibility for
1731 a renewed certification of eligibility must be based on the
1732 status of the applicant and the law in effect at the time of the
1733 renewal application. The department shall issue a certificate of
1734 eligibility for sealing to a person who is the subject of a
1735 criminal history record provided that such person:

1736 (a) Has submitted to the department a certified copy of
1737 the disposition of the charge to which the petition to seal
1738 pertains.

1739 (b) Remits a \$75 processing fee to the department for
1740 placement in the Department of Law Enforcement Operating Trust
1741 Fund, unless such fee is waived by the executive director.

1742 (c) Has never, prior to the date on which the application



1743 | for a certificate of eligibility is filed, been adjudicated
1744 | guilty of a criminal offense or comparable ordinance violation,
1745 | or been adjudicated delinquent for committing any felony or a
1746 | misdemeanor specified in s. 943.051(3)(b).

1747 | (d) Has not been adjudicated guilty of or adjudicated
1748 | delinquent for committing any of the acts stemming from the
1749 | arrest or alleged criminal activity to which the petition to
1750 | seal pertains.

1751 | (e) Has never secured a prior sealing or expunction of a
1752 | criminal history record under this section, s. 943.0585, former
1753 | s. 893.14, former s. 901.33, or former s. 943.058.

1754 | (f) Is no longer under court supervision applicable to the
1755 | disposition of the arrest or alleged criminal activity to which
1756 | the petition to seal pertains.

1757 | (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1758 | (a) In judicial proceedings under this section, a copy of
1759 | the completed petition to seal shall be served upon the
1760 | appropriate state attorney or the statewide prosecutor and upon
1761 | the arresting agency; however, it is not necessary to make any
1762 | agency other than the state a party. The appropriate state
1763 | attorney or the statewide prosecutor and the arresting agency
1764 | may respond to the court regarding the completed petition to
1765 | seal.

1766 | (b) If relief is granted by the court, the clerk of the
1767 | court shall certify copies of the order to the appropriate state



1768 attorney or the statewide prosecutor and to the arresting
1769 agency. The arresting agency is responsible for forwarding the
1770 order to any other agency to which the arresting agency
1771 disseminated the criminal history record information to which
1772 the order pertains. The department shall forward the order to
1773 seal to the Federal Bureau of Investigation. The clerk of the
1774 court shall certify a copy of the order to any other agency
1775 which the records of the court reflect has received the criminal
1776 history record from the court.

1777 (c) For an order to seal entered by a court prior to July
1778 1, 1992, the department shall notify the appropriate state
1779 attorney or statewide prosecutor of any order to seal which is
1780 contrary to law because the person who is the subject of the
1781 record has previously been convicted of a crime or comparable
1782 ordinance violation or has had a prior criminal history record
1783 sealed or expunged. Upon receipt of such notice, the appropriate
1784 state attorney or statewide prosecutor shall take action, within
1785 60 days, to correct the record and petition the court to void
1786 the order to seal. The department shall seal the record until
1787 such time as the order is voided by the court.

1788 (d) On or after July 1, 1992, the department or any other
1789 criminal justice agency is not required to act on an order to
1790 seal entered by a court when such order does not comply with the
1791 requirements of this section. Upon receipt of such an order, the
1792 department must notify the issuing court, the appropriate state



1793 attorney or statewide prosecutor, the petitioner or the
1794 petitioner's attorney, and the arresting agency of the reason
1795 for noncompliance. The appropriate state attorney or statewide
1796 prosecutor shall take action within 60 days to correct the
1797 record and petition the court to void the order. No cause of
1798 action, including contempt of court, shall arise against any
1799 criminal justice agency for failure to comply with an order to
1800 seal when the petitioner for such order failed to obtain the
1801 certificate of eligibility as required by this section or when
1802 such order does not comply with the requirements of this
1803 section.

1804 (e) An order sealing a criminal history record pursuant to
1805 this section does not require that such record be surrendered to
1806 the court, and such record shall continue to be maintained by
1807 the department and other criminal justice agencies.

1808 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1809 history record of a minor or an adult which is ordered sealed by
1810 a court of competent jurisdiction pursuant to this section is
1811 confidential and exempt from the provisions of s. 119.07(1) and
1812 s. 24(a), Art. I of the State Constitution and is available only
1813 to the person who is the subject of the record, to the subject's
1814 attorney, to criminal justice agencies for their respective
1815 criminal justice purposes, which include conducting a criminal
1816 history background check for approval of firearms purchases or
1817 transfers as authorized by state or federal law, to judges in



1818 | the state courts system for the purpose of assisting them in
1819 | their case-related decisionmaking responsibilities, as set forth
1820 | in s. 943.053(5), or to those entities set forth in
1821 | subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1822 | licensing, access authorization, and employment purposes.

1823 | (a) The subject of a criminal history record sealed under
1824 | this section or under other provisions of law, including former
1825 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1826 | deny or fail to acknowledge the arrests covered by the sealed
1827 | record, except when the subject of the record:

- 1828 | 1. Is a candidate for employment with a criminal justice
1829 | agency;
- 1830 | 2. Is a defendant in a criminal prosecution;
- 1831 | 3. Concurrently or subsequently petitions for relief under
1832 | this section, s. 943.0583, or s. 943.0585;
- 1833 | 4. Is a candidate for admission to The Florida Bar;
- 1834 | 5. Is seeking to be employed or licensed by or to contract
1835 | with the Department of Children and Families, the Division of
1836 | Vocational Rehabilitation within the Department of Education,
1837 | the Agency for Health Care Administration, the Agency for
1838 | Persons with Disabilities, the Department of Health, the
1839 | Department of Elderly Affairs, or the Department of Juvenile
1840 | Justice or to be employed or used by such contractor or licensee
1841 | in a sensitive position having direct contact with children, the
1842 | disabled, or the elderly;



CS/CS/CS/HB 989, Engrossed 1

2014

1843 6. Is seeking to be employed or licensed by the Department
1844 of Education, any district school board, any university
1845 laboratory school, any charter school, any private or parochial
1846 school, or any local governmental entity that licenses child
1847 care facilities; or

1848 7. Is attempting to purchase a firearm from a licensed
1849 importer, licensed manufacturer, or licensed dealer and is
1850 subject to a criminal history check under state or federal law.

1851 (b) Subject to the exceptions in paragraph (a), a person
1852 who has been granted a sealing under this section, former s.
1853 893.14, former s. 901.33, or former s. 943.058 may not be held
1854 under any provision of law of this state to commit perjury or to
1855 be otherwise liable for giving a false statement by reason of
1856 such person's failure to recite or acknowledge a sealed criminal
1857 history record.

1858 (c) Information relating to the existence of a sealed
1859 criminal record provided in accordance with the provisions of
1860 paragraph (a) is confidential and exempt from the provisions of
1861 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1862 except that the department shall disclose the sealed criminal
1863 history record to the entities set forth in subparagraphs (a)1.,
1864 4., 5., 6., and 8. for their respective licensing, access
1865 authorization, and employment purposes. It is unlawful for any
1866 employee of an entity set forth in subparagraph (a)1.,
1867 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or



CS/CS/CS/HB 989, Engrossed 1

2014

1868 | subparagraph (a)8. to disclose information relating to the
1869 | existence of a sealed criminal history record of a person
1870 | seeking employment, access authorization, or licensure with such
1871 | entity or contractor, except to the person to whom the criminal
1872 | history record relates or to persons having direct
1873 | responsibility for employment, access authorization, or
1874 | licensure decisions. Any person who violates the provisions of
1875 | this paragraph commits a misdemeanor of the first degree,
1876 | punishable as provided in s. 775.082 or s. 775.083.

1877 | (5) STATUTORY REFERENCES.—Any reference to any other
1878 | chapter, section, or subdivision of the Florida Statutes in this
1879 | section constitutes a general reference under the doctrine of
1880 | incorporation by reference.

1881 | Section 31. Paragraph (b) of subsection (1) of section
1882 | 944.606, Florida Statutes, is amended to read:

1883 | 944.606 Sexual offenders; notification upon release.—

1884 | (1) As used in this section:

1885 | (b) "Sexual offender" means a person who has been
1886 | convicted of committing, or attempting, soliciting, or
1887 | conspiring to commit, any of the criminal offenses proscribed in
1888 | the following statutes in this state or similar offenses in
1889 | another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1890 | where the victim is a minor and the defendant is not the
1891 | victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g) ~~r~~
1892 | ~~or~~ (h); s. 794.011, excluding s. 794.011(10); s. 794.05; former



CS/CS/CS/HB 989, Engrossed 1

2014

1893 s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
1894 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1895 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1896 985.701(1); or any similar offense committed in this state which
1897 has been redesignated from a former statute number to one of
1898 those listed in this subsection, when the department has
1899 received verified information regarding such conviction; an
1900 offender's computerized criminal history record is not, in and
1901 of itself, verified information.

1902 Section 32. Paragraph (a) of subsection (1) of section
1903 944.607, Florida Statutes, is amended to read:

1904 944.607 Notification to Department of Law Enforcement of
1905 information on sexual offenders.—

1906 (1) As used in this section, the term:

1907 (a) "Sexual offender" means a person who is in the custody
1908 or control of, or under the supervision of, the department or is
1909 in the custody of a private correctional facility:

1910 1. On or after October 1, 1997, as a result of a
1911 conviction for committing, or attempting, soliciting, or
1912 conspiring to commit, any of the criminal offenses proscribed in
1913 the following statutes in this state or similar offenses in
1914 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1915 where the victim is a minor and the defendant is not the
1916 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g) ~~r~~
1917 ~~or~~ (h); s. 794.011, excluding s. 794.011(10); s. 794.05; former



CS/CS/CS/HB 989, Engrossed 1

2014

1918 | s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
1919 | 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1920 | 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1921 | 985.701(1); or any similar offense committed in this state which
1922 | has been redesignated from a former statute number to one of
1923 | those listed in this paragraph; or

1924 | 2. Who establishes or maintains a residence in this state
1925 | and who has not been designated as a sexual predator by a court
1926 | of this state but who has been designated as a sexual predator,
1927 | as a sexually violent predator, or by another sexual offender
1928 | designation in another state or jurisdiction and was, as a
1929 | result of such designation, subjected to registration or
1930 | community or public notification, or both, or would be if the
1931 | person were a resident of that state or jurisdiction, without
1932 | regard as to whether the person otherwise meets the criteria for
1933 | registration as a sexual offender.

1934 | Section 33. Subsection (2) of section 948.013, Florida
1935 | Statutes, is amended to read:

1936 | 948.013 Administrative probation.—

1937 | (2) Effective for an offense committed on or after July 1,
1938 | 1998, a person is ineligible for placement on administrative
1939 | probation if the person is sentenced to or is serving a term of
1940 | probation or community control, regardless of the conviction or
1941 | adjudication, for committing, or attempting, conspiring, or
1942 | soliciting to commit, any of the felony offenses described in s.



CS/CS/CS/HB 989, Engrossed 1

2014

1943 787.01 or s. 787.02, where the victim is a minor and the
1944 defendant is not the victim's parent; s. 787.025; s.
1945 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.
1946 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s.
1947 847.0145.

1948 Section 34. Subsection (1) of section 948.32, Florida
1949 Statutes, is amended to read:

1950 948.32 Requirements of law enforcement agency upon arrest
1951 of persons for certain sex offenses.—

1952 (1) When any state or local law enforcement agency
1953 investigates or arrests a person for committing, or attempting,
1954 soliciting, or conspiring to commit, a violation of s.
1955 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
1956 s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145,
1957 the law enforcement agency shall contact the Department of
1958 Corrections to verify whether the person under investigation or
1959 under arrest is on probation, community control, parole,
1960 conditional release, or control release.

1961 Section 35. This act shall take effect October 1, 2014.