



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1
2 An act relating to human trafficking; amending s.
3 92.56, F.S.; including human trafficking within
4 provisions providing for confidentiality of court
5 records concerning certain offenses involving
6 children; amending s. 960.065, F.S.; providing that
7 victims of human trafficking are eligible for crime
8 victim compensation awards under certain circumstances;
9 amending s. 960.199, F.S.; allowing victims of human
10 trafficking to be eligible for financial relocation
11 assistance; amending s. 450.021, F.S.; prohibiting the
12 employment of minors in adult theaters; amending s.
13 450.045, F.S.; requiring adult theaters to verify the
14 ages of employees and independent contractors and
15 maintain specified documentation; amending s. 775.15,
16 F.S.; eliminating the statute of limitations for
17 prosecutions under a specified human trafficking
18 provision; providing applicability; amending s.
19 787.06, F.S.; revising and providing penalties for
20 various human trafficking offenses against minors and
21 adults; amending s. 775.082, F.S.; providing a life
22 sentence for a specified felony; creating s. 796.001,
23 F.S.; providing legislative intent concerning
24 prosecutions of certain offenses by adults involving
25 minors; repealing ss. 796.03, 796.035, and 796.036,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Subsections (2), (3), and (5) of section 92.56,
49 Florida Statutes, are amended to read:

50 92.56 Judicial proceedings and court records involving



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

51 | sexual offenses and human trafficking.-

52 | (2) A defendant charged with a crime described in s.
53 | 787.06(3)(a)1., (c)1., or (e)1., s. 787.06(3)(b), (d), (f), or
54 | (g), chapter 794, or chapter 800, or with child abuse,
55 | aggravated child abuse, or sexual performance by a child as
56 | described in chapter 827, may apply to the trial court for an
57 | order of disclosure of information in court records held
58 | confidential and exempt pursuant to s. 119.0714(1)(h) or
59 | maintained as confidential and exempt pursuant to court order
60 | under this section. Such identifying information concerning the
61 | victim may be released to the defendant or his or her attorney
62 | in order to prepare the defense. The confidential and exempt
63 | status of this information may not be construed to prevent the
64 | disclosure of the victim's identity to the defendant; however,
65 | the defendant may not disclose the victim's identity to any
66 | person other than the defendant's attorney or any other person
67 | directly involved in the preparation of the defense. A willful
68 | and knowing disclosure of the identity of the victim to any
69 | other person by the defendant constitutes contempt.

70 | (3) The state may use a pseudonym instead of the victim's
71 | name to designate the victim of a crime described in s.
72 | 787.06(3)(a)1., (c)1., or (e)1., in s. 787.06(3)(b), (d), (f),
73 | or (g), or in chapter 794 or chapter 800, or of child abuse,
74 | aggravated child abuse, or sexual performance by a child as
75 | described in chapter 827, or any crime involving the production,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

76 possession, or promotion of child pornography as described in
77 chapter 847, in all court records and records of court
78 proceedings, both civil and criminal.

79 (5) This section does not prohibit the publication or
80 broadcast of the substance of trial testimony in a prosecution
81 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.,
82 s. 787.06(3)(b), (d), (f), or (g), chapter 794, or chapter 800,
83 or a crime of child abuse, aggravated child abuse, or sexual
84 performance by a child, as described in chapter 827, but the
85 publication or broadcast may not include an identifying
86 photograph, an identifiable voice, or the name or address of the
87 victim, unless the victim has consented in writing to the
88 publication and filed such consent with the court or unless the
89 court has declared such records not confidential and exempt as
90 provided for in subsection (1).

91
92 Section 2. Paragraph (b) of subsection (2) of section
93 960.065, Florida Statutes, is amended to read:

94 960.065 Eligibility for awards.—

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

96 (b) Was engaged in an unlawful activity at the time of the
97 crime upon which the claim for compensation is based, unless the
98 victim was engaged in prostitution as a result of being a victim
99 of human trafficking as described in s. 787.06(3)(b), (d), (f),
100 or (g);



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

101
102 is ineligible for an award.

103 Section 3. Section 960.199, Florida Statutes, is amended
104 to read:

105 960.199 Relocation assistance for victims of sexual
106 battery or human trafficking.—

107 (1) The department may award a one-time payment of up to
108 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
109 victim of sexual battery, as defined in s. 794.011, or a victim
110 of human trafficking, as described in s. 787.06(3)(b), (d), (f),
111 or (g), who needs relocation assistance.

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

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

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

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

126 (d) The center's ~~center~~ certification must assert that the
127 victim is cooperating with law enforcement officials, if
128 applicable, and must include documentation that the victim has
129 developed a safety plan. If the victim seeking relocation
130 assistance is a victim of a human trafficking offense as
131 described in s. 787.06(3)(b), (d), (f), or (g), the certified
132 rape crisis center's or certified domestic violence center's
133 certification must include, if applicable, approval of the state
134 attorney or statewide prosecutor attesting that the victim is
135 cooperating with law enforcement officials.

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

141 (3) Relocation payments for a sexual battery or human
142 trafficking claim under this section shall be denied if the
143 department has previously approved or paid out a domestic
144 violence relocation claim under s. 960.198 to the same victim
145 regarding the same incident.

146 Section 4. Subsection (5) is added to section 450.021,
147 Florida Statutes, to read:

148 450.021 Minimum age; general.—

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

155 Section 5. Subsection (3) is added to section 450.045,
156 Florida Statutes, to read:

157 450.045 Proof of identity and age; posting of notices.—

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

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

182 Section 6. Subsection (18) is added to section 775.15,
183 Florida Statutes, to read:

184 775.15 Time limitations; general time limitations;
185 exceptions.—

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

190 Section 7. Subsections (3) and (4) of section 787.06,
191 Florida Statutes, are amended, and subsection (8) is added to
192 that section, to read:

193 787.06 Human trafficking.—

194 (3) Any person who knowingly, or in reckless disregard of
195 the facts, engages in human trafficking, or attempts to engage
196 in human trafficking, or benefits financially by receiving
197 anything of value from participation in a venture that has
198 subjected a person to human trafficking:

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

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

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

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

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

215 (d) Using coercion for commercial sexual activity of an
216 adult ~~any individual~~ who is an unauthorized alien commits a
217 felony of the first degree, punishable as provided in s.
218 775.082, s. 775.083, or s. 775.084.

219 (e) 1. Using coercion For labor or services who does so by
220 the transfer or transport of any child under the age of 18
221 ~~individual~~ from outside this state to within the state commits a
222 felony of the first degree, punishable as provided in s.
223 775.082, s. 775.083, or s. 775.084.

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

228 (f) 1. Using coercion For commercial sexual activity who
229 does so by the transfer or transport of any child under the age
230 of 18 individual from outside this state to within the state
231 commits a felony of the first degree, punishable by imprisonment
232 for a term of years not exceeding life, or as provided in s.
233 775.082, s. 775.083, or s. 775.084.

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

238 (g) For commercial sexual activity in which any child
239 under the age of 18, or in which any person who is mentally
240 defective or mentally incapacitated as those terms are defined
241 in s. 794.011(1), is involved commits a life felony ~~of the first~~
242 ~~degree,~~ punishable by imprisonment for a term of years not
243 ~~exceeding life, or~~ as provided in s. 775.082(3)(a)5. ~~775.082,~~ s.
244 775.083, or s. 775.084. ~~In a prosecution under this paragraph in~~
245 ~~which the defendant had a reasonable opportunity to observe the~~
246 ~~person who was subject to human trafficking, the state need not~~
247 ~~prove that the defendant knew that the person had not attained~~
248 ~~the age of 18 years.~~

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

251 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
252 ~~In a prosecution under this paragraph in which the defendant had~~
253 ~~a reasonable opportunity to observe the person who was subject~~
254 ~~to human trafficking, the state need not prove that the~~
255 ~~defendant knew that the person had not attained the age of 15~~
256 ~~years.~~

257
258 For each instance of human trafficking of any individual under
259 this subsection, a separate crime is committed and a separate
260 punishment is authorized.

261 (4) (a) Any parent, legal guardian, or other person having
262 custody or control of a minor who sells or otherwise transfers
263 custody or control of such minor, or offers to sell or otherwise
264 transfer custody of such minor, with knowledge or in reckless
265 disregard of the fact that, as a consequence of the sale or
266 transfer, the minor will be subject to human trafficking commits
267 a life first-degree felony, punishable as provided in s.
268 775.082, s. 775.083, or s. 775.084.

269 (b) Any person who permanently brands, or directs to be
270 branded, a victim of an offense under this section commits a
271 second degree felony, punishable as provided in s. 775.082, s.
272 775.083, or s. 775.084. For purposes of this subsection, the
273 term "permanently branded" means a mark on the individual's body
274 that, if it can be removed or repaired at all, can only be
275 removed or repaired by surgical means, laser treatment, or other



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

276 medical procedure.

277 (8) In a prosecution under this section, the defendant's
278 ignorance of the victim's age, the victim's misrepresentation of
279 his or her age, or the defendant's bona fide belief of the
280 victim's age cannot be raised as a defense.

281 Section 8. Paragraph (a) of subsection (3) of section
282 775.082, Florida Statutes, is amended to read:

283 775.082 Penalties; applicability of sentencing structures;
284 mandatory minimum sentences for certain reoffenders previously
285 released from prison.—

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

288 (a)1. For a life felony committed prior to October 1,
289 1983, by a term of imprisonment for life or for a term of years
290 not less than 30.

291 2. For a life felony committed on or after October 1,
292 1983, by a term of imprisonment for life or by a term of
293 imprisonment not exceeding 40 years.

294 3. Except as provided in subparagraph 4., for a life
295 felony committed on or after July 1, 1995, by a term of
296 imprisonment for life or by imprisonment for a term of years not
297 exceeding life imprisonment.

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

301 (I) A term of imprisonment for life; or
302 (II) A split sentence that is a term of not less than 25
303 years' imprisonment and not exceeding life imprisonment,
304 followed by probation or community control for the remainder of
305 the person's natural life, as provided in s. 948.012(4).

306 b. For a life felony committed on or after July 1, 2008,
307 which is a person's second or subsequent violation of s.
308 800.04(5)(b), by a term of imprisonment for life.

309 5. For a life felony committed on or after October 1,
310 2014, which is a violation of s. 787.06(3)(g), by a term of
311 imprisonment for life.

312 Section 9. Section 796.001, Florida Statutes, is created
313 to read:

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

322 Section 10. Sections 796.03, 796.035, and 796.036, Florida
323 Statutes, are repealed.

324 Section 11. Section 796.05, Florida Statutes, is amended
325 to read:



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

326 796.05 Deriving support from the proceeds of
327 prostitution.—

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

333 (2) Anyone violating this section commits:

334 (a) For a first offense, a felony of the second ~~third~~
335 degree, punishable as provided in s. 775.082, s. 775.083, or s.
336 775.084.

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

339 (c) For a third or subsequent offense, a felony of the
340 first degree punishable as provided in s. 775.082, s. 775.083,
341 or s. 775.084, with a mandatory minimum term of imprisonment of
342 10 years.

343 Section 12. Subsection (3), paragraph (a) of subsection
344 (8), and paragraph (a) of subsection (10) of section 943.0583,
345 Florida Statutes, are amended to read:

346 943.0583 Human trafficking victim expunction.—

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

351 | while the person ~~he or she~~ was a victim of human trafficking,
352 | which offense was committed or reported to have been committed
353 | as a part of the human trafficking scheme of which the person ~~he~~
354 | ~~or she~~ was a victim or at the direction of an operator of the
355 | scheme, including, but not limited to, violations under chapters
356 | 796 and 847, without regard to the disposition of the arrest or
357 | of any charges. However, this section does not apply to any
358 | offense listed in s. 775.084(1)(b)1. Determination of the
359 | petition under this section should be by a preponderance of the
360 | evidence. A conviction expunged under this section is deemed to
361 | have been vacated due to a substantive defect in the underlying
362 | criminal proceedings. If a person is adjudicated not guilty by
363 | reason of insanity or is found to be incompetent to stand trial
364 | for any such charge, the expunction of the criminal history
365 | record may not prevent the entry of the judgment or finding in
366 | state and national databases for use in determining eligibility
367 | to purchase or possess a firearm or to carry a concealed
368 | firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
369 | 922(t), nor shall it prevent any governmental agency that is
370 | authorized by state or federal law to determine eligibility to
371 | purchase or possess a firearm or to carry a concealed firearm
372 | from accessing or using the record of the judgment or finding in
373 | the course of such agency's official duties.

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

376 over the charges ~~crime~~ sought to be expunged pursuant to this
377 section must be physically destroyed or obliterated by any
378 criminal justice agency having custody of such record, except
379 that any criminal history record in the custody of the
380 department must be retained in all cases.

381 (10)(a) A criminal history record ordered expunged under
382 this section that is retained by the department is confidential
383 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
384 Constitution, except that the record shall be made available to
385 criminal justice agencies for their respective criminal justice
386 purposes and to any governmental agency that is authorized by
387 state or federal law to determine eligibility to purchase or
388 possess a firearm or to carry a concealed firearm for use in the
389 course of such agency's official duties. Otherwise, such record
390 shall not be disclosed to any person or entity except upon order
391 of a court of competent jurisdiction. A criminal justice agency
392 may retain a notation indicating compliance with an order to
393 expunge.

394 Section 13. Paragraphs (c), (e), and (g) through (j) of
395 subsection (3) of section 921.0022, Florida Statutes, are
396 amended to read:

397 921.0022 Criminal Punishment Code; offense severity
398 ranking chart.—

399 (3) OFFENSE SEVERITY RANKING CHART

400 (c) LEVEL 3



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

401	Florida	Felony	Description
402	Statute	Degree	
402	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
403	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
404	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
405	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
406	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
407	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

408	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
409	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
410	327.35 (2) (b)	3rd	Felony BUI.
411	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
412	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
413	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
414	379.2431	3rd	Taking, disturbing, mutilating,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

	(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.
415	379.2431	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
	(1) (e) 6.		
416	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
417	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
418	501.001 (2) (b)	2nd	Tamperers with a consumer product



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

or the container using
materially false/misleading
information.

419

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

420

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

421

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

422

697.08 3rd Equity skimming.

423

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

424

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

425

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

interfere with vehicles or
equipment used in firefighting.

426

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

427

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

428

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

429

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

430

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

431

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

than \$20,000.

432

817.233 3rd Burning to defraud insurer.

433

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

434

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

435

817.236 3rd Filing a false motor vehicle
insurance application.

436

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

437

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

438

817.505 (4) 3rd Patient brokering.

439

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

serious physical injury, or death.

440

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

441

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

442

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

443

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

444

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

445

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

446

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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).

447

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.

448

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.

449

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

450	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
451	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
452	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
453	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
454	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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

fraudulent representations in
or related to the
practitioner's practice.

455

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.

456

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

457

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.

458

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

459	944.47	3rd	Introduce contraband to
	(1) (a) 1.-2.		correctional facility.
460	944.47 (1) (c)	2nd	Possess contraband while upon
			the grounds of a correctional
			institution.
461	985.721	3rd	Escapes from a juvenile
			facility (secure detention or
			residential commitment
			facility).
462	(e) LEVEL 5		
463			
464	Florida	Felony	Description
	Statute	Degree	
465	316.027 (1) (a)	3rd	Accidents involving personal
			injuries, failure to stop;
			leaving scene.
466	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
467	322.34 (6)	3rd	Careless operation of motor



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

468

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

469

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

470

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

471

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

472

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

473

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

compensation claims.

474

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

475

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

476

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

477

790.01(2) 3rd Carrying a concealed firearm.

478

790.162 2nd Threat to throw or discharge destructive device.

479

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

480



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

481	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
482	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
483	<u>796.05 (1)</u>	<u>2nd</u>	<u>Live on earnings of a prostitute; 1st offense.</u>
484	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
485	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
486	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
487	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

488	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
489	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
490	812.131 (2) (b)	3rd	Robbery by sudden snatching.
491	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
492	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
493	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.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

494	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.
495	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
496	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
497	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

498



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

499	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
500	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.
501	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
502	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
503	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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

504	874.05 (1) (b)	2nd	<p>electronic device or equipment.</p> <p>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</p>
505	874.05 (2) (a)	2nd	<p>Encouraging or recruiting person under 13 to join a criminal gang.</p>
506	893.13 (1) (a) 1.	2nd	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).</p>
507	893.13 (1) (c) 2.	2nd	<p>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</p>



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

508

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.

509

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.

510

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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.

511

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).

512

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

513

514 (g) LEVEL 7

515

Florida	Felony	Description
Statute	Degree	

516

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

517

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

injury.

518

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.

519

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

520

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

521

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

522

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

\$50,000.

523

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

524

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

525

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

526

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

527

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

528

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

529

462.17 3rd Practicing naturopathy without a license.

530



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

531	463.015 (1)	3rd	Practicing optometry without a license.
532	464.016 (1)	3rd	Practicing nursing without a license.
533	465.015 (2)	3rd	Practicing pharmacy without a license.
534	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
535	467.201	3rd	Practicing midwifery without a license.
536	468.366	3rd	Delivering respiratory care services without a license.
537	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
538	483.901 (9)	3rd	Practicing medical physics without a license.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

539	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
540	484.053	3rd	Dispensing hearing aids without a license.
541	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.
542	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.
543	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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

544

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

545

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

546

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

547

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

548

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

act, procurement, or culpable
negligence of another
(manslaughter).

549

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

550

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

551

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

552

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

553

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

554



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

555	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
556	784.048 (7)	3rd	Aggravated stalking; violation of court order.
557	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
558	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
559	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
560	784.081 (1)	1st	Aggravated battery on specified official or employee.
561	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
	784.083 (1)	1st	Aggravated battery on code inspector.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

562	787.06(3)(a) <u>2.</u>	1st	Human trafficking using coercion for labor and services <u>of an adult.</u>
563	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.
564	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
565	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
566	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
567	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

568			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.
569			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
570			
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
571			
	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.
572			
	796.03	2nd	Procuring any person under 16



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

~~years for prostitution.~~

573

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

574

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

575

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

576

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.

577

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

578

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

579



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

580	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
581	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
582	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
583	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.
584	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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

grand theft.

585

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

586

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

587

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

588

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

589

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

590

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

591

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

592	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
593	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
594	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.
595	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
596	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
597	825.103 (2) (b)	2nd	Exploiting an elderly person or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

disabled adult and property is
valued at \$20,000 or more, but
less than \$100,000.

598

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

599

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

600

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

601

838.015 2nd Bribery.

602

838.016 2nd Unlawful compensation or reward
for official behavior.

603

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

604

838.22 2nd Bid tampering.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

605	843.0855 (2)	3rd	Impersonation of a public officer or employee.
606	843.0855 (3)	3rd	Unlawful simulation of legal process.
607	843.0855 (4)	3rd	Intimidation of a public officer or employee.
608	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
609	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
610	872.06	2nd	Abuse of a dead human body.
611	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
612	874.10	1st, PBL	Knowingly initiates, organizes,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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

613

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.

614

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.

615



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

616	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).
617	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
618	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
619	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
620	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
621	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

622	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
623	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
624	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
625	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
626	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
627	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

628	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
629	896.104 (4) (a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
630	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
631	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
632	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
	943.0435 (13)	3rd	Failure to report or providing



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

633	943.0435(14)	3rd	false information about a sexual offender; harbor or conceal a sexual offender.
634	944.607(9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
635	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
636	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
637	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure to respond to address



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

638			verification.
	985.4815 (10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
639			
	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
640			
	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
641			
642	(h)	LEVEL 8	
643			
	Florida Statute	Felony Degree	Description
644			
	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
645			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

			cluding with serious bodily injury or death.
646			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
647			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
648			
	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
649			
	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.
650			
	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.
651			
	655.50 (10) (b) 2.	2nd	Failure to report financial



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

652	777.03(2)(a)	1st	<p>transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p> <p>Accessory after the fact, capital felony.</p>
653	782.04(4)	2nd	<p>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.</p>
654	782.051(2)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).</p>
655	782.071(1)(b)	1st	<p>Committing vehicular homicide and failing to render aid or</p>



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

656			give information.
	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
657	<u>787.06 (3) (a) 1.</u>	<u>1st</u>	<u>Human trafficking for labor and services of a child.</u>
658	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity <u>of an adult.</u>
659	787.06 (3) (c) <u>2.</u>	1st	Human trafficking using coercion for labor and services of an unauthorized alien <u>adult.</u>
660	<u>787.06 (3) (e) 1.</u>	<u>1st</u>	<u>Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.</u>
661	787.06 (3) (f) <u>2.</u>	1st	Human trafficking using coercion for commercial sexual



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

			activity by the transfer or transport of any <u>adult</u> individual from outside Florida to within the state.
662	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
663	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
664	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
665	800.04 (4)	2nd	Lewd or lascivious battery.
666	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
667			



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

668	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
669	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
670	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
671	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
672	812.13 (2) (b)	1st	Robbery with a weapon.
673	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
674	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

675	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
676	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
677	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.
678	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
679	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
	825.1025 (2)	2nd	Lewd or lascivious battery upon



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

			an elderly person or disabled adult.
680	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
681	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
682	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
683	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
684	860.16	1st	Aircraft piracy.
685	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

specified in s. 893.03(1)(a) or
(b).

686

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

687

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

688

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

689

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

690

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

691

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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

692			400 grams.
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
693			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
694			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
695			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
696			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
697			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

698			400 grams.
	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
699			
	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
700			
	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
701			
	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
702			
	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
703			



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

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.

704

705 (i) LEVEL 9

706

Florida	Felony	Description
Statute	Degree	

707

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

708

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

709

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

710

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

711



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

712	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
713	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
714	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
715	775.0844	1st	Aggravated white collar crime.
716	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



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

death, and other specified felonies.

717

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

718

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

719

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

720

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

721

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

722



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

723	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.
724	<u>787.06 (3) (c) 1.</u>	<u>1st</u>	<u>Human trafficking for labor and services of an unauthorized alien child.</u>
725	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized <u>adult</u> alien.
726	<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>
726	787.06 (3) (g)	1st, PBL	Human trafficking for commercial sexual activity of a



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

~~child under the age of 18.~~

727

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

728

790.161 1st Attempted capital destructive
device offense.

729

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

730

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

731

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

732

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

733



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

734	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
735	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
736	796.035	1st	Selling or buying of minors into prostitution.
737	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
738	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
739	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
740	812.135 (2) (b)	1st	Home-invasion robbery with weapon.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

741	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
742	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
743	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.
744	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.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

745	827.03(2)(a)	1st	Aggravated child abuse.
746	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
747	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
748	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.
749	893.135	1st	Attempted capital trafficking offense.
750	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
	893.135	1st	Trafficking in cocaine, more



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

751	(1) (b) 1.c.		than 400 grams, less than 150 kilograms.
	893.135	1st	Trafficking in illegal drugs,
	(1) (c) 1.c.		more than 28 grams, less than 30 kilograms.
752			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.c.		more than 400 grams.
753			
	893.135	1st	Trafficking in methaqualone,
	(1) (e) 1.c.		more than 25 kilograms.
754			
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.c.		more than 200 grams.
755			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.c.		hydroxybutyric acid (GHB), 10 kilograms or more.
756			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.c.		10 kilograms or more.
757			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.c.		400 grams or more.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

758
759
760
761
762
763
764
765

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.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

766	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
767	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.
768	<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 or mentally defective or incapacitated person</u> 15 .
769	<u>787.06 (4) (a)</u>	<u>Life</u>	<u>Selling or buying of minors into human trafficking.</u>
770	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.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792

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

876.32 1st Treason against the state.

Section 14. 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 the trade of human ~~sex~~ trafficking as
provided in s. 787.06(3)(g) ~~796.035~~.

Section 15. Paragraphs (b) and (c) of subsection (2) of
section 90.404, Florida Statutes, are amended to read:



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

793 | 90.404 Character evidence; when admissible.—

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

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

800 | 2. For the purposes of this paragraph, the term "child
801 | molestation" means conduct proscribed by s. 787.025(2)(c), s.
802 | 787.06(3)(g) ~~and (h)~~, former s. 787.06(3)(h), s. 794.011,
803 | excluding s. 794.011(10), s. 794.05, former s. 796.03, former s.
804 | 796.035, s. 800.04, s. 827.071, s. 847.0135(5), s. 847.0145, or
805 | s. 985.701(1) when committed against a person 16 years of age or
806 | younger.

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

812 | 2. For the purposes of this paragraph, the term "sexual
813 | offense" means conduct proscribed by s. 787.025(2)(c), s.
814 | 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h) ~~or (h)~~,
815 | s. 794.011, excluding s. 794.011(10), s. 794.05, former s.
816 | 796.03, former s. 796.035, s. 825.1025(2)(b), s. 827.071, s.
817 | 847.0135(5), s. 847.0145, or s. 985.701(1).



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

818 Section 16. Paragraph (a) of subsection (1) of section
819 772.102, Florida Statutes, is amended to read:

820 772.102 Definitions.—As used in this chapter, the term:

821 (1) "Criminal activity" means to commit, to attempt to
822 commit, to conspire to commit, or to solicit, coerce, or
823 intimidate another person to commit:

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

826 1. Section 210.18, relating to evasion of payment of
827 cigarette taxes.

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

829 3. Section 440.105 or s. 440.106, relating to workers'
830 compensation.

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

832 5. Chapter 517, relating to securities transactions.

833 6. Section 550.235 or s. 550.3551, relating to dogracing
834 and horseracing.

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

836 8. Chapter 552, relating to the manufacture, distribution,
837 and use of explosives.

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

839 10. Section 624.401, relating to transacting insurance
840 without a certificate of authority, s. 624.437(4)(c)1., relating
841 to operating an unauthorized multiple-employer welfare
842 arrangement, or s. 626.902(1)(b), relating to representing or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

843 | aiding an unauthorized insurer.

844 | 11. Chapter 687, relating to interest and usurious

845 | practices.

846 | 12. Section 721.08, s. 721.09, or s. 721.13, relating to

847 | real estate timeshare plans.

848 | 13. Chapter 782, relating to homicide.

849 | 14. Chapter 784, relating to assault and battery.

850 | 15. Chapter 787, relating to kidnapping or human

851 | trafficking.

852 | 16. Chapter 790, relating to weapons and firearms.

853 | 17. Former section 796.03, s. 796.04, s. 796.05, or s.

854 | 796.07, relating to prostitution.

855 | 18. Chapter 806, relating to arson.

856 | 19. Section 810.02(2)(c), relating to specified burglary

857 | of a dwelling or structure.

858 | 20. Chapter 812, relating to theft, robbery, and related

859 | crimes.

860 | 21. Chapter 815, relating to computer-related crimes.

861 | 22. Chapter 817, relating to fraudulent practices, false

862 | pretenses, fraud generally, and credit card crimes.

863 | 23. Section 827.071, relating to commercial sexual

864 | exploitation of children.

865 | 24. Chapter 831, relating to forgery and counterfeiting.

866 | 25. Chapter 832, relating to issuance of worthless checks

867 | and drafts.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

- 868 | 26. Section 836.05, relating to extortion.
- 869 | 27. Chapter 837, relating to perjury.
- 870 | 28. Chapter 838, relating to bribery and misuse of public
- 871 | office.
- 872 | 29. Chapter 843, relating to obstruction of justice.
- 873 | 30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
- 874 | s. 847.07, relating to obscene literature and profanity.
- 875 | 31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s.
- 876 | 849.25, relating to gambling.
- 877 | 32. Chapter 893, relating to drug abuse prevention and
- 878 | control.
- 879 | 33. Section 914.22 or s. 914.23, relating to witnesses,
- 880 | victims, or informants.
- 881 | 34. Section 918.12 or s. 918.13, relating to tampering
- 882 | with jurors and evidence.
- 883 | Section 17. Paragraphs (m) and (n) of subsection (1) of
- 884 | section 775.0877, Florida Statutes, are amended, and paragraph
- 885 | (o) is added to that section, to read:
- 886 | 775.0877 Criminal transmission of HIV; procedures;
- 887 | penalties.—
- 888 | (1) In any case in which a person has been convicted of or
- 889 | has pled nolo contendere or guilty to, regardless of whether
- 890 | adjudication is withheld, any of the following offenses, or the
- 891 | attempt thereof, which offense or attempted offense involves the
- 892 | transmission of body fluids from one person to another:



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

893 (m) Sections ~~796.03~~, 796.07~~r~~ and 796.08, relating to
894 prostitution; ~~or~~

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

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

899

900 the court shall order the offender to undergo HIV testing, to be
901 performed under the direction of the Department of Health in
902 accordance with s. 381.004, unless the offender has undergone
903 HIV testing voluntarily or pursuant to procedures established in
904 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
905 rule providing for HIV testing of criminal offenders or inmates,
906 subsequent to her or his arrest for an offense enumerated in
907 paragraphs (a)-(n) for which she or he was convicted or to which
908 she or he pled nolo contendere or guilty. The results of an HIV
909 test performed on an offender pursuant to this subsection are
910 not admissible in any criminal proceeding arising out of the
911 alleged offense.

912 Section 18. Paragraph (a) of subsection (4) and paragraph
913 (b) of subsection (10) of section 775.21, Florida Statutes, is
914 amended to read:

915 775.21 The Florida Sexual Predators Act.—

916 (4) SEXUAL PREDATOR CRITERIA.—

917 (a) For a current offense committed on or after October 1,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

918 | 1993, upon conviction, an offender shall be designated as a
919 | "sexual predator" under subsection (5), and subject to
920 | registration under subsection (6) and community and public
921 | notification under subsection (7) if:

922 | 1. The felony is:

923 | a. A capital, life, or first-degree felony violation, or
924 | any attempt thereof, of s. 787.01 or s. 787.02, where the victim
925 | is a minor and the defendant is not the victim's parent or
926 | guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
927 | violation of a similar law of another jurisdiction; or

928 | b. Any felony violation, or any attempt thereof, of s.
929 | 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
930 | minor and the defendant is not the victim's parent or guardian;
931 | s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; former s.
932 | 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
933 | former s. 796.03; former s. 796.035; s. 800.04; s.
934 | 810.145(8)(b); s. 825.1025(2)(b); s. 827.071; s. 847.0135(5); s.
935 | 847.0145; or s. 985.701(1); or a violation of a similar law of
936 | another jurisdiction, and the offender has previously been
937 | convicted of or found to have committed, or has pled nolo
938 | contendere or guilty to, regardless of adjudication, any
939 | violation of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
940 | the victim is a minor and the defendant is not the victim's
941 | parent or guardian; s. 787.06(3)(b), (d), (f), or (g), ~~or (h)~~;
942 | former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

943 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
944 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
945 847.0135(6); s. 847.0145; or s. 985.701(1); or a violation of a
946 similar law of another jurisdiction;

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

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

953 (10) PENALTIES.—

954 (b) A sexual predator who has been convicted of or found
955 to have committed, or has pled nolo contendere or guilty to,
956 regardless of adjudication, any violation, or attempted
957 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
958 the victim is a minor and the defendant is not the victim's
959 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
960 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
961 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
962 985.701(1); or a violation of a similar law of another
963 jurisdiction when the victim of the offense was a minor, and who
964 works, whether for compensation or as a volunteer, at any
965 business, school, child care facility, park, playground, or
966 other place where children regularly congregate, commits a
967 felony of the third degree, punishable as provided in s.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

968 | 775.082, s. 775.083, or s. 775.084.

969 | Section 19. Paragraph (a) of subsection (3) of section
970 | 787.01, Florida Statutes, is amended to read:

971 | 787.01 Kidnapping; kidnapping of child under age 13,
972 | aggravating circumstances.—

973 | (3) (a) A person who commits the offense of kidnapping upon
974 | a child under the age of 13 and who, in the course of committing
975 | the offense, commits one or more of the following:

- 976 | 1. Aggravated child abuse, as defined in s. 827.03;
- 977 | 2. Sexual battery, as defined in chapter 794, against the
978 | child;
- 979 | 3. Lewd or lascivious battery, lewd or lascivious
980 | molestation, lewd or lascivious conduct, or lewd or lascivious
981 | exhibition, in violation of s. 800.04 or s. 847.0135(5);
- 982 | 4. A violation of former s. 796.03 or s. 796.04, relating
983 | to prostitution, upon the child; ~~or~~
- 984 | 5. Exploitation of the child or allowing the child to be
985 | exploited, in violation of s. 450.151; or,
- 986 | 6. A violation of s. 787.06(3)(g), relating to human
987 | trafficking,

988 |
989 | commits a life felony, punishable as provided in s. 775.082, s.
990 | 775.083, or s. 775.084.

991 | Section 20. Paragraph (a) of subsection (3) of section
992 | 787.02, Florida Statutes, is amended to read:



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

993 | 787.02 False imprisonment; false imprisonment of child
 994 | under age 13, aggravating circumstances.—
 995 | (3) (a) A person who commits the offense of false
 996 | imprisonment upon a child under the age of 13 and who, in the
 997 | course of committing the offense, commits any offense enumerated
 998 | in subparagraphs 1.-5., commits a felony of the first degree,
 999 | punishable by imprisonment for a term of years not exceeding
 1000 | life or as provided in s. 775.082, s. 775.083, or s. 775.084.
 1001 | 1. Aggravated child abuse, as defined in s. 827.03;
 1002 | 2. Sexual battery, as defined in chapter 794, against the
 1003 | child;
 1004 | 3. Lewd or lascivious battery, lewd or lascivious
 1005 | molestation, lewd or lascivious conduct, or lewd or lascivious
 1006 | exhibition, in violation of s. 800.04 or s. 847.0135(5);
 1007 | 4. A violation of former s. 796.03 or s. 796.04, relating
 1008 | to prostitution, upon the child; ~~or~~
 1009 | 5. Exploitation of the child or allowing the child to be
 1010 | exploited, in violation of s. 450.151; or
 1011 | 6. A violation of s. 878.06(3)(g) relating to human
 1012 | trafficking.
 1013 | Section 21. Subsection (1) of section 794.056, Florida
 1014 | Statutes, is amended to read:
 1015 | 794.056 Rape Crisis Program Trust Fund.—
 1016 | (1) The Rape Crisis Program Trust Fund is created within
 1017 | the Department of Health for the purpose of providing funds for



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1018 | rape crisis centers in this state. Trust fund moneys shall be
1019 | used exclusively for the purpose of providing services for
1020 | victims of sexual assault. Funds credited to the trust fund
1021 | consist of those funds collected as an additional court
1022 | assessment in each case in which a defendant pleads guilty or
1023 | nolo contendere to, or is found guilty of, regardless of
1024 | adjudication, an offense provided in s. 775.21(6) and (10)(a),
1025 | (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
1026 | 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
1027 | 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
1028 | 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
1029 | former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
1030 | 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
1031 | 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
1032 | 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
1033 | 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
1034 | (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
1035 | fund also shall include revenues provided by law, moneys
1036 | appropriated by the Legislature, and grants from public or
1037 | private entities.

1038 | Section 22. Subsection (1) of section 856.022, Florida
1039 | Statutes, is amended to read:

1040 | 856.022 Loitering or prowling by certain offenders in
1041 | close proximity to children; penalty.—

1042 | (1) Except as provided in subsection (2), this section



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1043 applies to a person convicted of committing, or attempting,
1044 soliciting, or conspiring to commit, any of the criminal
1045 offenses proscribed in the following statutes in this state or
1046 similar offenses in another jurisdiction against a victim who
1047 was under 18 years of age at the time of the offense: s. 787.01,
1048 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1049 the offender was not the victim's parent or guardian; s.
1050 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1051 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
1052 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1053 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
1054 similar offense committed in this state which has been
1055 redesignated from a former statute number to one of those listed
1056 in this subsection, if the person has not received a pardon for
1057 any felony or similar law of another jurisdiction necessary for
1058 the operation of this subsection and a conviction of a felony or
1059 similar law of another jurisdiction necessary for the operation
1060 of this subsection has not been set aside in any postconviction
1061 proceeding.

1062 Section 23. Paragraph (a) of subsection (1) of section
1063 895.02, Florida Statutes, is amended to read:

1064 895.02 Definitions.—As used in ss. 895.01–895.08, the
1065 term:

1066 (1) "Racketeering activity" means to commit, to attempt to
1067 commit, to conspire to commit, or to solicit, coerce, or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1068 | intimidate another person to commit:

1069 | (a) Any crime that is chargeable by petition, indictment,

1070 | or information under the following provisions of the Florida

1071 | Statutes:

1072 | 1. Section 210.18, relating to evasion of payment of

1073 | cigarette taxes.

1074 | 2. Section 316.1935, relating to fleeing or attempting to

1075 | elude a law enforcement officer and aggravated fleeing or

1076 | eluding.

1077 | 3. Section 403.727(3)(b), relating to environmental

1078 | control.

1079 | 4. Section 409.920 or s. 409.9201, relating to Medicaid

1080 | fraud.

1081 | 5. Section 414.39, relating to public assistance fraud.

1082 | 6. Section 440.105 or s. 440.106, relating to workers'

1083 | compensation.

1084 | 7. Section 443.071(4), relating to creation of a

1085 | fictitious employer scheme to commit reemployment assistance

1086 | fraud.

1087 | 8. Section 465.0161, relating to distribution of medicinal

1088 | drugs without a permit as an Internet pharmacy.

1089 | 9. Section 499.0051, relating to crimes involving

1090 | contraband and adulterated drugs.

1091 | 10. Part IV of chapter 501, relating to telemarketing.

1092 | 11. Chapter 517, relating to sale of securities and



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1093 investor protection.

1094 12. Section 550.235 or s. 550.3551, relating to dogracing

1095 and horseracing.

1096 13. Chapter 550, relating to jai alai frontons.

1097 14. Section 551.109, relating to slot machine gaming.

1098 15. Chapter 552, relating to the manufacture,

1099 distribution, and use of explosives.

1100 16. Chapter 560, relating to money transmitters, if the

1101 violation is punishable as a felony.

1102 17. Chapter 562, relating to beverage law enforcement.

1103 18. Section 624.401, relating to transacting insurance

1104 without a certificate of authority, s. 624.437(4)(c)1., relating

1105 to operating an unauthorized multiple-employer welfare

1106 arrangement, or s. 626.902(1)(b), relating to representing or

1107 aiding an unauthorized insurer.

1108 19. Section 655.50, relating to reports of currency

1109 transactions, when such violation is punishable as a felony.

1110 20. Chapter 687, relating to interest and usurious

1111 practices.

1112 21. Section 721.08, s. 721.09, or s. 721.13, relating to

1113 real estate timeshare plans.

1114 22. Section 775.13(5)(b), relating to registration of

1115 persons found to have committed any offense for the purpose of

1116 benefiting, promoting, or furthering the interests of a criminal

1117 gang.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

- 1118 | 23. Section 777.03, relating to commission of crimes by
- 1119 | accessories after the fact.
- 1120 | 24. Chapter 782, relating to homicide.
- 1121 | 25. Chapter 784, relating to assault and battery.
- 1122 | 26. Chapter 787, relating to kidnapping or human
- 1123 | trafficking.
- 1124 | 27. Chapter 790, relating to weapons and firearms.
- 1125 | 28. Chapter 794, relating to sexual battery, but only if
- 1126 | such crime was committed with the intent to benefit, promote, or
- 1127 | further the interests of a criminal gang, or for the purpose of
- 1128 | increasing a criminal gang member's own standing or position
- 1129 | within a criminal gang.
- 1130 | 29. Former section 796.03, former s. 796.035, s. 796.04,
- 1131 | s. 796.05, or s. 796.07, relating to prostitution ~~and sex~~
- 1132 | ~~trafficking~~.
- 1133 | 30. Chapter 806, relating to arson and criminal mischief.
- 1134 | 31. Chapter 810, relating to burglary and trespass.
- 1135 | 32. Chapter 812, relating to theft, robbery, and related
- 1136 | crimes.
- 1137 | 33. Chapter 815, relating to computer-related crimes.
- 1138 | 34. Chapter 817, relating to fraudulent practices, false
- 1139 | pretenses, fraud generally, and credit card crimes.
- 1140 | 35. Chapter 825, relating to abuse, neglect, or
- 1141 | exploitation of an elderly person or disabled adult.
- 1142 | 36. Section 827.071, relating to commercial sexual



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1143 exploitation of children.

1144 37. Section 828.122, relating to fighting or baiting

1145 animals.

1146 38. Chapter 831, relating to forgery and counterfeiting.

1147 39. Chapter 832, relating to issuance of worthless checks

1148 and drafts.

1149 40. Section 836.05, relating to extortion.

1150 41. Chapter 837, relating to perjury.

1151 42. Chapter 838, relating to bribery and misuse of public

1152 office.

1153 43. Chapter 843, relating to obstruction of justice.

1154 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

1155 s. 847.07, relating to obscene literature and profanity.

1156 45. Chapter 849, relating to gambling, lottery, gambling

1157 or gaming devices, slot machines, or any of the provisions

1158 within that chapter.

1159 46. Chapter 874, relating to criminal gangs.

1160 47. Chapter 893, relating to drug abuse prevention and

1161 control.

1162 48. Chapter 896, relating to offenses related to financial

1163 transactions.

1164 49. Sections 914.22 and 914.23, relating to tampering with

1165 or harassing a witness, victim, or informant, and retaliation

1166 against a witness, victim, or informant.

1167 50. Sections 918.12 and 918.13, relating to tampering with



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1168 jurors and evidence.

1169 Section 24. Section 938.085, Florida Statutes, is amended
1170 to read:

1171 938.085 Additional cost to fund rape crisis centers.—In
1172 addition to any sanction imposed when a person pleads guilty or
1173 nolo contendere to, or is found guilty of, regardless of
1174 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1175 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1176 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1177 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1178 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
1179 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
1180 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
1181 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
1182 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
1183 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
1184 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
1185 \$151. Payment of the surcharge shall be a condition of
1186 probation, community control, or any other court-ordered
1187 supervision. The sum of \$150 of the surcharge shall be deposited
1188 into the Rape Crisis Program Trust Fund established within the
1189 Department of Health by chapter 2003-140, Laws of Florida. The
1190 clerk of the court shall retain \$1 of each surcharge that the
1191 clerk of the court collects as a service charge of the clerk's
1192 office.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1193 Section 25. Subsection (1) of section 938.10, Florida
 1194 Statutes, is amended to read:

1195 938.10 Additional court cost imposed in cases of certain
 1196 crimes.—

1197 (1) If a person pleads guilty or nolo contendere to, or is
 1198 found guilty of, regardless of adjudication, any offense against
 1199 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1200 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.
 1201 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,
 1202 s. 893.147(3), or s. 985.701, or any offense in violation of s.
 1203 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1204 court shall impose a court cost of \$151 against the offender in
 1205 addition to any other cost or penalty required by law.

1206 Section 26. Paragraph (a) of subsection (1) of section
 1207 943.0435, Florida Statutes, is amended to read:

1208 943.0435 Sexual offenders required to register with the
 1209 department; penalty.—

1210 (1) As used in this section, the term:

1211 (a)1. "Sexual offender" means a person who meets the
 1212 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1213 subparagraph c., or sub-subparagraph d., as follows:

1214 a.(I) Has been convicted of committing, or attempting,
 1215 soliciting, or conspiring to commit, any of the criminal
 1216 offenses proscribed in the following statutes in this state or
 1217 similar offenses in another jurisdiction: s. 787.01, s. 787.02,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1218 | or s. 787.025(2)(c), where the victim is a minor and the
 1219 | defendant is not the victim's parent or guardian; s.
 1220 | 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; former s. 787.06(3)(h);
 1221 | s. 794.011, excluding s. 794.011(10); s. 794.05; former s.
 1222 | 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
 1223 | 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
 1224 | 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
 1225 | 985.701(1); or any similar offense committed in this state which
 1226 | has been redesignated from a former statute number to one of
 1227 | those listed in this sub-sub-subparagraph; and
 1228 | (II) Has been released on or after October 1, 1997, from
 1229 | the sanction imposed for any conviction of an offense described
 1230 | in sub-sub-subparagraph (I). For purposes of sub-sub-
 1231 | subparagraph (I), a sanction imposed in this state or in any
 1232 | other jurisdiction includes, but is not limited to, a fine,
 1233 | probation, community control, parole, conditional release,
 1234 | control release, or incarceration in a state prison, federal
 1235 | prison, private correctional facility, or local detention
 1236 | facility;
 1237 | b. Establishes or maintains a residence in this state and
 1238 | who has not been designated as a sexual predator by a court of
 1239 | this state but who has been designated as a sexual predator, as
 1240 | a sexually violent predator, or by another sexual offender
 1241 | designation in another state or jurisdiction and was, as a
 1242 | result of such designation, subjected to registration or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1243 community or public notification, or both, or would be if the
1244 person were a resident of that state or jurisdiction, without
1245 regard to whether the person otherwise meets the criteria for
1246 registration as a sexual offender;

1247 c. Establishes or maintains a residence in this state who
1248 is in the custody or control of, or under the supervision of,
1249 any other state or jurisdiction as a result of a conviction for
1250 committing, or attempting, soliciting, or conspiring to commit,
1251 any of the criminal offenses proscribed in the following
1252 statutes or similar offense in another jurisdiction: s. 787.01,
1253 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
1254 the defendant is not the victim's parent or guardian; s.
1255 787.06(3)(b), (d), (f), or (g), ~~or (h)~~; former s. 787.06(3)(h);
1256 s. 794.011, excluding s. 794.011(10); s. 794.05; former s.
1257 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s.
1258 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s.
1259 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; or s.
1260 985.701(1); or any similar offense committed in this state which
1261 has been redesignated from a former statute number to one of
1262 those listed in this sub-subparagraph; or

1263 d. On or after July 1, 2007, has been adjudicated
1264 delinquent for committing, or attempting, soliciting, or
1265 conspiring to commit, any of the criminal offenses proscribed in
1266 the following statutes in this state or similar offenses in
1267 another jurisdiction when the juvenile was 14 years of age or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1268 | older at the time of the offense:

1269 | (I) Section 794.011, excluding s. 794.011(10);

1270 | (II) Section 800.04(4)(b) where the victim is under 12
1271 | years of age or where the court finds sexual activity by the use
1272 | of force or coercion;

1273 | (III) Section 800.04(5)(c)1. where the court finds
1274 | molestation involving unclothed genitals; or

1275 | (IV) Section 800.04(5)(d) where the court finds the use of
1276 | force or coercion and unclothed genitals.

1277 | 2. For all qualifying offenses listed in sub-subparagraph
1278 | (1)(a)1.d., the court shall make a written finding of the age of
1279 | the offender at the time of the offense.

1280 |
1281 | For each violation of a qualifying offense listed in this
1282 | subsection, the court shall make a written finding of the age of
1283 | the victim at the time of the offense. For a violation of s.
1284 | 800.04(4), the court shall additionally make a written finding
1285 | indicating that the offense did or did not involve sexual
1286 | activity and indicating that the offense did or did not involve
1287 | force or coercion. For a violation of s. 800.04(5), the court
1288 | shall additionally make a written finding that the offense did
1289 | or did not involve unclothed genitals or genital area and that
1290 | the offense did or did not involve the use of force or coercion.

1291 | Section 27. Section 943.0585, Florida Statutes, is amended
1292 | to read:



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1293 943.0585 Court-ordered expunction of criminal history
1294 records.—The courts of this state have jurisdiction over their
1295 own procedures, including the maintenance, expunction, and
1296 correction of judicial records containing criminal history
1297 information to the extent such procedures are not inconsistent
1298 with the conditions, responsibilities, and duties established by
1299 this section. Any court of competent jurisdiction may order a
1300 criminal justice agency to expunge the criminal history record
1301 of a minor or an adult who complies with the requirements of
1302 this section. The court shall not order a criminal justice
1303 agency to expunge a criminal history record until the person
1304 seeking to expunge a criminal history record has applied for and
1305 received a certificate of eligibility for expunction pursuant to
1306 subsection (2). A criminal history record that relates to a
1307 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1308 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1309 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1310 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1311 or any violation specified as a predicate offense for
1312 registration as a sexual predator pursuant to s. 775.21, without
1313 regard to whether that offense alone is sufficient to require
1314 such registration, or for registration as a sexual offender
1315 pursuant to s. 943.0435, may not be expunged, without regard to
1316 whether adjudication was withheld, if the defendant was found
1317 guilty of or pled guilty or nolo contendere to the offense, or



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1318 | if the defendant, as a minor, was found to have committed, or
1319 | pled guilty or nolo contendere to committing, the offense as a
1320 | delinquent act. The court may only order expunction of a
1321 | criminal history record pertaining to one arrest or one incident
1322 | of alleged criminal activity, except as provided in this
1323 | section. The court may, at its sole discretion, order the
1324 | expunction of a criminal history record pertaining to more than
1325 | one arrest if the additional arrests directly relate to the
1326 | original arrest. If the court intends to order the expunction of
1327 | records pertaining to such additional arrests, such intent must
1328 | be specified in the order. A criminal justice agency may not
1329 | expunge any record pertaining to such additional arrests if the
1330 | order to expunge does not articulate the intention of the court
1331 | to expunge a record pertaining to more than one arrest. This
1332 | section does not prevent the court from ordering the expunction
1333 | of only a portion of a criminal history record pertaining to one
1334 | arrest or one incident of alleged criminal activity.
1335 | Notwithstanding any law to the contrary, a criminal justice
1336 | agency may comply with laws, court orders, and official requests
1337 | of other jurisdictions relating to expunction, correction, or
1338 | confidential handling of criminal history records or information
1339 | derived therefrom. This section does not confer any right to the
1340 | expunction of any criminal history record, and any request for
1341 | expunction of a criminal history record may be denied at the
1342 | sole discretion of the court.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1343 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1344 petition to a court to expunge a criminal history record is
1345 complete only when accompanied by:

1346 (a) A valid certificate of eligibility for expunction
1347 issued by the department pursuant to subsection (2).

1348 (b) The petitioner's sworn statement attesting that the
1349 petitioner:

1350 1. Has never, prior to the date on which the petition is
1351 filed, been adjudicated guilty of a criminal offense or
1352 comparable ordinance violation, or been adjudicated delinquent
1353 for committing any felony or a misdemeanor specified in s.
1354 943.051(3)(b).

1355 2. Has not been adjudicated guilty of, or adjudicated
1356 delinquent for committing, any of the acts stemming from the
1357 arrest or alleged criminal activity to which the petition
1358 pertains.

1359 3. Has never secured a prior sealing or expunction of a
1360 criminal history record under this section, s. 943.059, former
1361 s. 893.14, former s. 901.33, or former s. 943.058, unless
1362 expunction is sought of a criminal history record previously
1363 sealed for 10 years pursuant to paragraph (2)(h) and the record
1364 is otherwise eligible for expunction.

1365 4. Is eligible for such an expunction to the best of his
1366 or her knowledge or belief and does not have any other petition
1367 to expunge or any petition to seal pending before any court.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1368
1369 Any person who knowingly provides false information on such
1370 sworn statement to the court commits a felony of the third
1371 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1372 775.084.

1373 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1374 petitioning the court to expunge a criminal history record, a
1375 person seeking to expunge a criminal history record shall apply
1376 to the department for a certificate of eligibility for
1377 expunction. The department shall, by rule adopted pursuant to
1378 chapter 120, establish procedures pertaining to the application
1379 for and issuance of certificates of eligibility for expunction.
1380 A certificate of eligibility for expunction is valid for 12
1381 months after the date stamped on the certificate when issued by
1382 the department. After that time, the petitioner must reapply to
1383 the department for a new certificate of eligibility. Eligibility
1384 for a renewed certification of eligibility must be based on the
1385 status of the applicant and the law in effect at the time of the
1386 renewal application. The department shall issue a certificate of
1387 eligibility for expunction to a person who is the subject of a
1388 criminal history record if that person:

1389 (a) Has obtained, and submitted to the department, a
1390 written, certified statement from the appropriate state attorney
1391 or statewide prosecutor which indicates:

1392 1. That an indictment, information, or other charging



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1393 | document was not filed or issued in the case.

1394 | 2. That an indictment, information, or other charging
1395 | document, if filed or issued in the case, was dismissed or nolle
1396 | prosequi by the state attorney or statewide prosecutor, or was
1397 | dismissed by a court of competent jurisdiction, and that none of
1398 | the charges related to the arrest or alleged criminal activity
1399 | to which the petition to expunge pertains resulted in a trial,
1400 | without regard to whether the outcome of the trial was other
1401 | than an adjudication of guilt.

1402 | 3. That the criminal history record does not relate to a
1403 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
1404 | former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
1405 | s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
1406 | s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
1407 | or any violation specified as a predicate offense for
1408 | registration as a sexual predator pursuant to s. 775.21, without
1409 | regard to whether that offense alone is sufficient to require
1410 | such registration, or for registration as a sexual offender
1411 | pursuant to s. 943.0435, where the defendant was found guilty
1412 | of, or pled guilty or nolo contendere to any such offense, or
1413 | that the defendant, as a minor, was found to have committed, or
1414 | pled guilty or nolo contendere to committing, such an offense as
1415 | a delinquent act, without regard to whether adjudication was
1416 | withheld.

1417 | (b) Remits a \$75 processing fee to the department for



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1418 placement in the Department of Law Enforcement Operating Trust
1419 Fund, unless such fee is waived by the executive director.

1420 (c) Has submitted to the department a certified copy of
1421 the disposition of the charge to which the petition to expunge
1422 pertains.

1423 (d) Has never, prior to the date on which the application
1424 for a certificate of eligibility is filed, been adjudicated
1425 guilty of a criminal offense or comparable ordinance violation,
1426 or been adjudicated delinquent for committing any felony or a
1427 misdemeanor specified in s. 943.051(3)(b).

1428 (e) Has not been adjudicated guilty of, or adjudicated
1429 delinquent for committing, any of the acts stemming from the
1430 arrest or alleged criminal activity to which the petition to
1431 expunge pertains.

1432 (f) Has never secured a prior sealing or expunction of a
1433 criminal history record under this section, s. 943.059, former
1434 s. 893.14, former s. 901.33, or former s. 943.058, unless
1435 expunction is sought of a criminal history record previously
1436 sealed for 10 years pursuant to paragraph (h) and the record is
1437 otherwise eligible for expunction.

1438 (g) Is no longer under court supervision applicable to the
1439 disposition of the arrest or alleged criminal activity to which
1440 the petition to expunge pertains.

1441 (h) Has previously obtained a court order sealing the
1442 record under this section, former s. 893.14, former s. 901.33,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1443 | or former s. 943.058 for a minimum of 10 years because
1444 | adjudication was withheld or because all charges related to the
1445 | arrest or alleged criminal activity to which the petition to
1446 | expunge pertains were not dismissed prior to trial, without
1447 | regard to whether the outcome of the trial was other than an
1448 | adjudication of guilt. The requirement for the record to have
1449 | previously been sealed for a minimum of 10 years does not apply
1450 | when a plea was not entered or all charges related to the arrest
1451 | or alleged criminal activity to which the petition to expunge
1452 | pertains were dismissed prior to trial.

1453 | (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1454 | (a) In judicial proceedings under this section, a copy of
1455 | the completed petition to expunge shall be served upon the
1456 | appropriate state attorney or the statewide prosecutor and upon
1457 | the arresting agency; however, it is not necessary to make any
1458 | agency other than the state a party. The appropriate state
1459 | attorney or the statewide prosecutor and the arresting agency
1460 | may respond to the court regarding the completed petition to
1461 | expunge.

1462 | (b) If relief is granted by the court, the clerk of the
1463 | court shall certify copies of the order to the appropriate state
1464 | attorney or the statewide prosecutor and the arresting agency.
1465 | The arresting agency is responsible for forwarding the order to
1466 | any other agency to which the arresting agency disseminated the
1467 | criminal history record information to which the order pertains.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1468 The department shall forward the order to expunge to the Federal
1469 Bureau of Investigation. The clerk of the court shall certify a
1470 copy of the order to any other agency which the records of the
1471 court reflect has received the criminal history record from the
1472 court.

1473 (c) For an order to expunge entered by a court prior to
1474 July 1, 1992, the department shall notify the appropriate state
1475 attorney or statewide prosecutor of an order to expunge which is
1476 contrary to law because the person who is the subject of the
1477 record has previously been convicted of a crime or comparable
1478 ordinance violation or has had a prior criminal history record
1479 sealed or expunged. Upon receipt of such notice, the appropriate
1480 state attorney or statewide prosecutor shall take action, within
1481 60 days, to correct the record and petition the court to void
1482 the order to expunge. The department shall seal the record until
1483 such time as the order is voided by the court.

1484 (d) On or after July 1, 1992, the department or any other
1485 criminal justice agency is not required to act on an order to
1486 expunge entered by a court when such order does not comply with
1487 the requirements of this section. Upon receipt of such an order,
1488 the department must notify the issuing court, the appropriate
1489 state attorney or statewide prosecutor, the petitioner or the
1490 petitioner's attorney, and the arresting agency of the reason
1491 for noncompliance. The appropriate state attorney or statewide
1492 prosecutor shall take action within 60 days to correct the



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1493 record and petition the court to void the order. No cause of
1494 action, including contempt of court, shall arise against any
1495 criminal justice agency for failure to comply with an order to
1496 expunge when the petitioner for such order failed to obtain the
1497 certificate of eligibility as required by this section or such
1498 order does not otherwise comply with the requirements of this
1499 section.

1500 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1501 criminal history record of a minor or an adult which is ordered
1502 expunged by a court of competent jurisdiction pursuant to this
1503 section must be physically destroyed or obliterated by any
1504 criminal justice agency having custody of such record; except
1505 that any criminal history record in the custody of the
1506 department must be retained in all cases. A criminal history
1507 record ordered expunged that is retained by the department is
1508 confidential and exempt from the provisions of s. 119.07(1) and
1509 s. 24(a), Art. I of the State Constitution and not available to
1510 any person or entity except upon order of a court of competent
1511 jurisdiction. A criminal justice agency may retain a notation
1512 indicating compliance with an order to expunge.

1513 (a) The person who is the subject of a criminal history
1514 record that is expunged under this section or under other
1515 provisions of law, including former s. 893.14, former s. 901.33,
1516 and former s. 943.058, may lawfully deny or fail to acknowledge
1517 the arrests covered by the expunged record, except when the



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1518 subject of the record:

1519 1. Is a candidate for employment with a criminal justice
1520 agency;

1521 2. Is a defendant in a criminal prosecution;

1522 3. Concurrently or subsequently petitions for relief under
1523 this section, s. 943.0583, or s. 943.059;

1524 4. Is a candidate for admission to The Florida Bar;

1525 5. Is seeking to be employed or licensed by or to contract
1526 with the Department of Children and Families, the Division of
1527 Vocational Rehabilitation within the Department of Education,
1528 the Agency for Health Care Administration, the Agency for
1529 Persons with Disabilities, the Department of Health, the
1530 Department of Elderly Affairs, or the Department of Juvenile
1531 Justice or to be employed or used by such contractor or licensee
1532 in a sensitive position having direct contact with children, the
1533 disabled, or the elderly; or

1534 6. Is seeking to be employed or licensed by the Department
1535 of Education, any district school board, any university
1536 laboratory school, any charter school, any private or parochial
1537 school, or any local governmental entity that licenses child
1538 care facilities.

1539 (b) Subject to the exceptions in paragraph (a), a person
1540 who has been granted an expunction under this section, former s.
1541 893.14, former s. 901.33, or former s. 943.058 may not be held
1542 under any provision of law of this state to commit perjury or to



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1543 | be otherwise liable for giving a false statement by reason of
1544 | such person's failure to recite or acknowledge an expunged
1545 | criminal history record.

1546 | (c) Information relating to the existence of an expunged
1547 | criminal history record which is provided in accordance with
1548 | paragraph (a) is confidential and exempt from the provisions of
1549 | s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1550 | except that the department shall disclose the existence of a
1551 | criminal history record ordered expunged to the entities set
1552 | forth in subparagraphs (a)1., 4., 5., 6., and 7. for their
1553 | respective licensing, access authorization, and employment
1554 | purposes, and to criminal justice agencies for their respective
1555 | criminal justice purposes. It is unlawful for any employee of an
1556 | entity set forth in subparagraph (a)1., subparagraph (a)4.,
1557 | subparagraph (a)5., subparagraph (a)6., or subparagraph (a)7. to
1558 | disclose information relating to the existence of an expunged
1559 | criminal history record of a person seeking employment, access
1560 | authorization, or licensure with such entity or contractor,
1561 | except to the person to whom the criminal history record relates
1562 | or to persons having direct responsibility for employment,
1563 | access authorization, or licensure decisions. Any person who
1564 | violates this paragraph commits a misdemeanor of the first
1565 | degree, punishable as provided in s. 775.082 or s. 775.083.

1566 | (5) STATUTORY REFERENCES.—Any reference to any other
1567 | chapter, section, or subdivision of the Florida Statutes in this



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1568 section constitutes a general reference under the doctrine of
1569 incorporation by reference.

1570 Section 28. Section 943.059, Florida Statutes, is amended
1571 to read:

1572 943.059 Court-ordered sealing of criminal history
1573 records.—The courts of this state shall continue to have
1574 jurisdiction over their own procedures, including the
1575 maintenance, sealing, and correction of judicial records
1576 containing criminal history information to the extent such
1577 procedures are not inconsistent with the conditions,
1578 responsibilities, and duties established by this section. Any
1579 court of competent jurisdiction may order a criminal justice
1580 agency to seal the criminal history record of a minor or an
1581 adult who complies with the requirements of this section. The
1582 court shall not order a criminal justice agency to seal a
1583 criminal history record until the person seeking to seal a
1584 criminal history record has applied for and received a
1585 certificate of eligibility for sealing pursuant to subsection
1586 (2). A criminal history record that relates to a violation of s.
1587 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1588 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
1589 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
1590 s. 916.1075, a violation enumerated in s. 907.041, or any
1591 violation specified as a predicate offense for registration as a
1592 sexual predator pursuant to s. 775.21, without regard to whether



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1593 | that offense alone is sufficient to require such registration,
1594 | or for registration as a sexual offender pursuant to s.
1595 | 943.0435, may not be sealed, without regard to whether
1596 | adjudication was withheld, if the defendant was found guilty of
1597 | or pled guilty or nolo contendere to the offense, or if the
1598 | defendant, as a minor, was found to have committed or pled
1599 | guilty or nolo contendere to committing the offense as a
1600 | delinquent act. The court may only order sealing of a criminal
1601 | history record pertaining to one arrest or one incident of
1602 | alleged criminal activity, except as provided in this section.
1603 | The court may, at its sole discretion, order the sealing of a
1604 | criminal history record pertaining to more than one arrest if
1605 | the additional arrests directly relate to the original arrest.
1606 | If the court intends to order the sealing of records pertaining
1607 | to such additional arrests, such intent must be specified in the
1608 | order. A criminal justice agency may not seal any record
1609 | pertaining to such additional arrests if the order to seal does
1610 | not articulate the intention of the court to seal records
1611 | pertaining to more than one arrest. This section does not
1612 | prevent the court from ordering the sealing of only a portion of
1613 | a criminal history record pertaining to one arrest or one
1614 | incident of alleged criminal activity. Notwithstanding any law
1615 | to the contrary, a criminal justice agency may comply with laws,
1616 | court orders, and official requests of other jurisdictions
1617 | relating to sealing, correction, or confidential handling of



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1618 | criminal history records or information derived therefrom. This
1619 | section does not confer any right to the sealing of any criminal
1620 | history record, and any request for sealing a criminal history
1621 | record may be denied at the sole discretion of the court.

1622 | (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
1623 | petition to a court to seal a criminal history record is
1624 | complete only when accompanied by:

1625 | (a) A valid certificate of eligibility for sealing issued
1626 | by the department pursuant to subsection (2).

1627 | (b) The petitioner's sworn statement attesting that the
1628 | petitioner:

1629 | 1. Has never, prior to the date on which the petition is
1630 | filed, been adjudicated guilty of a criminal offense or
1631 | comparable ordinance violation, or been adjudicated delinquent
1632 | for committing any felony or a misdemeanor specified in s.
1633 | 943.051(3)(b).

1634 | 2. Has not been adjudicated guilty of or adjudicated
1635 | delinquent for committing any of the acts stemming from the
1636 | arrest or alleged criminal activity to which the petition to
1637 | seal pertains.

1638 | 3. Has never secured a prior sealing or expunction of a
1639 | criminal history record under this section, s. 943.0585, former
1640 | s. 893.14, former s. 901.33, or former s. 943.058.

1641 | 4. Is eligible for such a sealing to the best of his or
1642 | her knowledge or belief and does not have any other petition to



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1643 seal or any petition to expunge pending before any court.

1644

1645 Any person who knowingly provides false information on such
1646 sworn statement to the court commits a felony of the third
1647 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1648 775.084.

1649 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
1650 petitioning the court to seal a criminal history record, a
1651 person seeking to seal a criminal history record shall apply to
1652 the department for a certificate of eligibility for sealing. The
1653 department shall, by rule adopted pursuant to chapter 120,
1654 establish procedures pertaining to the application for and
1655 issuance of certificates of eligibility for sealing. A
1656 certificate of eligibility for sealing is valid for 12 months
1657 after the date stamped on the certificate when issued by the
1658 department. After that time, the petitioner must reapply to the
1659 department for a new certificate of eligibility. Eligibility for
1660 a renewed certification of eligibility must be based on the
1661 status of the applicant and the law in effect at the time of the
1662 renewal application. The department shall issue a certificate of
1663 eligibility for sealing to a person who is the subject of a
1664 criminal history record provided that such person:

1665 (a) Has submitted to the department a certified copy of
1666 the disposition of the charge to which the petition to seal
1667 pertains.



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1668 (b) Remits a \$75 processing fee to the department for
1669 placement in the Department of Law Enforcement Operating Trust
1670 Fund, unless such fee is waived by the executive director.

1671 (c) Has never, prior to the date on which the application
1672 for a certificate of eligibility is filed, been adjudicated
1673 guilty of a criminal offense or comparable ordinance violation,
1674 or been adjudicated delinquent for committing any felony or a
1675 misdemeanor specified in s. 943.051(3)(b).

1676 (d) Has not been adjudicated guilty of or adjudicated
1677 delinquent for committing any of the acts stemming from the
1678 arrest or alleged criminal activity to which the petition to
1679 seal pertains.

1680 (e) Has never secured a prior sealing or expunction of a
1681 criminal history record under this section, s. 943.0585, former
1682 s. 893.14, former s. 901.33, or former s. 943.058.

1683 (f) Is no longer under court supervision applicable to the
1684 disposition of the arrest or alleged criminal activity to which
1685 the petition to seal pertains.

1686 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1687 (a) In judicial proceedings under this section, a copy of
1688 the completed petition to seal shall be served upon the
1689 appropriate state attorney or the statewide prosecutor and upon
1690 the arresting agency; however, it is not necessary to make any
1691 agency other than the state a party. The appropriate state
1692 attorney or the statewide prosecutor and the arresting agency



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1693 | may respond to the court regarding the completed petition to
1694 | seal.

1695 | (b) If relief is granted by the court, the clerk of the
1696 | court shall certify copies of the order to the appropriate state
1697 | attorney or the statewide prosecutor and to the arresting
1698 | agency. The arresting agency is responsible for forwarding the
1699 | order to any other agency to which the arresting agency
1700 | disseminated the criminal history record information to which
1701 | the order pertains. The department shall forward the order to
1702 | seal to the Federal Bureau of Investigation. The clerk of the
1703 | court shall certify a copy of the order to any other agency
1704 | which the records of the court reflect has received the criminal
1705 | history record from the court.

1706 | (c) For an order to seal entered by a court prior to July
1707 | 1, 1992, the department shall notify the appropriate state
1708 | attorney or statewide prosecutor of any order to seal which is
1709 | contrary to law because the person who is the subject of the
1710 | record has previously been convicted of a crime or comparable
1711 | ordinance violation or has had a prior criminal history record
1712 | sealed or expunged. Upon receipt of such notice, the appropriate
1713 | state attorney or statewide prosecutor shall take action, within
1714 | 60 days, to correct the record and petition the court to void
1715 | the order to seal. The department shall seal the record until
1716 | such time as the order is voided by the court.

1717 | (d) On or after July 1, 1992, the department or any other



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1718 criminal justice agency is not required to act on an order to
1719 seal entered by a court when such order does not comply with the
1720 requirements of this section. Upon receipt of such an order, the
1721 department must notify the issuing court, the appropriate state
1722 attorney or statewide prosecutor, the petitioner or the
1723 petitioner's attorney, and the arresting agency of the reason
1724 for noncompliance. The appropriate state attorney or statewide
1725 prosecutor shall take action within 60 days to correct the
1726 record and petition the court to void the order. No cause of
1727 action, including contempt of court, shall arise against any
1728 criminal justice agency for failure to comply with an order to
1729 seal when the petitioner for such order failed to obtain the
1730 certificate of eligibility as required by this section or when
1731 such order does not comply with the requirements of this
1732 section.

1733 (e) An order sealing a criminal history record pursuant to
1734 this section does not require that such record be surrendered to
1735 the court, and such record shall continue to be maintained by
1736 the department and other criminal justice agencies.

1737 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
1738 history record of a minor or an adult which is ordered sealed by
1739 a court of competent jurisdiction pursuant to this section is
1740 confidential and exempt from the provisions of s. 119.07(1) and
1741 s. 24(a), Art. I of the State Constitution and is available only
1742 to the person who is the subject of the record, to the subject's



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1743 attorney, to criminal justice agencies for their respective
1744 criminal justice purposes, which include conducting a criminal
1745 history background check for approval of firearms purchases or
1746 transfers as authorized by state or federal law, to judges in
1747 the state courts system for the purpose of assisting them in
1748 their case-related decisionmaking responsibilities, as set forth
1749 in s. 943.053(5), or to those entities set forth in
1750 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
1751 licensing, access authorization, and employment purposes.

1752 (a) The subject of a criminal history record sealed under
1753 this section or under other provisions of law, including former
1754 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
1755 deny or fail to acknowledge the arrests covered by the sealed
1756 record, except when the subject of the record:

- 1757 1. Is a candidate for employment with a criminal justice
1758 agency;
- 1759 2. Is a defendant in a criminal prosecution;
- 1760 3. Concurrently or subsequently petitions for relief under
1761 this section, s. 943.0583, or s. 943.0585;
- 1762 4. Is a candidate for admission to The Florida Bar;
- 1763 5. Is seeking to be employed or licensed by or to contract
1764 with the Department of Children and Families, the Division of
1765 Vocational Rehabilitation within the Department of Education,
1766 the Agency for Health Care Administration, the Agency for
1767 Persons with Disabilities, the Department of Health, the



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1768 Department of Elderly Affairs, or the Department of Juvenile
1769 Justice or to be employed or used by such contractor or licensee
1770 in a sensitive position having direct contact with children, the
1771 disabled, or the elderly;

1772 6. Is seeking to be employed or licensed by the Department
1773 of Education, any district school board, any university
1774 laboratory school, any charter school, any private or parochial
1775 school, or any local governmental entity that licenses child
1776 care facilities; or

1777 7. Is attempting to purchase a firearm from a licensed
1778 importer, licensed manufacturer, or licensed dealer and is
1779 subject to a criminal history check under state or federal law.

1780 (b) Subject to the exceptions in paragraph (a), a person
1781 who has been granted a sealing under this section, former s.
1782 893.14, former s. 901.33, or former s. 943.058 may not be held
1783 under any provision of law of this state to commit perjury or to
1784 be otherwise liable for giving a false statement by reason of
1785 such person's failure to recite or acknowledge a sealed criminal
1786 history record.

1787 (c) Information relating to the existence of a sealed
1788 criminal record provided in accordance with the provisions of
1789 paragraph (a) is confidential and exempt from the provisions of
1790 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
1791 except that the department shall disclose the sealed criminal
1792 history record to the entities set forth in subparagraphs (a)1.,



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1793 4., 5., 6., and 8. for their respective licensing, access
 1794 authorization, and employment purposes. It is unlawful for any
 1795 employee of an entity set forth in subparagraph (a)1.,
 1796 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or
 1797 subparagraph (a)8. to disclose information relating to the
 1798 existence of a sealed criminal history record of a person
 1799 seeking employment, access authorization, or licensure with such
 1800 entity or contractor, except to the person to whom the criminal
 1801 history record relates or to persons having direct
 1802 responsibility for employment, access authorization, or
 1803 licensure decisions. Any person who violates the provisions of
 1804 this paragraph commits a misdemeanor of the first degree,
 1805 punishable as provided in s. 775.082 or s. 775.083.

1806 (5) STATUTORY REFERENCES.—Any reference to any other
 1807 chapter, section, or subdivision of the Florida Statutes in this
 1808 section constitutes a general reference under the doctrine of
 1809 incorporation by reference.

1810 Section 29. Paragraph (b) of subsection (1) of section
 1811 944.606, Florida Statutes, is amended to read:

1812 944.606 Sexual offenders; notification upon release.—

1813 (1) As used in this section:

1814 (b) "Sexual offender" means a person who has been
 1815 convicted of committing, or attempting, soliciting, or
 1816 conspiring to commit, any of the criminal offenses proscribed in
 1817 the following statutes in this state or similar offenses in



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1818 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1819 where the victim is a minor and the defendant is not the
1820 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g) ~~r~~
1821 ~~er~~ ~~(h)~~; former s. 787.06(3)(h); s. 794.011, excluding s.
1822 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
1823 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
1824 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1825 847.0145; or s. 985.701(1); or any similar offense committed in
1826 this state which has been redesignated from a former statute
1827 number to one of those listed in this subsection, when the
1828 department has received verified information regarding such
1829 conviction; an offender's computerized criminal history record
1830 is not, in and of itself, verified information.

1831 Section 30. Paragraph (a) of subsection (1) of section
1832 944.607, Florida Statutes, is amended to read:

1833 944.607 Notification to Department of Law Enforcement of
1834 information on sexual offenders.—

1835 (1) As used in this section, the term:

1836 (a) "Sexual offender" means a person who is in the custody
1837 or control of, or under the supervision of, the department or is
1838 in the custody of a private correctional facility:

1839 1. On or after October 1, 1997, as a result of a
1840 conviction for committing, or attempting, soliciting, or
1841 conspiring to commit, any of the criminal offenses proscribed in
1842 the following statutes in this state or similar offenses in



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1843 another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c),
1844 where the victim is a minor and the defendant is not the
1845 victim's parent or guardian; s. 787.06(3)(b), (d), (f), or (g)~~r~~
1846 ~~er~~ ~~(h)~~; former s. 787.06(3)(h); s. 794.011, excluding s.
1847 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
1848 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
1849 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
1850 847.0145; or s. 985.701(1); or any similar offense committed in
1851 this state which has been redesignated from a former statute
1852 number to one of those listed in this paragraph; or

1853 2. Who establishes or maintains a residence in this state
1854 and who has not been designated as a sexual predator by a court
1855 of this state but who has been designated as a sexual predator,
1856 as a sexually violent predator, or by another sexual offender
1857 designation in another state or jurisdiction and was, as a
1858 result of such designation, subjected to registration or
1859 community or public notification, or both, or would be if the
1860 person were a resident of that state or jurisdiction, without
1861 regard as to whether the person otherwise meets the criteria for
1862 registration as a sexual offender.

1863 Section 31. Subsection (2) of section 948.013, Florida
1864 Statutes, is amended to read:

1865 948.013 Administrative probation.—

1866 (2) Effective for an offense committed on or after July 1,
1867 1998, a person is ineligible for placement on administrative



ENROLLED

CS/CS/CS/HB 989, Engrossed 2

2014 Legislature

1868 | probation if the person is sentenced to or is serving a term of
 1869 | probation or community control, regardless of the conviction or
 1870 | adjudication, for committing, or attempting, conspiring, or
 1871 | soliciting to commit, any of the felony offenses described in s.
 1872 | 787.01 or s. 787.02, where the victim is a minor and the
 1873 | defendant is not the victim's parent; s. 787.025; s.
 1874 | 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.
 1875 | 825.1025(2)(b); s. 827.071; s. 847.0133; s. 847.0135; or s.
 1876 | 847.0145.

1877 | Section 32. Subsection (1) of section 948.32, Florida
 1878 | Statutes, is amended to read:

1879 | 948.32 Requirements of law enforcement agency upon arrest
 1880 | of persons for certain sex offenses.—

1881 | (1) When any state or local law enforcement agency
 1882 | investigates or arrests a person for committing, or attempting,
 1883 | soliciting, or conspiring to commit, a violation of s.
 1884 | 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 1885 | s. 800.04, s. 827.071, s. 847.0133, s. 847.0135, or s. 847.0145,
 1886 | the law enforcement agency shall contact the Department of
 1887 | Corrections to verify whether the person under investigation or
 1888 | under arrest is on probation, community control, parole,
 1889 | conditional release, or control release.

1890 | Section 33. This act shall take effect October 1, 2014.