

By Senator Abruzzo

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1                   A bill to be entitled  
 2           An act relating to child pornography; amending ss.  
 3           16.56, 39.01, 39.0132, 39.0139, 39.301, 39.509,  
 4           90.404, 92.56, 92.561, 92.565, 435.04, 456.074,  
 5           480.041, 480.043, 743.067, 772.102, and 775.082, F.S.;  
 6           conforming provisions to changes made by the act;  
 7           amending s. 775.0847, F.S.; revising definitions;  
 8           conforming provisions to changes made by the act;  
 9           amending ss. 775.0877, 775.21, 775.215, 784.046,  
 10          794.0115, 794.024, 794.056, and 796.001, F.S.;  
 11          conforming provisions to changes made by the act;  
 12          repealing s. 827.071, F.S., relating to sexual  
 13          performance by a child; amending s. 847.001, F.S.;  
 14          revising definitions; creating s. 847.003, F.S.;  
 15          providing definitions; prohibiting a person from using  
 16          a child in a sexual performance or promoting a sexual  
 17          performance by a child; providing penalties; amending  
 18          ss. 847.0135 and 847.01357, F.S.; conforming  
 19          provisions to changes made by the act; amending s.  
 20          847.0137, F.S.; revising and providing definitions;  
 21          prohibiting a person from possessing, with the intent  
 22          to promote, child pornography; prohibiting a person  
 23          from knowingly possessing, controlling, or  
 24          intentionally viewing child pornography; providing  
 25          penalties; providing application and construction;  
 26          providing that each act of transmitting child  
 27          pornography is a separate offense; amending ss.  
 28          856.022, 895.02, 905.34, 934.07, 938.085, 938.10,  
 29          943.0435, 943.04354, 943.0585, 943.059, 944.606, and  
 30          944.607, F.S.; conforming provisions to changes made  
 31          by the act; amending s. 947.1405, F.S.; requiring  
 32          certain conditions of supervision to be imposed on

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33 conditional releasees convicted of specified offenses;  
34 amending s. 948.013, F.S.; prohibiting certain  
35 offenders from being placed on administrative  
36 probation; amending ss. 948.03, 948.04, 948.06,  
37 948.062, and 948.101, F.S.; conforming provisions to  
38 changes made by the act; amending s. 948.30, F.S.;  
39 requiring that certain conditions of supervision be  
40 imposed on offenders convicted of specified offenses;  
41 amending ss. 948.32, 960.03, 960.197, 985.04, 985.475,  
42 1012.315, and 921.0022, F.S.; conforming provisions to  
43 changes made by the act; reenacting ss. 92.605(1)(b)  
44 and 896.101(10), F.S., relating to production of  
45 certain records and the Florida Money Laundering Act,  
46 respectively, to incorporate the amendment made by the  
47 act to s. 16.56, F.S., in references thereto;  
48 reenacting ss. 390.01114(2)(b) and (e), 393.067(4)(h),  
49 (7), and (9), 394.495(4)(p), 409.1678(1)(c) and  
50 (6)(a) and (b), 960.065(5), and 984.03(2), F.S.,  
51 relating to the Parental Notice of Abortion Act,  
52 facility licensure, the child and adolescent mental  
53 health system of care, specialized residential options  
54 for children who are victims of sexual exploitation,  
55 eligibility for victim assistance awards, and  
56 definitions relating to children and families in need  
57 of services, respectively, to incorporate the  
58 amendment made by the act to s. 39.01, F.S., in  
59 references thereto; reenacting ss. 39.509(6)(b),  
60 39.806(1)(d) and (n), 63.089(4)(b), 63.092(3),  
61 794.075(1), 921.141(5)(o), 943.0435(5), 944.609(4),

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62 947.1405(2), 948.06(8)(b) and (d), 948.064(4), and  
63 948.12, F.S., relating to grandparents rights, grounds  
64 for termination of parental rights, proceeding to  
65 terminate parental rights pending adoption, report to  
66 the court of intended placement by an adoption entity,  
67 sexual predators and erectile dysfunction drugs,  
68 sentence of death or life imprisonment for capital  
69 felonies, sexual offenders required to register with  
70 the Department of Law Enforcement, career offenders  
71 and notification upon release, the conditional release  
72 program, violation of probation or community control,  
73 notification of status as a violent felony offender of  
74 special concern, and intensive supervision for  
75 postprison release of violent offenders, respectively,  
76 to incorporate the amendment made by the act to s.  
77 775.21, F.S., in references thereto; reenacting s.  
78 741.313(1)(e), F.S., relating to unlawful action  
79 against employees seeking protection, to incorporate  
80 the amendment made by the act to s. 784.046, F.S., in  
81 a reference thereto; reenacting s. 794.011(3), (4)(a)-  
82 (d), and (5), F.S., relating to sexual battery, to  
83 incorporate the amendment made by the act to s.  
84 794.0115, F.S., in references thereto; reenacting s.  
85 944.11(2), F.S., relating to Department of  
86 Corrections' regulation of the admission of books, to  
87 incorporate the amendment made by the act to s.  
88 847.001, F.S., in a reference thereto; reenacting ss.  
89 456.074(5)(q), 480.041(7)(q), and 480.043(8)(q), F.S.,  
90 relating to immediate suspension of the license for

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91 certain health care practitioners, massage therapists,  
92 massage establishments, respectively, to incorporate  
93 the amendment made by the act to s. 847.0135, F.S., in  
94 references thereto; reenacting ss. 655.50(3)(g) and  
95 896.101(2)(g), F.S., relating to the Florida Control  
96 of Money Laundering and Terrorist Financing in  
97 Financial Institutions Act and the Florida Money  
98 Laundering Act, respectively, to incorporate the  
99 amendment made by the act to s. 895.02, F.S., in  
100 references thereto; reenacting ss. 394.9125(2),  
101 1012.467(2)(g), and 775.0862(2), F.S., relating to  
102 state attorney authority to refer someone to  
103 commitment, noninstructional contractors permitted  
104 access to school grounds when students are present,  
105 and sexual offenses against students by authority  
106 figures to incorporate the amendments made by this act  
107 to s. 943.0435, F.S., in references thereto;  
108 reenacting ss. 775.084(4)(j) and 944.70(1), F.S.,  
109 relating to specified violent career criminal and  
110 habitual offenders and conditions for release from  
111 incarceration, to incorporate the amendment made by  
112 the act to s. 947.1405, F.S., in references thereto;  
113 reenacting s. 948.08(7)(a), F.S., relating to pretrial  
114 intervention program, to incorporate the amendment  
115 made by the act to s. 948.06, F.S., in a reference  
116 thereto; reenacting s. 847.002(1)(b), (2), and (3),  
117 F.S., relating to child pornography prosecutions, to  
118 incorporate the amendment made by the act to s.  
119 960.03, F.S., in references thereto; reenacting s.

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120 985.0301(5)(c) and 985.441(1)(c), F.S., relating to  
121 jurisdiction over juvenile matters and commitment,  
122 respectively, to incorporate the amendment made by the  
123 act to s. 985.475, F.S., in references thereto;  
124 reenacting s. 947.1405(12), F.S., relating to the  
125 conditional release program, to incorporate the  
126 amendments made by this act to ss. 947.0435 and  
127 947.04354, F.S.; reenacting ss. 68.07(3)(i) and (6),  
128 92.55(1)(b), and 322.19(2), F.S., relating to change  
129 of name, judicial or other proceedings involving  
130 certain victims, witnesses, or other persons, and  
131 change of address or name, respectively, to  
132 incorporate the amendments made by this act to ss.  
133 775.21 and 943.0435, F.S., in references thereto;  
134 reenacting s. 322.141(3), F.S., relating to color or  
135 markings of certain licenses or identification cards,  
136 to incorporate the amendments made by this act to ss.  
137 775.21, 943.0435, and 944.607, F.S., in references  
138 thereto; reenacting ss. 397.4872(2) and 435.07(4)(b),  
139 F.S., relating to exemptions from disqualification for  
140 disqualifying offenses, to incorporate the amendments  
141 made by this act to ss. 775.21, 943.0435, and  
142 943.04354, F.S., in references thereto; reenacting ss.  
143 775.13(4) and 775.261(3)(b), F.S., relating to the  
144 registration of convicted felons and the Florida  
145 Career Offender Registration Act, respectively, to  
146 incorporate the amendments made by this act to ss.  
147 775.21, 943.0435, and 944.607, F.S., in references  
148 thereto; reenacting s. 903.046(2)(m), F.S., relating

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149 to bail determination, to incorporate the amendment  
150 made by the act to ss. 775.21 and 943.0435, F.S., in  
151 references thereto; reenacting s. 903.0351(1), F.S.,  
152 relating to certain restrictions on pretrial release,  
153 to incorporate the amendments made by this act to ss.  
154 775.21 and 948.06, F.S., in references thereto;  
155 reenacting s. 948.063, F.S., relating to violations of  
156 probation or community control by sexual offenders and  
157 sexual predators, to incorporate the amendments made  
158 by this act to ss. 775.21, 943.0435, and 944.607,  
159 F.S., in references thereto; reenacting s. 948.30(3)  
160 and (4), F.S., relating to additional terms and  
161 conditions of probation or community control for  
162 certain sex offenses, to incorporate the amendments  
163 made by this act to ss. 775.21, 943.0435, and  
164 943.04354, F.S., in references thereto; reenacting s.  
165 948.31, F.S., relating to evaluation and treatment of  
166 sexual predators and offenders on probation or  
167 community control, to incorporate the amendments made  
168 by this act to ss. 775.21, 943.0435, 944.606, and  
169 944.607, F.S., in references thereto; reenacting s.  
170 775.21(3)(b), (5)(d), and (10)(c), F.S., relating to  
171 the Florida Sexual Predators Act, to incorporate the  
172 amendments made by this act to ss. 943.0435, 944.607,  
173 and 947.1405, F.S., in references thereto; reenacting  
174 s. 775.24(2), F.S., relating to duty of the court to  
175 uphold laws governing sexual predators and sexual  
176 offenders, to incorporate the amendments made by this  
177 act to ss. 943.0435, 944.606, and 944.607, F.S., in

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178 references thereto; reenacting s. 943.0436(2), F.S.,  
179 relating to duty of the court to uphold laws governing  
180 sexual predators and sexual offenders, to incorporate  
181 the amendments made by this act to ss. 943.0435,  
182 944.606, and 944.607, F.S., in references thereto;  
183 reenacting s. 921.0022(3)(g), F.S., relating to the  
184 offense severity ranking chart, to incorporate the  
185 amendments made to ss. 775.21 and 847.0135, F.S., in  
186 references thereto; providing a directive to the  
187 Division of Law Revision and Information; providing an  
188 effective date.

189  
190 Be It Enacted by the Legislature of the State of Florida:

191  
192 Section 1. Paragraph (a) of subsection (1) of section  
193 16.56, Florida Statutes, is amended to read:

194 16.56 Office of Statewide Prosecution.—

195 (1) There is created in the Department of Legal Affairs an  
196 Office of Statewide Prosecution. The office shall be a separate  
197 "budget entity" as that term is defined in chapter 216. The  
198 office may:

199 (a) Investigate and prosecute the offenses of:

200 1. Bribery, burglary, criminal usury, extortion, gambling,  
201 kidnapping, larceny, murder, prostitution, perjury, robbery,  
202 carjacking, and home-invasion robbery;

203 2. Any crime involving narcotic or other dangerous drugs;

204 3. Any violation of the Florida RICO (Racketeer Influenced  
205 and Corrupt Organization) Act, including any offense listed in  
206 the definition of racketeering activity in s. 895.02(1)(a),

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207 providing such listed offense is investigated in connection with  
208 a violation of s. 895.03 and is charged in a separate count of  
209 an information or indictment containing a count charging a  
210 violation of s. 895.03, the prosecution of which listed offense  
211 may continue independently if the prosecution of the violation  
212 of s. 895.03 is terminated for any reason;

213 4. Any violation of the Florida Anti-Fencing Act;

214 5. Any violation of the Florida Antitrust Act of 1980, as  
215 amended;

216 6. Any crime involving, or resulting in, fraud or deceit  
217 upon any person;

218 7. Any violation of s. 847.0135, relating to computer  
219 pornography and child exploitation prevention, or any offense  
220 related to a violation of former s. 827.071, s. 847.003, s.  
221 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the  
222 crime is facilitated by or connected to the use of the Internet  
223 or any device capable of electronic data storage or  
224 transmission;

225 8. Any violation of chapter 815;

226 9. Any criminal violation of part I of chapter 499;

227 10. Any violation of the Florida Motor Fuel Tax Relief Act  
228 of 2004;

229 11. Any criminal violation of s. 409.920 or s. 409.9201;

230 12. Any crime involving voter registration, voting, or  
231 candidate or issue petition activities;

232 13. Any criminal violation of the Florida Money Laundering  
233 Act;

234 14. Any criminal violation of the Florida Securities and  
235 Investor Protection Act; or

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236 15. Any violation of chapter 787, as well as any and all  
237 offenses related to a violation of chapter 787;  
238  
239 or any attempt, solicitation, or conspiracy to commit any of the  
240 crimes specifically enumerated above. The office shall have such  
241 power only when any such offense is occurring, or has occurred,  
242 in two or more judicial circuits as part of a related  
243 transaction, or when any such offense is connected with an  
244 organized criminal conspiracy affecting two or more judicial  
245 circuits. Informations or indictments charging such offenses  
246 shall contain general allegations stating the judicial circuits  
247 and counties in which crimes are alleged to have occurred or the  
248 judicial circuits and counties in which crimes affecting such  
249 circuits or counties are alleged to have been connected with an  
250 organized criminal conspiracy.

251 Section 2. Paragraph (c) of subsection (30) and paragraph  
252 (g) of subsection (69) of section 39.01, Florida Statutes, are  
253 amended to read:

254 39.01 Definitions.—When used in this chapter, unless the  
255 context otherwise requires:

256 (30) "Harm" to a child's health or welfare can occur when  
257 any person:

258 (c) Allows, encourages, or forces the sexual exploitation  
259 of a child, which includes allowing, encouraging, or forcing a  
260 child to:

261 1. Solicit for or engage in prostitution; or

262 2. Engage in a sexual performance, as defined by former s.  
263 827.071 or s. 847.003 ~~chapter 827~~.

264 (69) "Sexual abuse of a child" for purposes of finding a

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265 child to be dependent means one or more of the following acts:

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

272 1. Solicit for or engage in prostitution;

273 2. Engage in a sexual performance, as defined by former s.  
274 827.071 or s. 847.003 ~~chapter 827~~; or

275 3. Participate in the trade of human trafficking as  
276 provided in s. 787.06(3)(g).

277 Section 3. Paragraph (b) of subsection (4) of section  
278 39.0132, Florida Statutes, is amended to read:

279 39.0132 Oaths, records, and confidential information.—

280 (4)

281 (b) The department shall disclose to the school  
282 superintendent the presence of any child in the care and custody  
283 or under the jurisdiction or supervision of the department who  
284 has a known history of criminal sexual behavior with other  
285 juveniles; is an alleged juvenile sex offender, as defined in s.  
286 39.01; or has pled guilty or nolo contendere to, or has been  
287 found to have committed, a violation of chapter 794, chapter  
288 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,  
289 or s. 847.0137, regardless of adjudication. Any employee of a  
290 district school board who knowingly and willfully discloses such  
291 information to an unauthorized person commits a misdemeanor of  
292 the second degree, punishable as provided in s. 775.082 or s.  
293 775.083.

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294 Section 4. Paragraph (a) of subsection (3) of section  
295 39.0139, Florida Statutes, is amended to read:

296 39.0139 Visitation or other contact; restrictions.—

297 (3) PRESUMPTION OF DETRIMENT.—

298 (a) A rebuttable presumption of detriment to a child is  
299 created when:

300 1. A court of competent jurisdiction has found probable  
301 cause exists that a parent or caregiver has sexually abused a  
302 child as defined in s. 39.01;

303 2. A parent or caregiver has been found guilty of,  
304 regardless of adjudication, or has entered a plea of guilty or  
305 nolo contendere to, charges under the following statutes or  
306 substantially similar statutes of other jurisdictions:

307 a. Section 787.04, relating to removing minors from the  
308 state or concealing minors contrary to court order;

309 b. Section 794.011, relating to sexual battery;

310 c. Section 798.02, relating to lewd and lascivious  
311 behavior;

312 d. Chapter 800, relating to lewdness and indecent exposure;

313 e. Section 826.04, relating to incest; ~~or~~

314 f. Chapter 827, relating to the abuse of children; ~~or~~

315 g. Section 847.003, relating to sexual performance by a  
316 child; or

317 h. Section 847.0137, relating to child pornography; or

318 3. A court of competent jurisdiction has determined a  
319 parent or caregiver to be a sexual predator as defined in s.  
320 775.21 or a parent or caregiver has received a substantially  
321 similar designation under laws of another jurisdiction.

322 Section 5. Paragraph (b) of subsection (2) of section

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323 39.301, Florida Statutes, is amended to read:

324 39.301 Initiation of protective investigations.-

325 (2)

326 (b) As used in this subsection, the term "criminal conduct"  
327 means:

328 1. A child is known or suspected to be the victim of child  
329 abuse, as defined in s. 827.03, or of neglect of a child, as  
330 defined in s. 827.03.

331 2. A child is known or suspected to have died as a result  
332 of abuse or neglect.

333 3. A child is known or suspected to be the victim of  
334 aggravated child abuse, as defined in s. 827.03.

335 4. A child is known or suspected to be the victim of sexual  
336 battery, as defined in s. 847.001 ~~827.071~~, or of sexual abuse,  
337 as defined in s. 39.01.

338 5. A child is known or suspected to be the victim of  
339 institutional child abuse or neglect, as defined in s. 39.01,  
340 and as provided for in s. 39.302(1).

341 6. A child is known or suspected to be a victim of human  
342 trafficking, as provided in s. 787.06.

343 Section 6. Paragraph (a) of subsection (6) of section  
344 39.509, Florida Statutes, is amended to read:

345 39.509 Grandparents rights.-Notwithstanding any other  
346 provision of law, a maternal or paternal grandparent as well as  
347 a stepgrandparent is entitled to reasonable visitation with his  
348 or her grandchild who has been adjudicated a dependent child and  
349 taken from the physical custody of the parent unless the court  
350 finds that such visitation is not in the best interest of the  
351 child or that such visitation would interfere with the goals of

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352 the case plan. Reasonable visitation may be unsupervised and,  
353 where appropriate and feasible, may be frequent and continuing.  
354 Any order for visitation or other contact must conform to the  
355 provisions of s. 39.0139.

356 (6) In determining whether grandparental visitation is not  
357 in the child's best interest, consideration may be given to the  
358 following:

359 (a) The finding of guilt, regardless of adjudication, or  
360 entry or plea of guilty or nolo contendere to charges under the  
361 following statutes, or similar statutes of other jurisdictions:  
362 s. 787.04, relating to removing minors from the state or  
363 concealing minors contrary to court order; s. 794.011, relating  
364 to sexual battery; s. 798.02, relating to lewd and lascivious  
365 behavior; chapter 800, relating to lewdness and indecent  
366 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,  
367 relating to the abuse of children; s. 847.003, relating to  
368 sexual performance by a child; or s. 847.0137, relating to child  
369 pornography.

370 Section 7. Paragraphs (b) and (c) of subsection (2) of  
371 section 90.404, Florida Statutes, are amended to read:

372 90.404 Character evidence; when admissible.—

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

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

379 2. For the purposes of this paragraph, the term "child  
380 molestation" means conduct proscribed by s. 787.025(2)(c), s.

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381 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.  
 382 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.  
 383 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.  
 384 847.0137, s. 847.0145, or s. 985.701(1) when committed against a  
 385 person 16 years of age or younger.

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

391 2. For the purposes of this paragraph, the term "sexual  
 392 offense" means conduct proscribed by s. 787.025(2)(c), s.  
 393 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.  
 394 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,  
 395 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.  
 396 847.003, s. 847.0135(5), s. 847.0137, s. 847.0145, or s.  
 397 985.701(1).

398 Section 8. Subsections (2), (3), and (5) of section 92.56,  
 399 Florida Statutes, are amended to read:

400 92.56 Judicial proceedings and court records involving  
 401 sexual offenses and human trafficking.—

402 (2) A defendant charged with a crime described in s.  
 403 787.06(3)(a)1., (c)1., or (e)1.; ~~s. 787.06(3)(b), (d), (f), or~~  
 404 (g); ~~chapter 794;~~ ~~or chapter 800;~~ ~~or~~ with child abuse or  
 405 aggravated child abuse, ~~or sexual performance by a child as~~  
 406 described in chapter 827; or with sexual performance by a child  
 407 as described in former s. 827.071 or s. 847.003; ~~may apply to~~  
 408 the trial court for an order of disclosure of information in  
 409 court records held confidential and exempt pursuant to s.

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410 119.0714(1) (h) or maintained as confidential and exempt pursuant  
 411 to court order under this section. Such identifying information  
 412 concerning the victim may be released to the defendant or his or  
 413 her attorney in order to prepare the defense. The confidential  
 414 and exempt status of this information may not be construed to  
 415 prevent the disclosure of the victim's identity to the  
 416 defendant; however, the defendant may not disclose the victim's  
 417 identity to any person other than the defendant's attorney or  
 418 any other person directly involved in the preparation of the  
 419 defense. A willful and knowing disclosure of the identity of the  
 420 victim to any other person by the defendant constitutes  
 421 contempt.

422 (3) The state may use a pseudonym instead of the victim's  
 423 name to designate the victim of a crime described in s.  
 424 787.06(3) (a)1., (c)1., or (e)1.; ~~in~~ s. 787.06(3) (b), (d), (f),  
 425 or (g); ~~or in~~ chapter 794; ~~or~~ chapter 800; ~~or~~ of child abuse  
 426 or aggravated child abuse, ~~or sexual performance by a child as~~  
 427 described in chapter 827; of sexual performance by a child as  
 428 described in former s. 827.071 or s. 847.003; ~~or~~ of any crime  
 429 involving the production, possession, or promotion of child  
 430 pornography as described in chapter 847, in all court records  
 431 and records of court proceedings, both civil and criminal.

432 (5) This section does not prohibit the publication or  
 433 broadcast of the substance of trial testimony in a prosecution  
 434 for an offense described in s. 787.06(3) (a)1., (c)1., or (e)1.; ~~in~~  
 435 s. 787.06(3) (b), (d), (f), or (g); ~~in~~ chapter 794; ~~or~~ chapter  
 436 800; ~~or~~ a crime of child abuse or aggravated child abuse, ~~or~~  
 437 ~~sexual performance by a child,~~ as described in chapter 827; or  
 438 sexual performance by a child as described in former s. 827.071

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439 or s. 847.003, but the publication or broadcast may not include  
440 an identifying photograph, an identifiable voice, or the name or  
441 address of the victim, unless the victim has consented in  
442 writing to the publication and filed such consent with the court  
443 or unless the court has declared such records not confidential  
444 and exempt as provided for in subsection (1).

445 Section 9. Subsection (1) of section 92.561, Florida  
446 Statutes, is amended to read:

447 92.561 Prohibition on reproduction of child pornography.—

448 (1) In a criminal proceeding, any property or material that  
449 portrays sexual performance by a child as defined in former s.  
450 827.071 or s. 847.003, or constitutes child pornography as  
451 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in  
452 the care, custody, and control of a law enforcement agency, the  
453 state attorney, or the court.

454 Section 10. Subsection (2) of section 92.565, Florida  
455 Statutes, is amended to read:

456 92.565 Admissibility of confession in sexual abuse cases.—

457 (2) In any criminal action in which the defendant is  
458 charged with a crime against a victim under s. 794.011; s.  
459 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;  
460 s. 827.04, involving sexual abuse; former s. 827.071; s.  
461 847.003; ~~or~~ s. 847.0135(5); or s. 847.0137, or any other crime  
462 involving sexual abuse of another, or with any attempt,  
463 solicitation, or conspiracy to commit any of these crimes, the  
464 defendant's memorialized confession or admission is admissible  
465 during trial without the state having to prove a corpus delicti  
466 of the crime if the court finds in a hearing conducted outside  
467 the presence of the jury that the state is unable to show the

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468 existence of each element of the crime, and having so found,  
469 further finds that the defendant's confession or admission is  
470 trustworthy. Factors which may be relevant in determining  
471 whether the state is unable to show the existence of each  
472 element of the crime include, but are not limited to, the fact  
473 that, at the time the crime was committed, the victim was:

- 474 (a) Physically helpless, mentally incapacitated, or  
475 mentally defective, as those terms are defined in s. 794.011;  
476 (b) Physically incapacitated due to age, infirmity, or any  
477 other cause; or  
478 (c) Less than 12 years of age.

479 Section 11. Paragraphs (ll) and (qq) of subsection (2) of  
480 section 435.04, Florida Statutes, are amended to read:

481 435.04 Level 2 screening standards.—

482 (2) The security background investigations under this  
483 section must ensure that no persons subject to the provisions of  
484 this section have been arrested for and are awaiting final  
485 disposition of, have been found guilty of, regardless of  
486 adjudication, or entered a plea of nolo contendere or guilty to,  
487 or have been adjudicated delinquent and the record has not been  
488 sealed or expunged for, any offense prohibited under any of the  
489 following provisions of state law or similar law of another  
490 jurisdiction:

491 (ll) Former s. Section 827.071, relating to sexual  
492 performance by a child.

493 (qq) Chapter 847, relating to obscenity and child  
494 pornography ~~obscene literature~~.

495 Section 12. Paragraph (o) of subsection (5) of section  
496 456.074, Florida Statutes, is amended, paragraphs (r) and (s) of

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497 that subsection are redesignated as paragraphs (s) and (t),  
498 respectively, and a new paragraph (r) is added to that  
499 subsection, to read:

500 456.074 Certain health care practitioners; immediate  
501 suspension of license.—

502 (5) The department shall issue an emergency order  
503 suspending the license of a massage therapist or establishment  
504 as defined in chapter 480 upon receipt of information that the  
505 massage therapist, a person with an ownership interest in the  
506 establishment, or, for a corporation that has more than \$250,000  
507 of business assets in this state, the owner, officer, or  
508 individual directly involved in the management of the  
509 establishment has been convicted or found guilty of, or has  
510 entered a plea of guilty or nolo contendere to, regardless of  
511 adjudication, a felony offense under any of the following  
512 provisions of state law or a similar provision in another  
513 jurisdiction:

514 (o) Former s. Section 827.071 or s. 847.003, relating to  
515 sexual performance by a child.

516 (r) Section 847.0137, relating to child pornography.

517 Section 13. Paragraph (o) of subsection (7) of section  
518 480.041, Florida Statutes, is amended, paragraphs (r) and (s) of  
519 that subsection are redesignated as paragraphs (s) and (t),  
520 respectively, and a new paragraph (r) is added to that  
521 subsection, to read:

522 480.041 Massage therapists; qualifications; licensure;  
523 endorsement.—

524 (7) The board shall deny an application for a new or  
525 renewal license if an applicant has been convicted or found

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526 guilty of, or enters a plea of guilty or nolo contendere to,  
527 regardless of adjudication, a felony offense under any of the  
528 following provisions of state law or a similar provision in  
529 another jurisdiction:

530 (o) Former s. Section 827.071 or s. 847.003, relating to  
531 sexual performance by a child.

532 (r) Section 847.0137, relating to child pornography.

533 Section 14. Paragraph (o) of subsection (8) of section  
534 480.043, Florida Statutes, is amended, paragraphs (r) and (s) of  
535 that subsection are redesignated as paragraphs (s) and (t),  
536 respectively, and a new paragraph (r) is added to that  
537 subsection, to read:

538 480.043 Massage establishments; requisites; licensure;  
539 inspection.—

540 (8) The department shall deny an application for a new or  
541 renewal license if a person with an ownership interest in the  
542 establishment or, for a corporation that has more than \$250,000  
543 of business assets in this state, the owner, officer, or  
544 individual directly involved in the management of the  
545 establishment has been convicted or found guilty of, or entered  
546 a plea of guilty or nolo contendere to, regardless of  
547 adjudication, a felony offense under any of the following  
548 provisions of state law or a similar provision in another  
549 jurisdiction:

550 (o) Former s. Section 827.071 or s. 847.003, relating to  
551 sexual performance by a child.

552 (r) Section 847.0137, relating to child pornography.

553 Section 15. Paragraph (b) of subsection (3) of section  
554 743.067, Florida Statutes, is amended to read:

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555 743.067 Unaccompanied homeless youths.—

556 (3) An unaccompanied homeless youth may:

557 (b) Notwithstanding s. 394.4625(1), consent to medical,  
558 dental, psychological, substance abuse, and surgical diagnosis  
559 and treatment, including preventative care and care by a  
560 facility licensed under chapter 394, chapter 395, or chapter 397  
561 and any forensic medical examination for the purpose of  
562 investigating any felony offense under chapter 784, chapter 787,  
563 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.  
564 847.0137, for:

565 1. Himself or herself; or

566 2. His or her child, if the unaccompanied homeless youth is  
567 unmarried, is the parent of the child, and has actual custody of  
568 the child.

569 Section 16. Paragraph (a) of subsection (1) of section  
570 772.102, Florida Statutes, is amended to read:

571 772.102 Definitions.—As used in this chapter, the term:

572 (1) "Criminal activity" means to commit, to attempt to  
573 commit, to conspire to commit, or to solicit, coerce, or  
574 intimidate another person to commit:

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

577 1. Section 210.18, relating to evasion of payment of  
578 cigarette taxes.

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

580 3. Section 440.105 or s. 440.106, relating to workers'  
581 compensation.

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

583 5. Chapter 517, relating to securities transactions.

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- 584           6. Section 550.235 or s. 550.3551, relating to dogracing  
585 and horseracing.
- 586           7. Chapter 550, relating to jai alai frontons.
- 587           8. Chapter 552, relating to the manufacture, distribution,  
588 and use of explosives.
- 589           9. Chapter 562, relating to beverage law enforcement.
- 590           10. Section 624.401, relating to transacting insurance  
591 without a certificate of authority, s. 624.437(4)(c)1., relating  
592 to operating an unauthorized multiple-employer welfare  
593 arrangement, or s. 626.902(1)(b), relating to representing or  
594 aiding an unauthorized insurer.
- 595           11. Chapter 687, relating to interest and usurious  
596 practices.
- 597           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
598 real estate timeshare plans.
- 599           13. Chapter 782, relating to homicide.
- 600           14. Chapter 784, relating to assault and battery.
- 601           15. Chapter 787, relating to kidnapping or human  
602 trafficking.
- 603           16. Chapter 790, relating to weapons and firearms.
- 604           17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,  
605 relating to prostitution.
- 606           18. Chapter 806, relating to arson.
- 607           19. Section 810.02(2)(c), relating to specified burglary of  
608 a dwelling or structure.
- 609           20. Chapter 812, relating to theft, robbery, and related  
610 crimes.
- 611           21. Chapter 815, relating to computer-related crimes.
- 612           22. Chapter 817, relating to fraudulent practices, false

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613 pretenses, fraud generally, and credit card crimes.

614 23. Former s. Section 827.071, relating to commercial  
615 sexual exploitation of children.

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

617 25. Chapter 832, relating to issuance of worthless checks  
618 and drafts.

619 26. Section 836.05, relating to extortion.

620 27. Chapter 837, relating to perjury.

621 28. Chapter 838, relating to bribery and misuse of public  
622 office.

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

624 30. Section 847.003, relating to sexual performance by a  
625 child.

626 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
627 or s. 847.07, relating to obscene literature and profanity.

628 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
629 s. 849.25, relating to gambling.

630 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and  
631 control.

632 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,  
633 victims, or informants.

634 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering  
635 with jurors and evidence.

636 Section 17. Paragraph (a) of subsection (9) of section  
637 775.082, Florida Statutes, is amended to read:

638 775.082 Penalties; applicability of sentencing structures;  
639 mandatory minimum sentences for certain reoffenders previously  
640 released from prison.—

641 (9) (a)1. "Prison releasee reoffender" means any defendant

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642 who commits, or attempts to commit:

643       a. Treason;

644       b. Murder;

645       c. Manslaughter;

646       d. Sexual battery;

647       e. Carjacking;

648       f. Home-invasion robbery;

649       g. Robbery;

650       h. Arson;

651       i. Kidnapping;

652       j. Aggravated assault with a deadly weapon;

653       k. Aggravated battery;

654       l. Aggravated stalking;

655       m. Aircraft piracy;

656       n. Unlawful throwing, placing, or discharging of a

657 destructive device or bomb;

658       o. Any felony that involves the use or threat of physical

659 force or violence against an individual;

660       p. Armed burglary;

661       q. Burglary of a dwelling or burglary of an occupied

662 structure; or

663       r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,

664 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.

665 847.0137;

666

667 within 3 years after being released from a state correctional

668 facility operated by the Department of Corrections or a private

669 vendor or within 3 years after being released from a

670 correctional institution of another state, the District of

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671 Columbia, the United States, any possession or territory of the  
672 United States, or any foreign jurisdiction, following  
673 incarceration for an offense for which the sentence is  
674 punishable by more than 1 year in this state.

675 2. "Prison releasee reoffender" also means any defendant  
676 who commits or attempts to commit any offense listed in sub-  
677 subparagraphs (a)1.a.-r. while the defendant was serving a  
678 prison sentence or on escape status from a state correctional  
679 facility operated by the Department of Corrections or a private  
680 vendor or while the defendant was on escape status from a  
681 correctional institution of another state, the District of  
682 Columbia, the United States, any possession or territory of the  
683 United States, or any foreign jurisdiction, following  
684 incarceration for an offense for which the sentence is  
685 punishable by more than 1 year in this state.

686 3. If the state attorney determines that a defendant is a  
687 prison releasee reoffender as defined in subparagraph 1., the  
688 state attorney may seek to have the court sentence the defendant  
689 as a prison releasee reoffender. Upon proof from the state  
690 attorney that establishes by a preponderance of the evidence  
691 that a defendant is a prison releasee reoffender as defined in  
692 this section, such defendant is not eligible for sentencing  
693 under the sentencing guidelines and must be sentenced as  
694 follows:

695 a. For a felony punishable by life, by a term of  
696 imprisonment for life;

697 b. For a felony of the first degree, by a term of  
698 imprisonment of 30 years;

699 c. For a felony of the second degree, by a term of

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700 imprisonment of 15 years; and

701 d. For a felony of the third degree, by a term of  
702 imprisonment of 5 years.

703 Section 18. Paragraphs (b) and (f) of subsection (1) and  
704 subsection (2) of section 775.0847, Florida Statutes, are  
705 amended to read:

706 775.0847 Possession or promotion of certain visual  
707 depictions ~~images~~ of child pornography; reclassification.-

708 (1) For purposes of this section:

709 (b) "Child pornography" has the same meaning as provided in  
710 s. 847.0137 ~~means any image depicting a minor engaged in sexual~~  
711 ~~conduct.~~

712 (f) "Sexual conduct" means actual or simulated sexual  
713 intercourse, deviate sexual intercourse, sexual bestiality,  
714 masturbation, or sadomasochistic abuse; actual or simulated lewd  
715 exhibition of the genitals; actual physical contact with a  
716 person's clothed or unclothed genitals, pubic area, buttocks,  
717 or, if such person is a female, breast with the intent to arouse  
718 or gratify the sexual desire of either party; or any act or  
719 conduct which constitutes sexual battery or simulates that  
720 sexual battery is being or will be committed. A mother's  
721 breastfeeding of her baby does not under any circumstance  
722 constitute "sexual conduct."

723 (2) A violation of former s. 827.071, s. 847.003, s.  
724 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to  
725 the next higher degree as provided in subsection (3) if:

726 (a) The offender possesses 10 or more visual depictions or  
727 images of any form of child pornography regardless of content;  
728 and

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729 (b) The content of at least one visual depiction or image  
730 contains one or more of the following:

- 731 1. A child who is younger than the age of 5.
- 732 2. Sadomasochistic abuse involving a child.
- 733 3. Sexual battery involving a child.
- 734 4. Sexual bestiality involving a child.
- 735 5. Any movie involving a child, regardless of length and  
736 regardless of whether the movie contains sound.

737 Section 19. Subsection (1) of section 775.0877, Florida  
738 Statutes, is amended to read:

739 775.0877 Criminal transmission of HIV; procedures;  
740 penalties.—

741 (1) In any case in which a person has been convicted of or  
742 has pled nolo contendere or guilty to, regardless of whether  
743 adjudication is withheld, any of the following offenses, or the  
744 attempt thereof, which offense or attempted offense involves the  
745 transmission of body fluids from one person to another:

746 (a) Section 794.011, relating to sexual battery;

747 (b) Section 826.04, relating to incest;

748 (c) Section 800.04, relating to lewd or lascivious offenses  
749 committed upon or in the presence of persons less than 16 years  
750 of age;

751 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
752 relating to assault;

753 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
754 relating to aggravated assault;

755 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
756 relating to battery;

757 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),

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758 relating to aggravated battery;

759 (h) Section 827.03(2)(c), relating to child abuse;

760 (i) Section 827.03(2)(a), relating to aggravated child  
761 abuse;

762 (j) Section 825.102(1), relating to abuse of an elderly  
763 person or disabled adult;

764 (k) Section 825.102(2), relating to aggravated abuse of an  
765 elderly person or disabled adult;

766 (l) Former s. Section 827.071 or s. 847.003, relating to  
767 sexual performance by a child ~~person less than 18 years of age~~;

768 (m) Sections 796.07 and 796.08, relating to prostitution;

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

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

773

774 the court shall order the offender to undergo HIV testing, to be  
775 performed under the direction of the Department of Health in  
776 accordance with s. 381.004, unless the offender has undergone  
777 HIV testing voluntarily or pursuant to procedures established in  
778 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
779 rule providing for HIV testing of criminal offenders or inmates,  
780 subsequent to her or his arrest for an offense enumerated in  
781 paragraphs (a)-(n) for which she or he was convicted or to which  
782 she or he pled nolo contendere or guilty. The results of an HIV  
783 test performed on an offender pursuant to this subsection are  
784 not admissible in any criminal proceeding arising out of the  
785 alleged offense.

786 Section 20. Paragraph (a) of subsection (4) and paragraph

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787 (b) of subsection (10) of section 775.21, Florida Statutes, are  
788 amended to read:

789 775.21 The Florida Sexual Predators Act.—

790 (4) SEXUAL PREDATOR CRITERIA.—

791 (a) For a current offense committed on or after October 1,  
792 1993, upon conviction, an offender shall be designated as a  
793 “sexual predator” under subsection (5), and subject to  
794 registration under subsection (6) and community and public  
795 notification under subsection (7) if:

796 1. The felony is:

797 a. A capital, life, or first degree felony violation, or  
798 any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
799 is a minor and the defendant is not the victim’s parent or  
800 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a  
801 violation of a similar law of another jurisdiction; or

802 b. Any felony violation, or any attempt thereof, of s.  
803 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
804 787.025(2)(c), where the victim is a minor and the defendant is  
805 not the victim’s parent or guardian; s. 787.06(3)(b), (d), (f),  
806 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
807 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
808 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.  
809 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
810 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a  
811 similar law of another jurisdiction, and the offender has  
812 previously been convicted of or found to have committed, or has  
813 pled nolo contendere or guilty to, regardless of adjudication,  
814 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
815 787.02, or s. 787.025(2)(c), where the victim is a minor and the

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816 defendant is not the victim's parent or guardian; s.  
817 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
818 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
819 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.  
820 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
821 847.0137; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a  
822 violation of a similar law of another jurisdiction;

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

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

829 (10) PENALTIES.—

830 (b) A sexual predator who has been convicted of or found to  
831 have committed, or has pled nolo contendere or guilty to,  
832 regardless of adjudication, any violation, or attempted  
833 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
834 the victim is a minor and the defendant is not the victim's  
835 parent or guardian; s. 794.011, excluding s. 794.011(10); s.  
836 794.05; former s. 796.03; former s. 796.035; s. 800.04; former  
837 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.  
838 847.0137; s. 847.0145; or s. 985.701(1); or a violation of a  
839 similar law of another jurisdiction when the victim of the  
840 offense was a minor, and who works, whether for compensation or  
841 as a volunteer, at any business, school, child care facility,  
842 park, playground, or other place where children regularly  
843 congregate, commits a felony of the third degree, punishable as  
844 provided in s. 775.082, s. 775.083, or s. 775.084.

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845 Section 21. Subsection (2) and paragraphs (a) and (c) of  
846 subsection (3) of section 775.215, Florida Statutes, are amended  
847 to read:

848 775.215 Residency restriction for persons convicted of  
849 certain sex offenses.—

850 (2) (a) A person who has been convicted of a violation of s.  
851 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
852 847.0135(5), or s. 847.0145, regardless of whether adjudication  
853 has been withheld, in which the victim of the offense was less  
854 than 16 years of age, may not reside within 1,000 feet of any  
855 school, child care facility, park, or playground. However, a  
856 person does not violate this subsection and may not be forced to  
857 relocate if he or she is living in a residence that meets the  
858 requirements of this subsection and a school, child care  
859 facility, park, or playground is subsequently established within  
860 1,000 feet of his or her residence.

861 (b) A person who violates this subsection and whose  
862 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
863 847.003, s. 847.0135(5), or s. 847.0145 was classified as a  
864 felony of the first degree or higher commits a felony of the  
865 third degree, punishable as provided in s. 775.082 or s.  
866 775.083. A person who violates this subsection and whose  
867 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
868 847.003, s. 847.0135(5), or s. 847.0145 was classified as a  
869 felony of the second or third degree commits a misdemeanor of  
870 the first degree, punishable as provided in s. 775.082 or s.  
871 775.083.

872 (c) This subsection applies to any person convicted of a  
873 violation of s. 794.011, s. 800.04, former s. 827.071, s.

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874 847.003, s. 847.0135(5), or s. 847.0145 for offenses that occur  
875 on or after October 1, 2004, excluding persons who have been  
876 removed from the requirement to register as a sexual offender or  
877 sexual predator pursuant to s. 943.04354.

878 (3) (a) A person who has been convicted of an offense in  
879 another jurisdiction that is similar to a violation of s.  
880 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
881 847.0135(5), or s. 847.0145, regardless of whether adjudication  
882 has been withheld, in which the victim of the offense was less  
883 than 16 years of age, may not reside within 1,000 feet of any  
884 school, child care facility, park, or playground. However, a  
885 person does not violate this subsection and may not be forced to  
886 relocate if he or she is living in a residence that meets the  
887 requirements of this subsection and a school, child care  
888 facility, park, or playground is subsequently established within  
889 1,000 feet of his or her residence.

890 (c) This subsection applies to any person convicted of an  
891 offense in another jurisdiction that is similar to a violation  
892 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
893 847.0135(5), or s. 847.0145 if such offense occurred on or after  
894 May 26, 2010, excluding persons who have been removed from the  
895 requirement to register as a sexual offender or sexual predator  
896 pursuant to s. 943.04354.

897 Section 22. Paragraph (c) of subsection (1) of section  
898 784.046, Florida Statutes, is amended to read:

899 784.046 Action by victim of repeat violence, sexual  
900 violence, or dating violence for protective injunction; dating  
901 violence investigations, notice to victims, and reporting;  
902 pretrial release violations; public records exemption.—

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903 (1) As used in this section, the term:  
904 (c) "Sexual violence" means any one incident of:  
905 1. Sexual battery, as defined in chapter 794;  
906 2. A lewd or lascivious act, as defined in chapter 800,  
907 committed upon or in the presence of a person younger than 16  
908 years of age;  
909 3. Luring or enticing a child, as described in chapter 787;  
910 4. Sexual performance by a child, as described in former s.  
911 827.071 or s. 847.003 ~~chapter 827~~; or  
912 5. Any other forcible felony wherein a sexual act is  
913 committed or attempted,  
914  
915 regardless of whether criminal charges based on the incident  
916 were filed, reduced, or dismissed by the state attorney.  
917 Section 23. Subsection (2) of section 794.0115, Florida  
918 Statutes, is amended to read:  
919 794.0115 Dangerous sexual felony offender; mandatory  
920 sentencing.—  
921 (2) Any person who is convicted of a violation of s.  
922 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
923 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),  
924 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or  
925 of any similar offense under a former designation, which offense  
926 the person committed when he or she was 18 years of age or  
927 older, and the person:  
928 (a) Caused serious personal injury to the victim as a  
929 result of the commission of the offense;  
930 (b) Used or threatened to use a deadly weapon during the  
931 commission of the offense;

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

934 (d) Committed the offense while under the jurisdiction of a  
935 court for a felony offense under the laws of this state, for an  
936 offense that is a felony in another jurisdiction, or for an  
937 offense that would be a felony if that offense were committed in  
938 this state; or

939 (e) Has previously been convicted of a violation of s.  
940 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
941 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),  
942 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of  
943 any offense under a former statutory designation which is  
944 similar in elements to an offense described in this paragraph;  
945 or of any offense that is a felony in another jurisdiction, or  
946 would be a felony if that offense were committed in this state,  
947 and which is similar in elements to an offense described in this  
948 paragraph,

949  
950 is a dangerous sexual felony offender, who must be sentenced to  
951 a mandatory minimum term of 25 years imprisonment up to, and  
952 including, life imprisonment. If the offense described in this  
953 subsection was committed on or after October 1, 2014, a person  
954 who qualifies as a dangerous sexual felony offender pursuant to  
955 this subsection must be sentenced to a mandatory minimum term of  
956 50 years imprisonment up to, and including, life imprisonment.

957 Section 24. Subsection (1) of section 794.024, Florida  
958 Statutes, is amended to read:

959 794.024 Unlawful to disclose identifying information.—

960 (1) A public employee or officer who has access to the

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961 photograph, name, or address of a person who is alleged to be  
 962 the victim of an offense described in this chapter, chapter 800,  
 963 s. 827.03, s. 827.04, former ~~or~~ s. 827.071, s. 847.003, or s.  
 964 847.0137 may not willfully and knowingly disclose it to a person  
 965 who is not assisting in the investigation or prosecution of the  
 966 alleged offense or to any person other than the defendant, the  
 967 defendant's attorney, a person specified in an order entered by  
 968 the court having jurisdiction of the alleged offense, or  
 969 organizations authorized to receive such information made exempt  
 970 by s. 119.071(2)(h), or to a rape crisis center or sexual  
 971 assault counselor, as defined in s. 90.5035(1)(b), who will be  
 972 offering services to the victim.

973 Section 25. Subsection (1) of section 794.056, Florida  
 974 Statutes, is amended to read:

975 794.056 Rape Crisis Program Trust Fund.—

976 (1) The Rape Crisis Program Trust Fund is created within  
 977 the Department of Health for the purpose of providing funds for  
 978 rape crisis centers in this state. Trust fund moneys shall be  
 979 used exclusively for the purpose of providing services for  
 980 victims of sexual assault. Funds credited to the trust fund  
 981 consist of those funds collected as an additional court  
 982 assessment in each case in which a defendant pleads guilty or  
 983 nolo contendere to, or is found guilty of, regardless of  
 984 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
 985 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 986 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 987 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 988 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 989 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.

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990 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 991 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 992 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;  
 993 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),  
 994 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds  
 995 credited to the trust fund also shall include revenues provided  
 996 by law, moneys appropriated by the Legislature, and grants from  
 997 public or private entities.

998 Section 26. Section 796.001, Florida Statutes, is amended  
 999 to read:

1000 796.001 Offenses by adults involving minors; intent.—It is  
 1001 the intent of the Legislature that adults who involve minors in  
 1002 any behavior prohibited under this chapter be prosecuted under  
 1003 other laws of this state, such as, but not limited to, s.  
 1004 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071  
 1005 ~~chapter 827~~, and chapter 847. The Legislature finds that  
 1006 prosecution of such adults under this chapter is inappropriate  
 1007 since a minor is unable to consent to such behavior.

1008 Section 27. Section 827.071, Florida Statutes, is repealed.

1009 Section 28. Subsections (3) and (16) of section 847.001,  
 1010 Florida Statutes, are amended to read:

1011 847.001 Definitions.—As used in this chapter, the term:

1012 (3) "Child pornography" has the same meaning as provided in  
 1013 s. 847.0137 ~~means any image depicting a minor engaged in sexual~~  
 1014 ~~conduct.~~

1015 (16) "Sexual conduct" means actual or simulated sexual  
 1016 intercourse, deviate sexual intercourse, sexual bestiality,  
 1017 masturbation, or sadomasochistic abuse; actual or simulated lewd  
 1018 exhibition of the genitals; actual physical contact with a

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1019 person's clothed or unclothed genitals, pubic area, buttocks,  
1020 or, if such person is a female, breast with the intent to arouse  
1021 or gratify the sexual desire of either party; or any act or  
1022 conduct which constitutes sexual battery or simulates that  
1023 sexual battery is being or will be committed. A mother's  
1024 breastfeeding of her baby does not under any circumstance  
1025 constitute "sexual conduct."

1026 Section 29. Section 847.003, Florida Statutes, is created  
1027 to read:

1028 847.003 Sexual performance by a child; penalties.—

1029 (1) As used in this section, the term:

1030 (a) "Performance" means any play, motion picture,  
1031 photograph, or dance or any other visual representation  
1032 exhibited before an audience.

1033 (b) "Promote" means to procure, manufacture, issue, sell,  
1034 give, provide, lend, mail, deliver, transfer, transmute,  
1035 publish, distribute, circulate, disseminate, present, exhibit,  
1036 or advertise or to offer or agree to do the same.

1037 (c) "Sexual performance" means any performance or part  
1038 thereof which includes sexual conduct by a minor.

1039 (2) A person who, knowing the character and content  
1040 thereof, employs, authorizes, or induces a minor to engage in a  
1041 sexual performance or, being a parent, legal guardian, or  
1042 custodian of such minor, consents to the participation by such  
1043 minor in a sexual performance commits the offense of use of a  
1044 child in a sexual performance, a felony of the second degree,  
1045 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1046 (3) A person who, knowing the character and content  
1047 thereof, produces, directs, or promotes any performance that

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1048 includes sexual conduct by a minor commits the offense of  
 1049 promoting a sexual performance by a child, a felony of the  
 1050 second degree, punishable as provided in s. 775.082, s. 775.083,  
 1051 or s. 775.084.

1052 Section 30. Subsections (3) and (4) of section 847.0135,  
 1053 Florida Statutes, are amended to read:

1054 847.0135 Computer pornography; prohibited computer usage;  
 1055 traveling to meet minor; penalties.—

1056 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES  
 1057 PROHIBITED.—Any person who knowingly uses a computer online  
 1058 service, Internet service, local bulletin board service, or any  
 1059 other device capable of electronic data storage or transmission  
 1060 to:

1061 (a) Seduce, solicit, lure, or entice, or attempt to seduce,  
 1062 solicit, lure, or entice, a child or another person believed by  
 1063 the person to be a child, ~~to commit any illegal act described in~~  
 1064 chapter 794, chapter 800, former s. 827.071 or chapter 827, s.  
 1065 847.003, or s. 847.0137, or to otherwise engage in any unlawful  
 1066 sexual conduct with a child or with another person believed by  
 1067 the person to be a child; or

1068 (b) Solicit, lure, or entice, or attempt to solicit, lure,  
 1069 or entice a parent, legal guardian, or custodian of a child or a  
 1070 person believed to be a parent, legal guardian, or custodian of  
 1071 a child to consent to the participation of such child in any act  
 1072 described in chapter 794, chapter 800, former s. 827.071 or  
 1073 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1074 in any sexual conduct,

1075  
 1076 commits a felony of the third degree, punishable as provided in

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1077 s. 775.082, s. 775.083, or s. 775.084. Any person who, in  
1078 violating this subsection, misrepresents his or her age, commits  
1079 a felony of the second degree, punishable as provided in s.  
1080 775.082, s. 775.083, or s. 775.084. Each separate use of a  
1081 computer online service, Internet service, local bulletin board  
1082 service, or any other device capable of electronic data storage  
1083 or transmission wherein an offense described in this section is  
1084 committed may be charged as a separate offense.

1085 (4) TRAVELING TO MEET A MINOR.—Any person who travels any  
1086 distance either within this state, to this state, or from this  
1087 state by any means, who attempts to do so, or who causes another  
1088 to do so or to attempt to do so for the purpose of engaging in  
1089 any illegal act described in chapter 794, chapter 800, former s.  
1090 827.071 ~~or chapter 827,~~ s. 847.003, or s. 847.0137, or to  
1091 otherwise engage in other unlawful sexual conduct with a child  
1092 or with another person believed by the person to be a child  
1093 after using a computer online service, Internet service, local  
1094 bulletin board service, or any other device capable of  
1095 electronic data storage or transmission to:

1096 (a) Seduce, solicit, lure, or entice or attempt to seduce,  
1097 solicit, lure, or entice a child or another person believed by  
1098 the person to be a child, to engage in any illegal act described  
1099 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~  
1100 s. 847.003, or s. 847.0137, or to otherwise engage in other  
1101 unlawful sexual conduct with a child; or

1102 (b) Solicit, lure, or entice or attempt to solicit, lure,  
1103 or entice a parent, legal guardian, or custodian of a child or a  
1104 person believed to be a parent, legal guardian, or custodian of  
1105 a child to consent to the participation of such child in any act

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1106 described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
1107 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage  
1108 in any sexual conduct,

1109  
1110 commits a felony of the second degree, punishable as provided in  
1111 s. 775.082, s. 775.083, or s. 775.084.

1112 Section 31. Subsection (1) of section 847.01357, Florida  
1113 Statutes, is amended to read:

1114 847.01357 Exploited children's civil remedy.—

1115 (1) Any person who, while under the age of 18, was a victim  
1116 of a sexual abuse crime listed in chapter 794, chapter 800,  
1117 former s. 827.071 ~~chapter 827,~~ or chapter 847, where any portion  
1118 of such abuse was used in the production of child pornography,  
1119 and who suffers personal or psychological injury as a result of  
1120 the production, promotion, or possession of such images or  
1121 movies, may bring an action in an appropriate state court  
1122 against the producer, promoter, or possessor of such images or  
1123 movies, regardless of whether the victim is now an adult. In any  
1124 action brought under this section, a prevailing plaintiff shall  
1125 recover the actual damages such person sustained and the cost of  
1126 the suit, including reasonable attorney ~~attorney's~~ fees. Any  
1127 victim who is awarded damages under this section shall be deemed  
1128 to have sustained damages of at least \$150,000.

1129 Section 32. Section 847.0137, Florida Statutes, is amended  
1130 to read:

1131 847.0137 Child pornography; ~~Transmission of pornography by~~  
1132 ~~electronic device or equipment~~ prohibited acts; penalties.—

1133 (1) For purposes of this section:

1134 (a) "Child pornography" means a visual depiction of sexual

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1135 conduct, where:

1136 1. The production of such visual depiction involves the use  
1137 of a minor engaging in sexual conduct; or

1138 2. Such visual depiction has been created, adapted, or  
1139 modified to appear that an identifiable minor is engaging in  
1140 sexual conduct.

1141 (b) "Identifiable minor" means a person who is recognizable  
1142 as an actual person by the person's face, likeness, or other  
1143 distinguishing characteristic, such as a unique birthmark or  
1144 other recognizable feature, and:

1145 1. Who was a minor at the time the visual depiction was  
1146 created, adapted, or modified; or

1147 2. Whose image as a minor was used in creating, adapting,  
1148 or modifying the visual depiction.

1149 (c) "Intentionally view" means to deliberately,  
1150 purposefully, and voluntarily view. Proof of intentional viewing  
1151 requires establishing that a person deliberately, purposefully,  
1152 and voluntarily viewed more than one visual depiction over any  
1153 period of time.

1154 (d)~~(a)~~ "Minor" means any person less than 18 years of age.

1155 (e) "Promote" means to procure, manufacture, issue, sell,  
1156 give, provide, lend, mail, deliver, transfer, transmute,  
1157 publish, distribute, circulate, disseminate, present, exhibit,  
1158 or advertise or to offer or agree to do the same.

1159 (f)~~(b)~~ "Transmit" means the act of sending and causing to  
1160 be delivered any visual depiction ~~image~~, information, or data  
1161 from one or more persons or places to one or more other persons  
1162 or places over or through any medium, including the Internet, by  
1163 use of any electronic equipment or device.

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1164 (g) "Visual depiction" includes, but is not limited to, any  
1165 photograph, picture, motion picture, film, video,  
1166 representation, or computer or computer-generated image or  
1167 picture, whether made or produced by electronic, mechanical, or  
1168 other means. The term also includes undeveloped film and  
1169 videotape, data stored on computer disk or by electronic means  
1170 which is capable of conversion into a visual image, and data  
1171 that is capable of conversion into a visual image that has been  
1172 transmitted by any means, whether stored in a permanent or  
1173 nonpermanent format.

1174 (2) (a) It is unlawful for a person to possess, with the  
1175 intent to promote, child pornography. The possession of three or  
1176 more visual depictions of child pornography is prima facie  
1177 evidence of an intent to promote. A person who violates this  
1178 paragraph commits a felony of the second degree, punishable as  
1179 provided in s. 775.082, s. 775.083, or s. 775.084.

1180 (b) It is unlawful for a person to knowingly possess,  
1181 control, or intentionally view child pornography. The  
1182 possession, control, or intentional viewing of each visual  
1183 depiction of child pornography is a separate offense. If such  
1184 visual depiction includes sexual conduct by more than one minor,  
1185 each such minor in each such visual depiction that is knowingly  
1186 possessed, controlled, or intentionally viewed is a separate  
1187 offense. A person who violates this paragraph commits a felony  
1188 of the third degree, punishable as provided in s. 775.082, s.  
1189 775.083, or s. 775.084.

1190 (c) This subsection does not apply to child pornography  
1191 possessed, controlled, or intentionally viewed as part of a law  
1192 enforcement investigation.

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1193 (d) Prosecution of a person for an offense under this  
1194 subsection does not prohibit prosecution of that person in this  
1195 state for a violation of any law of this state, including a law  
1196 providing for greater penalties than prescribed in this section  
1197 or any other crime punishing the sexual performance or sexual  
1198 exploitation of children.

1199 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any  
1200 person in this state who knew or reasonably should have known  
1201 that he or she was transmitting child pornography, as defined in  
1202 s. 847.001, to another person in this state or in another  
1203 jurisdiction commits a felony of the third degree, punishable as  
1204 provided in s. 775.082, s. 775.083, or s. 775.084.

1205 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any  
1206 person in any jurisdiction other than this state who knew or  
1207 reasonably should have known that he or she was transmitting  
1208 child pornography, as defined in s. 847.001, to another any  
1209 person in this state commits a felony of the third degree,  
1210 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1211 (c) (4) This subsection does ~~section shall not be construed~~  
1212 ~~to~~ prohibit prosecution of a person in this state or another  
1213 jurisdiction for a violation of any law of this state, including  
1214 a law providing for greater penalties than prescribed in this  
1215 subsection ~~section,~~ for the transmission of child pornography,  
1216 ~~as defined in s. 847.001, to another any~~ person in this state.

1217 (d) (5) A person is subject to prosecution in this state  
1218 pursuant to chapter 910 for any act or conduct proscribed by  
1219 this subsection ~~section,~~ including a person in a jurisdiction  
1220 other than this state, if the act or conduct violates paragraph  
1221 (b) subsection (3).

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1222 (e) This subsection does ~~The provisions of this section do~~  
1223 not apply to subscription-based transmissions such as list  
1224 servers.

1225 (f) For purposes of this subsection, each act of  
1226 transmitting child pornography is a separate offense.

1227 Section 33. Subsection (1) of section 856.022, Florida  
1228 Statutes, is amended to read:

1229 856.022 Loitering or prowling by certain offenders in close  
1230 proximity to children; penalty.—

1231 (1) Except as provided in subsection (2), this section  
1232 applies to a person convicted of committing, or attempting,  
1233 soliciting, or conspiring to commit, any of the criminal  
1234 offenses proscribed in the following statutes in this state or  
1235 similar offenses in another jurisdiction against a victim who  
1236 was under 18 years of age at the time of the offense: s. 787.01,  
1237 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and  
1238 the offender was not the victim's parent or guardian; s.  
1239 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;  
1240 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;  
1241 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,  
1242 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
1243 s. 985.701(1); or any similar offense committed in this state  
1244 which has been redesignated from a former statute number to one  
1245 of those listed in this subsection, if the person has not  
1246 received a pardon for any felony or similar law of another  
1247 jurisdiction necessary for the operation of this subsection and  
1248 a conviction of a felony or similar law of another jurisdiction  
1249 necessary for the operation of this subsection has not been set  
1250 aside in any postconviction proceeding.

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1251 Section 34. Paragraph (a) of subsection (1) of section  
 1252 895.02, Florida Statutes, is amended to read:

1253 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1254 (1) "Racketeering activity" means to commit, to attempt to  
 1255 commit, to conspire to commit, or to solicit, coerce, or  
 1256 intimidate another person to commit:

1257 (a) Any crime that is chargeable by petition, indictment,  
 1258 or information under the following provisions of the Florida  
 1259 Statutes:

1260 1. Section 210.18, relating to evasion of payment of  
 1261 cigarette taxes.

1262 2. Section 316.1935, relating to fleeing or attempting to  
 1263 elude a law enforcement officer and aggravated fleeing or  
 1264 eluding.

1265 3. Section 403.727(3)(b), relating to environmental  
 1266 control.

1267 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 1268 fraud.

1269 5. Section 414.39, relating to public assistance fraud.

1270 6. Section 440.105 or s. 440.106, relating to workers'  
 1271 compensation.

1272 7. Section 443.071(4), relating to creation of a fictitious  
 1273 employer scheme to commit reemployment assistance fraud.

1274 8. Section 465.0161, relating to distribution of medicinal  
 1275 drugs without a permit as an Internet pharmacy.

1276 9. Section 499.0051, relating to crimes involving  
 1277 contraband and adulterated drugs.

1278 10. Part IV of chapter 501, relating to telemarketing.

1279 11. Chapter 517, relating to sale of securities and

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- 1280 investor protection.
- 1281 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1282 and horseracing.
- 1283 13. Chapter 550, relating to jai alai frontons.
- 1284 14. Section 551.109, relating to slot machine gaming.
- 1285 15. Chapter 552, relating to the manufacture, distribution,
- 1286 and use of explosives.
- 1287 16. Chapter 560, relating to money transmitters, if the
- 1288 violation is punishable as a felony.
- 1289 17. Chapter 562, relating to beverage law enforcement.
- 1290 18. Section 624.401, relating to transacting insurance
- 1291 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1292 to operating an unauthorized multiple-employer welfare
- 1293 arrangement, or s. 626.902(1)(b), relating to representing or
- 1294 aiding an unauthorized insurer.
- 1295 19. Section 655.50, relating to reports of currency
- 1296 transactions, when such violation is punishable as a felony.
- 1297 20. Chapter 687, relating to interest and usurious
- 1298 practices.
- 1299 21. Section 721.08, s. 721.09, or s. 721.13, relating to
- 1300 real estate timeshare plans.
- 1301 22. Section 775.13(5)(b), relating to registration of
- 1302 persons found to have committed any offense for the purpose of
- 1303 benefiting, promoting, or furthering the interests of a criminal
- 1304 gang.
- 1305 23. Section 777.03, relating to commission of crimes by
- 1306 accessories after the fact.
- 1307 24. Chapter 782, relating to homicide.
- 1308 25. Chapter 784, relating to assault and battery.

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- 1309           26. Chapter 787, relating to kidnapping or human  
1310 trafficking.
- 1311           27. Chapter 790, relating to weapons and firearms.
- 1312           28. Chapter 794, relating to sexual battery, but only if  
1313 such crime was committed with the intent to benefit, promote, or  
1314 further the interests of a criminal gang, or for the purpose of  
1315 increasing a criminal gang member's own standing or position  
1316 within a criminal gang.
- 1317           29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
1318 796.05, or s. 796.07, relating to prostitution.
- 1319           30. Chapter 806, relating to arson and criminal mischief.
- 1320           31. Chapter 810, relating to burglary and trespass.
- 1321           32. Chapter 812, relating to theft, robbery, and related  
1322 crimes.
- 1323           33. Chapter 815, relating to computer-related crimes.
- 1324           34. Chapter 817, relating to fraudulent practices, false  
1325 pretenses, fraud generally, and credit card crimes.
- 1326           35. Chapter 825, relating to abuse, neglect, or  
1327 exploitation of an elderly person or disabled adult.
- 1328           36. Former s. ~~Section~~ 827.071, relating to commercial  
1329 sexual exploitation of children.
- 1330           37. Section 828.122, relating to fighting or baiting  
1331 animals.
- 1332           38. Chapter 831, relating to forgery and counterfeiting.
- 1333           39. Chapter 832, relating to issuance of worthless checks  
1334 and drafts.
- 1335           40. Section 836.05, relating to extortion.
- 1336           41. Chapter 837, relating to perjury.
- 1337           42. Chapter 838, relating to bribery and misuse of public

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1338 office.

1339 43. Chapter 843, relating to obstruction of justice.

1340 44. Section 847.003, relating to sexual performance by a  
1341 child.

1342 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
1343 or s. 847.07, relating to obscene literature and profanity.

1344 ~~46.45.~~ Chapter 849, relating to gambling, lottery, gambling  
1345 or gaming devices, slot machines, or any of the provisions  
1346 within that chapter.

1347 ~~47.46.~~ Chapter 874, relating to criminal gangs.

1348 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and  
1349 control.

1350 ~~49.48.~~ Chapter 896, relating to offenses related to  
1351 financial transactions.

1352 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering  
1353 with or harassing a witness, victim, or informant, and  
1354 retaliation against a witness, victim, or informant.

1355 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering  
1356 with jurors and evidence.

1357 Section 35. Subsection (8) of section 905.34, Florida  
1358 Statutes, is amended to read:

1359 905.34 Powers and duties; law applicable.—The jurisdiction  
1360 of a statewide grand jury impaneled under this chapter shall  
1361 extend throughout the state. The subject matter jurisdiction of  
1362 the statewide grand jury shall be limited to the offenses of:

1363 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,  
1364 or s. 847.0138 relating to computer pornography and child  
1365 exploitation prevention, or any offense related to a violation  
1366 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any

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1367 violation of former s. 827.071 ~~chapter 827~~ where the crime is  
1368 facilitated by or connected to the use of the Internet or any  
1369 device capable of electronic data storage or transmission;

1370  
1371 or any attempt, solicitation, or conspiracy to commit any  
1372 violation of the crimes specifically enumerated above, when any  
1373 such offense is occurring, or has occurred, in two or more  
1374 judicial circuits as part of a related transaction or when any  
1375 such offense is connected with an organized criminal conspiracy  
1376 affecting two or more judicial circuits. The statewide grand  
1377 jury may return indictments and presentments irrespective of the  
1378 county or judicial circuit where the offense is committed or  
1379 triable. If an indictment is returned, it shall be certified and  
1380 transferred for trial to the county where the offense was  
1381 committed. The powers and duties of, and law applicable to,  
1382 county grand juries shall apply to a statewide grand jury except  
1383 when such powers, duties, and law are inconsistent with the  
1384 provisions of ss. 905.31-905.40.

1385 Section 36. Paragraph (a) of subsection (1) of section  
1386 934.07, Florida Statutes, is amended to read:

1387 934.07 Authorization for interception of wire, oral, or  
1388 electronic communications.—

1389 (1) The Governor, the Attorney General, the statewide  
1390 prosecutor, or any state attorney may authorize an application  
1391 to a judge of competent jurisdiction for, and such judge may  
1392 grant in conformity with ss. 934.03-934.09 an order authorizing  
1393 or approving the interception of, wire, oral, or electronic  
1394 communications by:

1395 (a) The Department of Law Enforcement or any law

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1396 enforcement agency as defined in s. 934.02 having responsibility  
1397 for the investigation of the offense as to which the application  
1398 is made when such interception may provide or has provided  
1399 evidence of the commission of the offense of murder, kidnapping,  
1400 aircraft piracy, arson, gambling, robbery, burglary, theft,  
1401 dealing in stolen property, criminal usury, bribery, or  
1402 extortion; any felony violation of ss. 790.161-790.166,  
1403 inclusive; any violation of s. 787.06; any violation of chapter  
1404 893; any violation of the provisions of the Florida Anti-Fencing  
1405 Act; any violation of chapter 895; any violation of chapter 896;  
1406 any violation of chapter 815; any violation of chapter 847; any  
1407 violation of former s. 827.071; any violation of s. 944.40; or  
1408 any conspiracy or solicitation to commit any violation of the  
1409 laws of this state relating to the crimes specifically  
1410 enumerated in this paragraph.

1411 Section 37. Section 938.085, Florida Statutes, is amended  
1412 to read:

1413 938.085 Additional cost to fund rape crisis centers.—In  
1414 addition to any sanction imposed when a person pleads guilty or  
1415 nolo contendere to, or is found guilty of, regardless of  
1416 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
1417 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
1418 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
1419 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
1420 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
1421 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
1422 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
1423 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former  
1424 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135(2);

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1425 s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
1426 (13), and (14)(c); or s. 985.701(1), the court shall impose a  
1427 surcharge of \$151. Payment of the surcharge shall be a condition  
1428 of probation, community control, or any other court-ordered  
1429 supervision. The sum of \$150 of the surcharge shall be deposited  
1430 into the Rape Crisis Program Trust Fund established within the  
1431 Department of Health by chapter 2003-140, Laws of Florida. The  
1432 clerk of the court shall retain \$1 of each surcharge that the  
1433 clerk of the court collects as a service charge of the clerk's  
1434 office.

1435 Section 38. Subsection (1) of section 938.10, Florida  
1436 Statutes, is amended to read:

1437 938.10 Additional court cost imposed in cases of certain  
1438 crimes.—

1439 (1) If a person pleads guilty or nolo contendere to, or is  
1440 found guilty of, regardless of adjudication, any offense against  
1441 a minor in violation of s. 784.085, chapter 787, chapter 794,  
1442 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,  
1443 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.  
1444 847.0135(5), s. 847.0137, s. 847.0138, s. 847.0145, s.  
1445 893.147(3), or s. 985.701, or any offense in violation of s.  
1446 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
1447 court shall impose a court cost of \$151 against the offender in  
1448 addition to any other cost or penalty required by law.

1449 Section 39. Paragraph (a) of subsection (1) of section  
1450 943.0435, Florida Statutes, is amended to read:

1451 943.0435 Sexual offenders required to register with the  
1452 department; penalty.—

1453 (1) As used in this section, the term:

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1454 (a)1. "Sexual offender" means a person who meets the  
1455 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
1456 subparagraph c., or sub-subparagraph d., as follows:

1457 a.(I) Has been convicted of committing, or attempting,  
1458 soliciting, or conspiring to commit, any of the criminal  
1459 offenses proscribed in the following statutes in this state or  
1460 similar offenses in another jurisdiction: s. 393.135(2); s.  
1461 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
1462 the victim is a minor and the defendant is not the victim's  
1463 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.  
1464 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;  
1465 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);  
1466 s. 825.1025; former s. 827.071; s. 847.003; s. 847.0133; s.  
1467 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
1468 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar  
1469 offense committed in this state which has been redesignated from  
1470 a former statute number to one of those listed in this sub-sub-  
1471 subparagraph; and

1472 (II) Has been released on or after October 1, 1997, from  
1473 the sanction imposed for any conviction of an offense described  
1474 in sub-sub-subparagraph (I). For purposes of sub-sub-  
1475 subparagraph (I), a sanction imposed in this state or in any  
1476 other jurisdiction includes, but is not limited to, a fine,  
1477 probation, community control, parole, conditional release,  
1478 control release, or incarceration in a state prison, federal  
1479 prison, private correctional facility, or local detention  
1480 facility;

1481 b. Establishes or maintains a residence in this state and  
1482 who has not been designated as a sexual predator by a court of

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1483 this state but who has been designated as a sexual predator, as  
1484 a sexually violent predator, or by another sexual offender  
1485 designation in another state or jurisdiction and was, as a  
1486 result of such designation, subjected to registration or  
1487 community or public notification, or both, or would be if the  
1488 person were a resident of that state or jurisdiction, without  
1489 regard to whether the person otherwise meets the criteria for  
1490 registration as a sexual offender;

1491 c. Establishes or maintains a residence in this state who  
1492 is in the custody or control of, or under the supervision of,  
1493 any other state or jurisdiction as a result of a conviction for  
1494 committing, or attempting, soliciting, or conspiring to commit,  
1495 any of the criminal offenses proscribed in the following  
1496 statutes or similar offense in another jurisdiction: s.  
1497 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
1498 787.025(2)(c), where the victim is a minor and the defendant is  
1499 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),  
1500 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.  
1501 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.  
1502 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.  
1503 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
1504 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.  
1505 985.701(1); or any similar offense committed in this state which  
1506 has been redesignated from a former statute number to one of  
1507 those listed in this sub-subparagraph; or

1508 d. On or after July 1, 2007, has been adjudicated  
1509 delinquent for committing, or attempting, soliciting, or  
1510 conspiring to commit, any of the criminal offenses proscribed in  
1511 the following statutes in this state or similar offenses in

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1512 another jurisdiction when the juvenile was 14 years of age or  
1513 older at the time of the offense:

1514 (I) Section 794.011, excluding s. 794.011(10);

1515 (II) Section 800.04(4)(a)2. where the victim is under 12  
1516 years of age or where the court finds sexual activity by the use  
1517 of force or coercion;

1518 (III) Section 800.04(5)(c)1. where the court finds  
1519 molestation involving unclothed genitals; or

1520 (IV) Section 800.04(5)(d) where the court finds the use of  
1521 force or coercion and unclothed genitals.

1522 2. For all qualifying offenses listed in sub-subparagraph  
1523 (1)(a)1.d., the court shall make a written finding of the age of  
1524 the offender at the time of the offense.

1525

1526 For each violation of a qualifying offense listed in this  
1527 subsection, except for a violation of s. 794.011, the court  
1528 shall make a written finding of the age of the victim at the  
1529 time of the offense. For a violation of s. 800.04(4), the court  
1530 shall also make a written finding indicating whether the offense  
1531 involved sexual activity and indicating whether the offense  
1532 involved force or coercion. For a violation of s. 800.04(5), the  
1533 court shall also make a written finding that the offense did or  
1534 did not involve unclothed genitals or genital area and that the  
1535 offense did or did not involve the use of force or coercion.

1536 Section 40. Paragraph (a) of subsection (1) and subsection  
1537 (3) of section 943.04354, Florida Statutes, are amended to read:

1538 943.04354 Removal of the requirement to register as a  
1539 sexual offender or sexual predator in special circumstances.—

1540 (1) For purposes of this section, a person shall be

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1541 considered for removal of the requirement to register as a  
1542 sexual offender or sexual predator only if the person:

1543 (a) Was convicted, regardless of adjudication, or  
1544 adjudicated delinquent of a violation of s. 794.011, s. 800.04,  
1545 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s. 847.0137  
1546 or of a similar offense in another jurisdiction and if the  
1547 person does not have any other conviction, regardless of  
1548 adjudication, or adjudication of delinquency for a violation of  
1549 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, ~~s.~~  
1550 847.0135(5), or s. 847.0137 or for a similar offense in another  
1551 jurisdiction;

1552 (3) If a person provides to the Department of Law  
1553 Enforcement a certified copy of the court's order removing the  
1554 requirement that the person register as a sexual offender or  
1555 sexual predator for the violation of s. 794.011, s. 800.04,  
1556 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s. 847.0137  
1557 or a similar offense in another jurisdiction, the registration  
1558 requirement will not apply to the person and the department  
1559 shall remove all information about the person from the public  
1560 registry of sexual offenders and sexual predators maintained by  
1561 the department. However, the removal of this information from  
1562 the public registry does not mean that the public is denied  
1563 access to information about the person's criminal history or  
1564 record that is otherwise available as a public record.

1565 Section 41. Section 943.0585, Florida Statutes, is amended  
1566 to read:

1567 943.0585 Court-ordered expunction of criminal history  
1568 records.—The courts of this state have jurisdiction over their  
1569 own procedures, including the maintenance, expunction, and

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1570 correction of judicial records containing criminal history  
1571 information to the extent such procedures are not inconsistent  
1572 with the conditions, responsibilities, and duties established by  
1573 this section. Any court of competent jurisdiction may order a  
1574 criminal justice agency to expunge the criminal history record  
1575 of a minor or an adult who complies with the requirements of  
1576 this section. The court shall not order a criminal justice  
1577 agency to expunge a criminal history record until the person  
1578 seeking to expunge a criminal history record has applied for and  
1579 received a certificate of eligibility for expunction pursuant to  
1580 subsection (2) or subsection (5). A criminal history record that  
1581 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,  
1582 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,  
1583 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.  
1584 847.0133, s. 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s.  
1585 916.1075, a violation enumerated in s. 907.041, or any violation  
1586 specified as a predicate offense for registration as a sexual  
1587 predator pursuant to s. 775.21, without regard to whether that  
1588 offense alone is sufficient to require such registration, or for  
1589 registration as a sexual offender pursuant to s. 943.0435, may  
1590 not be expunged, without regard to whether adjudication was  
1591 withheld, if the defendant was found guilty of or pled guilty or  
1592 nolo contendere to the offense, or if the defendant, as a minor,  
1593 was found to have committed, or pled guilty or nolo contendere  
1594 to committing, the offense as a delinquent act. The court may  
1595 only order expunction of a criminal history record pertaining to  
1596 one arrest or one incident of alleged criminal activity, except  
1597 as provided in this section. The court may, at its sole  
1598 discretion, order the expunction of a criminal history record

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1599 pertaining to more than one arrest if the additional arrests  
1600 directly relate to the original arrest. If the court intends to  
1601 order the expunction of records pertaining to such additional  
1602 arrests, such intent must be specified in the order. A criminal  
1603 justice agency may not expunge any record pertaining to such  
1604 additional arrests if the order to expunge does not articulate  
1605 the intention of the court to expunge a record pertaining to  
1606 more than one arrest. This section does not prevent the court  
1607 from ordering the expunction of only a portion of a criminal  
1608 history record pertaining to one arrest or one incident of  
1609 alleged criminal activity. Notwithstanding any law to the  
1610 contrary, a criminal justice agency may comply with laws, court  
1611 orders, and official requests of other jurisdictions relating to  
1612 expunction, correction, or confidential handling of criminal  
1613 history records or information derived therefrom. This section  
1614 does not confer any right to the expunction of any criminal  
1615 history record, and any request for expunction of a criminal  
1616 history record may be denied at the sole discretion of the  
1617 court.

1618 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
1619 petition to a court to expunge a criminal history record is  
1620 complete only when accompanied by:

1621 (a) A valid certificate of eligibility for expunction  
1622 issued by the department pursuant to subsection (2).

1623 (b) The petitioner's sworn statement attesting that the  
1624 petitioner:

1625 1. Has never, prior to the date on which the petition is  
1626 filed, been adjudicated guilty of a criminal offense or  
1627 comparable ordinance violation, or been adjudicated delinquent

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1628 for committing any felony or a misdemeanor specified in s.  
1629 943.051(3) (b) .

1630 2. Has not been adjudicated guilty of, or adjudicated  
1631 delinquent for committing, any of the acts stemming from the  
1632 arrest or alleged criminal activity to which the petition  
1633 pertains.

1634 3. Has never secured a prior sealing or expunction of a  
1635 criminal history record under this section, s. 943.059, former  
1636 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1637 expunction is sought of a criminal history record previously  
1638 sealed for 10 years pursuant to paragraph (2) (h) and the record  
1639 is otherwise eligible for expunction.

1640 4. Is eligible for such an expunction to the best of his or  
1641 her knowledge or belief and does not have any other petition to  
1642 expunge or any petition to seal pending before any court.

1643  
1644 Any person who knowingly provides false information on such  
1645 sworn statement to the court commits a felony of the third  
1646 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1647 775.084.

1648 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
1649 petitioning the court to expunge a criminal history record, a  
1650 person seeking to expunge a criminal history record shall apply  
1651 to the department for a certificate of eligibility for  
1652 expunction. The department shall, by rule adopted pursuant to  
1653 chapter 120, establish procedures pertaining to the application  
1654 for and issuance of certificates of eligibility for expunction.  
1655 A certificate of eligibility for expunction is valid for 12  
1656 months after the date stamped on the certificate when issued by

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1657 the department. After that time, the petitioner must reapply to  
1658 the department for a new certificate of eligibility. Eligibility  
1659 for a renewed certification of eligibility must be based on the  
1660 status of the applicant and the law in effect at the time of the  
1661 renewal application. The department shall issue a certificate of  
1662 eligibility for expunction to a person who is the subject of a  
1663 criminal history record if that person:

1664 (a) Has obtained, and submitted to the department, a  
1665 written, certified statement from the appropriate state attorney  
1666 or statewide prosecutor which indicates:

1667 1. That an indictment, information, or other charging  
1668 document was not filed or issued in the case.

1669 2. That an indictment, information, or other charging  
1670 document, if filed or issued in the case, was dismissed or nolle  
1671 prosequi by the state attorney or statewide prosecutor, or was  
1672 dismissed by a court of competent jurisdiction, and that none of  
1673 the charges related to the arrest or alleged criminal activity  
1674 to which the petition to expunge pertains resulted in a trial,  
1675 without regard to whether the outcome of the trial was other  
1676 than an adjudication of guilt.

1677 3. That the criminal history record does not relate to a  
1678 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1679 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
1680 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.  
1681 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a  
1682 violation enumerated in s. 907.041, or any violation specified  
1683 as a predicate offense for registration as a sexual predator  
1684 pursuant to s. 775.21, without regard to whether that offense  
1685 alone is sufficient to require such registration, or for

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1686 registration as a sexual offender pursuant to s. 943.0435, where  
1687 the defendant was found guilty of, or pled guilty or nolo  
1688 contendere to any such offense, or that the defendant, as a  
1689 minor, was found to have committed, or pled guilty or nolo  
1690 contendere to committing, such an offense as a delinquent act,  
1691 without regard to whether adjudication was withheld.

1692 (b) Remits a \$75 processing fee to the department for  
1693 placement in the Department of Law Enforcement Operating Trust  
1694 Fund, unless such fee is waived by the executive director.

1695 (c) Has submitted to the department a certified copy of the  
1696 disposition of the charge to which the petition to expunge  
1697 pertains.

1698 (d) Has never, prior to the date on which the application  
1699 for a certificate of eligibility is filed, been adjudicated  
1700 guilty of a criminal offense or comparable ordinance violation,  
1701 or been adjudicated delinquent for committing any felony or a  
1702 misdemeanor specified in s. 943.051(3)(b).

1703 (e) Has not been adjudicated guilty of, or adjudicated  
1704 delinquent for committing, any of the acts stemming from the  
1705 arrest or alleged criminal activity to which the petition to  
1706 expunge pertains.

1707 (f) Has never secured a prior sealing or expunction of a  
1708 criminal history record under this section, s. 943.059, former  
1709 s. 893.14, former s. 901.33, or former s. 943.058, unless  
1710 expunction is sought of a criminal history record previously  
1711 sealed for 10 years pursuant to paragraph (h) and the record is  
1712 otherwise eligible for expunction.

1713 (g) Is no longer under court supervision applicable to the  
1714 disposition of the arrest or alleged criminal activity to which

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1715 the petition to expunge pertains.

1716 (h) Has previously obtained a court order sealing the  
1717 record under this section, former s. 893.14, former s. 901.33,  
1718 or former s. 943.058 for a minimum of 10 years because  
1719 adjudication was withheld or because all charges related to the  
1720 arrest or alleged criminal activity to which the petition to  
1721 expunge pertains were not dismissed prior to trial, without  
1722 regard to whether the outcome of the trial was other than an  
1723 adjudication of guilt. The requirement for the record to have  
1724 previously been sealed for a minimum of 10 years does not apply  
1725 when a plea was not entered or all charges related to the arrest  
1726 or alleged criminal activity to which the petition to expunge  
1727 pertains were dismissed prior to trial.

1728 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1729 (a) In judicial proceedings under this section, a copy of  
1730 the completed petition to expunge shall be served upon the  
1731 appropriate state attorney or the statewide prosecutor and upon  
1732 the arresting agency; however, it is not necessary to make any  
1733 agency other than the state a party. The appropriate state  
1734 attorney or the statewide prosecutor and the arresting agency  
1735 may respond to the court regarding the completed petition to  
1736 expunge.

1737 (b) If relief is granted by the court, the clerk of the  
1738 court shall certify copies of the order to the appropriate state  
1739 attorney or the statewide prosecutor and the arresting agency.  
1740 The arresting agency is responsible for forwarding the order to  
1741 any other agency to which the arresting agency disseminated the  
1742 criminal history record information to which the order pertains.  
1743 The department shall forward the order to expunge to the Federal

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1744 Bureau of Investigation. The clerk of the court shall certify a  
1745 copy of the order to any other agency which the records of the  
1746 court reflect has received the criminal history record from the  
1747 court.

1748 (c) For an order to expunge entered by a court prior to  
1749 July 1, 1992, the department shall notify the appropriate state  
1750 attorney or statewide prosecutor of an order to expunge which is  
1751 contrary to law because the person who is the subject of the  
1752 record has previously been convicted of a crime or comparable  
1753 ordinance violation or has had a prior criminal history record  
1754 sealed or expunged. Upon receipt of such notice, the appropriate  
1755 state attorney or statewide prosecutor shall take action, within  
1756 60 days, to correct the record and petition the court to void  
1757 the order to expunge. The department shall seal the record until  
1758 such time as the order is voided by the court.

1759 (d) On or after July 1, 1992, the department or any other  
1760 criminal justice agency is not required to act on an order to  
1761 expunge entered by a court when such order does not comply with  
1762 the requirements of this section. Upon receipt of such an order,  
1763 the department must notify the issuing court, the appropriate  
1764 state attorney or statewide prosecutor, the petitioner or the  
1765 petitioner's attorney, and the arresting agency of the reason  
1766 for noncompliance. The appropriate state attorney or statewide  
1767 prosecutor shall take action within 60 days to correct the  
1768 record and petition the court to void the order. No cause of  
1769 action, including contempt of court, shall arise against any  
1770 criminal justice agency for failure to comply with an order to  
1771 expunge when the petitioner for such order failed to obtain the  
1772 certificate of eligibility as required by this section or such

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1773 order does not otherwise comply with the requirements of this  
1774 section.

1775 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
1776 criminal history record of a minor or an adult which is ordered  
1777 expunged by a court of competent jurisdiction pursuant to this  
1778 section must be physically destroyed or obliterated by any  
1779 criminal justice agency having custody of such record; except  
1780 that any criminal history record in the custody of the  
1781 department must be retained in all cases. A criminal history  
1782 record ordered expunged that is retained by the department is  
1783 confidential and exempt from the provisions of s. 119.07(1) and  
1784 s. 24(a), Art. I of the State Constitution and not available to  
1785 any person or entity except upon order of a court of competent  
1786 jurisdiction. A criminal justice agency may retain a notation  
1787 indicating compliance with an order to expunge.

1788 (a) The person who is the subject of a criminal history  
1789 record that is expunged under this section or under other  
1790 provisions of law, including former s. 893.14, former s. 901.33,  
1791 and former s. 943.058, may lawfully deny or fail to acknowledge  
1792 the arrests covered by the expunged record, except when the  
1793 subject of the record:

- 1794 1. Is a candidate for employment with a criminal justice  
1795 agency;
- 1796 2. Is a defendant in a criminal prosecution;
- 1797 3. Concurrently or subsequently petitions for relief under  
1798 this section, s. 943.0583, or s. 943.059;
- 1799 4. Is a candidate for admission to The Florida Bar;
- 1800 5. Is seeking to be employed or licensed by or to contract  
1801 with the Department of Children and Families, the Division of

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1802 Vocational Rehabilitation within the Department of Education,  
1803 the Agency for Health Care Administration, the Agency for  
1804 Persons with Disabilities, the Department of Health, the  
1805 Department of Elderly Affairs, or the Department of Juvenile  
1806 Justice or to be employed or used by such contractor or licensee  
1807 in a sensitive position having direct contact with children, the  
1808 disabled, or the elderly;

1809         6. Is seeking to be employed or licensed by the Department  
1810 of Education, any district school board, any university  
1811 laboratory school, any charter school, any private or parochial  
1812 school, or any local governmental entity that licenses child  
1813 care facilities;

1814         7. Is seeking to be licensed by the Division of Insurance  
1815 Agent and Agency Services within the Department of Financial  
1816 Services; or

1817         8. Is seeking to be appointed as a guardian pursuant to s.  
1818 744.3125.

1819         (b) Subject to the exceptions in paragraph (a), a person  
1820 who has been granted an expunction under this section, former s.  
1821 893.14, former s. 901.33, or former s. 943.058 may not be held  
1822 under any provision of law of this state to commit perjury or to  
1823 be otherwise liable for giving a false statement by reason of  
1824 such person's failure to recite or acknowledge an expunged  
1825 criminal history record.

1826         (c) Information relating to the existence of an expunged  
1827 criminal history record which is provided in accordance with  
1828 paragraph (a) is confidential and exempt from the provisions of  
1829 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1830 except that the department shall disclose the existence of a

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1831 criminal history record ordered expunged to the entities set  
1832 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their  
1833 respective licensing, access authorization, and employment  
1834 purposes, and to criminal justice agencies for their respective  
1835 criminal justice purposes. It is unlawful for any employee of an  
1836 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
1837 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or  
1838 subparagraph (a)8. to disclose information relating to the  
1839 existence of an expunged criminal history record of a person  
1840 seeking employment, access authorization, or licensure with such  
1841 entity or contractor, except to the person to whom the criminal  
1842 history record relates or to persons having direct  
1843 responsibility for employment, access authorization, or  
1844 licensure decisions. Any person who violates this paragraph  
1845 commits a misdemeanor of the first degree, punishable as  
1846 provided in s. 775.082 or s. 775.083.

1847 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the  
1848 eligibility requirements prescribed in paragraph (1)(b) and  
1849 subsection (2), the department shall issue a certificate of  
1850 eligibility for expunction under this subsection to a person who  
1851 is the subject of a criminal history record if that person:

1852 (a) Has obtained, and submitted to the department, on a  
1853 form provided by the department, a written, certified statement  
1854 from the appropriate state attorney or statewide prosecutor  
1855 which states whether an information, indictment, or other  
1856 charging document was not filed or was dismissed by the state  
1857 attorney, or dismissed by the court, because it was found that  
1858 the person acted in lawful self-defense pursuant to the  
1859 provisions related to justifiable use of force in chapter 776.

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1860 (b) Each petition to a court to expunge a criminal history  
1861 record pursuant to this subsection is complete only when  
1862 accompanied by:

1863 1. A valid certificate of eligibility for expunction issued  
1864 by the department pursuant to this subsection.

1865 2. The petitioner's sworn statement attesting that the  
1866 petitioner is eligible for such an expunction to the best of his  
1867 or her knowledge or belief.

1868  
1869 Any person who knowingly provides false information on such  
1870 sworn statement to the court commits a felony of the third  
1871 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1872 775.084.

1873 (c) This subsection does not confer any right to the  
1874 expunction of a criminal history record, and any request for  
1875 expunction of a criminal history record may be denied at the  
1876 discretion of the court.

1877 (d) Subsections (3) and (4) shall apply to expunction  
1878 ordered under this subsection.

1879 (e) The department shall, by rule adopted pursuant to  
1880 chapter 120, establish procedures pertaining to the application  
1881 for and issuance of certificates of eligibility for expunction  
1882 under this subsection.

1883 (6) STATUTORY REFERENCES.—Any reference to any other  
1884 chapter, section, or subdivision of the Florida Statutes in this  
1885 section constitutes a general reference under the doctrine of  
1886 incorporation by reference.

1887 Section 42. Section 943.059, Florida Statutes, is amended  
1888 to read:

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1889           943.059 Court-ordered sealing of criminal history records.-  
1890 The courts of this state shall continue to have jurisdiction  
1891 over their own procedures, including the maintenance, sealing,  
1892 and correction of judicial records containing criminal history  
1893 information to the extent such procedures are not inconsistent  
1894 with the conditions, responsibilities, and duties established by  
1895 this section. Any court of competent jurisdiction may order a  
1896 criminal justice agency to seal the criminal history record of a  
1897 minor or an adult who complies with the requirements of this  
1898 section. The court shall not order a criminal justice agency to  
1899 seal a criminal history record until the person seeking to seal  
1900 a criminal history record has applied for and received a  
1901 certificate of eligibility for sealing pursuant to subsection  
1902 (2). A criminal history record that relates to a violation of s.  
1903 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
1904 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.  
1905 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.  
1906 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a violation  
1907 enumerated in s. 907.041, or any violation specified as a  
1908 predicate offense for registration as a sexual predator pursuant  
1909 to s. 775.21, without regard to whether that offense alone is  
1910 sufficient to require such registration, or for registration as  
1911 a sexual offender pursuant to s. 943.0435, may not be sealed,  
1912 without regard to whether adjudication was withheld, if the  
1913 defendant was found guilty of or pled guilty or nolo contendere  
1914 to the offense, or if the defendant, as a minor, was found to  
1915 have committed or pled guilty or nolo contendere to committing  
1916 the offense as a delinquent act. The court may only order  
1917 sealing of a criminal history record pertaining to one arrest or

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1918 one incident of alleged criminal activity, except as provided in  
1919 this section. The court may, at its sole discretion, order the  
1920 sealing of a criminal history record pertaining to more than one  
1921 arrest if the additional arrests directly relate to the original  
1922 arrest. If the court intends to order the sealing of records  
1923 pertaining to such additional arrests, such intent must be  
1924 specified in the order. A criminal justice agency may not seal  
1925 any record pertaining to such additional arrests if the order to  
1926 seal does not articulate the intention of the court to seal  
1927 records pertaining to more than one arrest. This section does  
1928 not prevent the court from ordering the sealing of only a  
1929 portion of a criminal history record pertaining to one arrest or  
1930 one incident of alleged criminal activity. Notwithstanding any  
1931 law to the contrary, a criminal justice agency may comply with  
1932 laws, court orders, and official requests of other jurisdictions  
1933 relating to sealing, correction, or confidential handling of  
1934 criminal history records or information derived therefrom. This  
1935 section does not confer any right to the sealing of any criminal  
1936 history record, and any request for sealing a criminal history  
1937 record may be denied at the sole discretion of the court.

1938 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
1939 petition to a court to seal a criminal history record is  
1940 complete only when accompanied by:

1941 (a) A valid certificate of eligibility for sealing issued  
1942 by the department pursuant to subsection (2).

1943 (b) The petitioner's sworn statement attesting that the  
1944 petitioner:

1945 1. Has never, prior to the date on which the petition is  
1946 filed, been adjudicated guilty of a criminal offense or

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1947 comparable ordinance violation, or been adjudicated delinquent  
 1948 for committing any felony or a misdemeanor specified in s.  
 1949 943.051(3)(b).

1950 2. Has not been adjudicated guilty of or adjudicated  
 1951 delinquent for committing any of the acts stemming from the  
 1952 arrest or alleged criminal activity to which the petition to  
 1953 seal pertains.

1954 3. Has never secured a prior sealing or expunction of a  
 1955 criminal history record under this section, s. 943.0585, former  
 1956 s. 893.14, former s. 901.33, or former s. 943.058.

1957 4. Is eligible for such a sealing to the best of his or her  
 1958 knowledge or belief and does not have any other petition to seal  
 1959 or any petition to expunge pending before any court.

1960  
 1961 Any person who knowingly provides false information on such  
 1962 sworn statement to the court commits a felony of the third  
 1963 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1964 775.084.

1965 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
 1966 petitioning the court to seal a criminal history record, a  
 1967 person seeking to seal a criminal history record shall apply to  
 1968 the department for a certificate of eligibility for sealing. The  
 1969 department shall, by rule adopted pursuant to chapter 120,  
 1970 establish procedures pertaining to the application for and  
 1971 issuance of certificates of eligibility for sealing. A  
 1972 certificate of eligibility for sealing is valid for 12 months  
 1973 after the date stamped on the certificate when issued by the  
 1974 department. After that time, the petitioner must reapply to the  
 1975 department for a new certificate of eligibility. Eligibility for

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1976 a renewed certification of eligibility must be based on the  
1977 status of the applicant and the law in effect at the time of the  
1978 renewal application. The department shall issue a certificate of  
1979 eligibility for sealing to a person who is the subject of a  
1980 criminal history record provided that such person:

1981 (a) Has submitted to the department a certified copy of the  
1982 disposition of the charge to which the petition to seal  
1983 pertains.

1984 (b) Remits a \$75 processing fee to the department for  
1985 placement in the Department of Law Enforcement Operating Trust  
1986 Fund, unless such fee is waived by the executive director.

1987 (c) Has never, prior to the date on which the application  
1988 for a certificate of eligibility is filed, been adjudicated  
1989 guilty of a criminal offense or comparable ordinance violation,  
1990 or been adjudicated delinquent for committing any felony or a  
1991 misdemeanor specified in s. 943.051(3)(b).

1992 (d) Has not been adjudicated guilty of or adjudicated  
1993 delinquent for committing any of the acts stemming from the  
1994 arrest or alleged criminal activity to which the petition to  
1995 seal pertains.

1996 (e) Has never secured a prior sealing or expunction of a  
1997 criminal history record under this section, s. 943.0585, former  
1998 s. 893.14, former s. 901.33, or former s. 943.058.

1999 (f) Is no longer under court supervision applicable to the  
2000 disposition of the arrest or alleged criminal activity to which  
2001 the petition to seal pertains.

2002 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2003 (a) In judicial proceedings under this section, a copy of  
2004 the completed petition to seal shall be served upon the

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2005 appropriate state attorney or the statewide prosecutor and upon  
2006 the arresting agency; however, it is not necessary to make any  
2007 agency other than the state a party. The appropriate state  
2008 attorney or the statewide prosecutor and the arresting agency  
2009 may respond to the court regarding the completed petition to  
2010 seal.

2011 (b) If relief is granted by the court, the clerk of the  
2012 court shall certify copies of the order to the appropriate state  
2013 attorney or the statewide prosecutor and to the arresting  
2014 agency. The arresting agency is responsible for forwarding the  
2015 order to any other agency to which the arresting agency  
2016 disseminated the criminal history record information to which  
2017 the order pertains. The department shall forward the order to  
2018 seal to the Federal Bureau of Investigation. The clerk of the  
2019 court shall certify a copy of the order to any other agency  
2020 which the records of the court reflect has received the criminal  
2021 history record from the court.

2022 (c) For an order to seal entered by a court prior to July  
2023 1, 1992, the department shall notify the appropriate state  
2024 attorney or statewide prosecutor of any order to seal which is  
2025 contrary to law because the person who is the subject of the  
2026 record has previously been convicted of a crime or comparable  
2027 ordinance violation or has had a prior criminal history record  
2028 sealed or expunged. Upon receipt of such notice, the appropriate  
2029 state attorney or statewide prosecutor shall take action, within  
2030 60 days, to correct the record and petition the court to void  
2031 the order to seal. The department shall seal the record until  
2032 such time as the order is voided by the court.

2033 (d) On or after July 1, 1992, the department or any other

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2034 criminal justice agency is not required to act on an order to  
2035 seal entered by a court when such order does not comply with the  
2036 requirements of this section. Upon receipt of such an order, the  
2037 department must notify the issuing court, the appropriate state  
2038 attorney or statewide prosecutor, the petitioner or the  
2039 petitioner's attorney, and the arresting agency of the reason  
2040 for noncompliance. The appropriate state attorney or statewide  
2041 prosecutor shall take action within 60 days to correct the  
2042 record and petition the court to void the order. No cause of  
2043 action, including contempt of court, shall arise against any  
2044 criminal justice agency for failure to comply with an order to  
2045 seal when the petitioner for such order failed to obtain the  
2046 certificate of eligibility as required by this section or when  
2047 such order does not comply with the requirements of this  
2048 section.

2049 (e) An order sealing a criminal history record pursuant to  
2050 this section does not require that such record be surrendered to  
2051 the court, and such record shall continue to be maintained by  
2052 the department and other criminal justice agencies.

2053 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
2054 history record of a minor or an adult which is ordered sealed by  
2055 a court pursuant to this section is confidential and exempt from  
2056 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
2057 Constitution and is available only to the person who is the  
2058 subject of the record, to the subject's attorney, to criminal  
2059 justice agencies for their respective criminal justice purposes,  
2060 which include conducting a criminal history background check for  
2061 approval of firearms purchases or transfers as authorized by  
2062 state or federal law, to judges in the state courts system for

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2063 the purpose of assisting them in their case-related  
2064 decisionmaking responsibilities, as set forth in s. 943.053(5),  
2065 or to those entities set forth in subparagraphs (a)1., 4., 5.,  
2066 6., 8., 9., and 10. for their respective licensing, access  
2067 authorization, and employment purposes.

2068 (a) The subject of a criminal history record sealed under  
2069 this section or under other provisions of law, including former  
2070 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
2071 deny or fail to acknowledge the arrests covered by the sealed  
2072 record, except when the subject of the record:

- 2073 1. Is a candidate for employment with a criminal justice  
2074 agency;
- 2075 2. Is a defendant in a criminal prosecution;
- 2076 3. Concurrently or subsequently petitions for relief under  
2077 this section, s. 943.0583, or s. 943.0585;
- 2078 4. Is a candidate for admission to The Florida Bar;
- 2079 5. Is seeking to be employed or licensed by or to contract  
2080 with the Department of Children and Families, the Division of  
2081 Vocational Rehabilitation within the Department of Education,  
2082 the Agency for Health Care Administration, the Agency for  
2083 Persons with Disabilities, the Department of Health, the  
2084 Department of Elderly Affairs, or the Department of Juvenile  
2085 Justice or to be employed or used by such contractor or licensee  
2086 in a sensitive position having direct contact with children, the  
2087 disabled, or the elderly;
- 2088 6. Is seeking to be employed or licensed by the Department  
2089 of Education, a district school board, a university laboratory  
2090 school, a charter school, a private or parochial school, or a  
2091 local governmental entity that licenses child care facilities;

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2092           7. Is attempting to purchase a firearm from a licensed  
2093 importer, licensed manufacturer, or licensed dealer and is  
2094 subject to a criminal history check under state or federal law;

2095           8. Is seeking to be licensed by the Division of Insurance  
2096 Agent and Agency Services within the Department of Financial  
2097 Services;

2098           9. Is seeking to be appointed as a guardian pursuant to s.  
2099 744.3125; or

2100           10. Is seeking to be licensed by the Bureau of License  
2101 Issuance of the Division of Licensing within the Department of  
2102 Agriculture and Consumer Services to carry a concealed weapon or  
2103 concealed firearm. This subparagraph applies only in the  
2104 determination of an applicant's eligibility under s. 790.06.

2105           (b) Subject to the exceptions in paragraph (a), a person  
2106 who has been granted a sealing under this section, former s.  
2107 893.14, former s. 901.33, or former s. 943.058 may not be held  
2108 under any provision of law of this state to commit perjury or to  
2109 be otherwise liable for giving a false statement by reason of  
2110 such person's failure to recite or acknowledge a sealed criminal  
2111 history record.

2112           (c) Information relating to the existence of a sealed  
2113 criminal record provided in accordance with the provisions of  
2114 paragraph (a) is confidential and exempt from the provisions of  
2115 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
2116 except that the department shall disclose the sealed criminal  
2117 history record to the entities set forth in subparagraphs (a)1.,  
2118 4., 5., 6., 8., 9., and 10. for their respective licensing,  
2119 access authorization, and employment purposes. An employee of an  
2120 entity set forth in subparagraph (a)1., subparagraph (a)4.,

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2121 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,  
2122 subparagraph (a)9., or subparagraph (a)10. may not disclose  
2123 information relating to the existence of a sealed criminal  
2124 history record of a person seeking employment, access  
2125 authorization, or licensure with such entity or contractor,  
2126 except to the person to whom the criminal history record relates  
2127 or to persons having direct responsibility for employment,  
2128 access authorization, or licensure decisions. A person who  
2129 violates the provisions of this paragraph commits a misdemeanor  
2130 of the first degree, punishable as provided in s. 775.082 or s.  
2131 775.083.

2132 (5) STATUTORY REFERENCES.—Any reference to any other  
2133 chapter, section, or subdivision of the Florida Statutes in this  
2134 section constitutes a general reference under the doctrine of  
2135 incorporation by reference.

2136 Section 43. Paragraph (b) of subsection (1) of section  
2137 944.606, Florida Statutes, is amended to read:

2138 944.606 Sexual offenders; notification upon release.—

2139 (1) As used in this section:

2140 (b) "Sexual offender" means a person who has been convicted  
2141 of committing, or attempting, soliciting, or conspiring to  
2142 commit, any of the criminal offenses proscribed in the following  
2143 statutes in this state or similar offenses in another  
2144 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
2145 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
2146 defendant is not the victim's parent or guardian; s.  
2147 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
2148 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
2149 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former

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2150 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.  
 2151 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 2152 916.1075(2); or s. 985.701(1); or any similar offense committed  
 2153 in this state which has been redesignated from a former statute  
 2154 number to one of those listed in this subsection, when the  
 2155 department has received verified information regarding such  
 2156 conviction; an offender's computerized criminal history record  
 2157 is not, in and of itself, verified information.

2158 Section 44. Paragraph (a) of subsection (1) of section  
 2159 944.607, Florida Statutes, is amended to read:

2160 944.607 Notification to Department of Law Enforcement of  
 2161 information on sexual offenders.—

2162 (1) As used in this section, the term:

2163 (a) "Sexual offender" means a person who is in the custody  
 2164 or control of, or under the supervision of, the department or is  
 2165 in the custody of a private correctional facility:

2166 1. On or after October 1, 1997, as a result of a conviction  
 2167 for committing, or attempting, soliciting, or conspiring to  
 2168 commit, any of the criminal offenses proscribed in the following  
 2169 statutes in this state or similar offenses in another  
 2170 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
 2171 787.02, or s. 787.025(2)(c), where the victim is a minor and the  
 2172 defendant is not the victim's parent or guardian; s.  
 2173 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 2174 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 2175 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former  
 2176 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.  
 2177 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.  
 2178 916.1075(2); or s. 985.701(1); or any similar offense committed

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2179 in this state which has been redesignated from a former statute  
2180 number to one of those listed in this paragraph; or

2181 2. Who establishes or maintains a residence in this state  
2182 and who has not been designated as a sexual predator by a court  
2183 of this state but who has been designated as a sexual predator,  
2184 as a sexually violent predator, or by another sexual offender  
2185 designation in another state or jurisdiction and was, as a  
2186 result of such designation, subjected to registration or  
2187 community or public notification, or both, or would be if the  
2188 person were a resident of that state or jurisdiction, without  
2189 regard as to whether the person otherwise meets the criteria for  
2190 registration as a sexual offender.

2191 Section 45. Subsections (7), (10), and (14) of section  
2192 947.1405, Florida Statutes, are amended, and subsection (15) is  
2193 added to that section, to read:

2194 947.1405 Conditional release program.—

2195 (7) (a) Any inmate who is convicted of a crime committed on  
2196 or after October 1, 1995, or who has been previously convicted  
2197 of a crime committed on or after October 1, 1995, in violation  
2198 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or  
2199 s. 847.0145, and is subject to conditional release supervision,  
2200 shall have, in addition to any other conditions imposed, the  
2201 following special conditions imposed by the commission:

2202 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission  
2203 may designate another 8-hour period if the offender's employment  
2204 precludes the above specified time, and such alternative is  
2205 recommended by the Department of Corrections. If the commission  
2206 determines that imposing a curfew would endanger the victim, the  
2207 commission may consider alternative sanctions.

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2208           2. If the victim was under the age of 18, a prohibition on  
2209 living within 1,000 feet of a school, child care facility, park,  
2210 playground, designated public school bus stop, or other place  
2211 where children regularly congregate. A releasee who is subject  
2212 to this subparagraph may not relocate to a residence that is  
2213 within 1,000 feet of a public school bus stop. Beginning October  
2214 1, 2004, the commission or the department may not approve a  
2215 residence that is located within 1,000 feet of a school, child  
2216 care facility, park, playground, designated school bus stop, or  
2217 other place where children regularly congregate for any releasee  
2218 who is subject to this subparagraph. On October 1, 2004, the  
2219 department shall notify each affected school district of the  
2220 location of the residence of a releasee 30 days prior to release  
2221 and thereafter, if the releasee relocates to a new residence,  
2222 shall notify any affected school district of the residence of  
2223 the releasee within 30 days after relocation. If, on October 1,  
2224 2004, any public school bus stop is located within 1,000 feet of  
2225 the existing residence of such releasee, the district school  
2226 board shall relocate that school bus stop. Beginning October 1,  
2227 2004, a district school board may not establish or relocate a  
2228 public school bus stop within 1,000 feet of the residence of a  
2229 releasee who is subject to this subparagraph. The failure of the  
2230 district school board to comply with this subparagraph shall not  
2231 result in a violation of conditional release supervision. A  
2232 releasee who is subject to this subparagraph may not be forced  
2233 to relocate and does not violate his or her conditional release  
2234 supervision if he or she is living in a residence that meets the  
2235 requirements of this subparagraph and a school, child care  
2236 facility, park, playground, designated public school bus stop,

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2237 or other place where children regularly congregate is  
2238 subsequently established within 1,000 feet of his or her  
2239 residence.

2240 3. Active participation in and successful completion of a  
2241 sex offender treatment program with qualified practitioners  
2242 specifically trained to treat sex offenders, at the releasee's  
2243 own expense. If a qualified practitioner is not available within  
2244 a 50-mile radius of the releasee's residence, the offender shall  
2245 participate in other appropriate therapy.

2246 4. A prohibition on any contact with the victim, directly  
2247 or indirectly, including through a third person, unless approved  
2248 by the victim, a qualified practitioner in the sexual offender  
2249 treatment program, and the sentencing court.

2250 5. If the victim was under the age of 18, a prohibition  
2251 against contact with children under the age of 18 without review  
2252 and approval by the commission. The commission may approve  
2253 supervised contact with a child under the age of 18 if the  
2254 approval is based upon a recommendation for contact issued by a  
2255 qualified practitioner who is basing the recommendation on a  
2256 risk assessment. Further, the sex offender must be currently  
2257 enrolled in or have successfully completed a sex offender  
2258 therapy program. The commission may not grant supervised contact  
2259 with a child if the contact is not recommended by a qualified  
2260 practitioner and may deny supervised contact with a child at any  
2261 time. When considering whether to approve supervised contact  
2262 with a child, the commission must review and consider the  
2263 following:

2264 a. A risk assessment completed by a qualified practitioner.  
2265 The qualified practitioner must prepare a written report that

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2266 must include the findings of the assessment and address each of  
2267 the following components:

2268 (I) The sex offender's current legal status;

2269 (II) The sex offender's history of adult charges with  
2270 apparent sexual motivation;

2271 (III) The sex offender's history of adult charges without  
2272 apparent sexual motivation;

2273 (IV) The sex offender's history of juvenile charges,  
2274 whenever available;

2275 (V) The sex offender's offender treatment history,  
2276 including a consultation from the sex offender's treating, or  
2277 most recent treating, therapist;

2278 (VI) The sex offender's current mental status;

2279 (VII) The sex offender's mental health and substance abuse  
2280 history as provided by the Department of Corrections;

2281 (VIII) The sex offender's personal, social, educational,  
2282 and work history;

2283 (IX) The results of current psychological testing of the  
2284 sex offender if determined necessary by the qualified  
2285 practitioner;

2286 (X) A description of the proposed contact, including the  
2287 location, frequency, duration, and supervisory arrangement;

2288 (XI) The child's preference and relative comfort level with  
2289 the proposed contact, when age-appropriate;

2290 (XII) The parent's or legal guardian's preference regarding  
2291 the proposed contact; and

2292 (XIII) The qualified practitioner's opinion, along with the  
2293 basis for that opinion, as to whether the proposed contact would  
2294 likely pose significant risk of emotional or physical harm to

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2295 the child.

2296  
2297 The written report of the assessment must be given to the  
2298 commission.

2299 b. A recommendation made as a part of the risk-assessment  
2300 report as to whether supervised contact with the child should be  
2301 approved;

2302 c. A written consent signed by the child's parent or legal  
2303 guardian, if the parent or legal guardian is not the sex  
2304 offender, agreeing to the sex offender having supervised contact  
2305 with the child after receiving full disclosure of the sex  
2306 offender's present legal status, past criminal history, and the  
2307 results of the risk assessment. The commission may not approve  
2308 contact with the child if the parent or legal guardian refuses  
2309 to give written consent for supervised contact;

2310 d. A safety plan prepared by the qualified practitioner,  
2311 who provides treatment to the offender, in collaboration with  
2312 the sex offender, the child's parent or legal guardian, and the  
2313 child, when age appropriate, which details the acceptable  
2314 conditions of contact between the sex offender and the child.  
2315 The safety plan must be reviewed and approved by the Department  
2316 of Corrections before being submitted to the commission; and

2317 e. Evidence that the child's parent or legal guardian, if  
2318 the parent or legal guardian is not the sex offender,  
2319 understands the need for and agrees to the safety plan and has  
2320 agreed to provide, or to designate another adult to provide,  
2321 constant supervision any time the child is in contact with the  
2322 offender.

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2324 The commission may not appoint a person to conduct a risk  
2325 assessment and may not accept a risk assessment from a person  
2326 who has not demonstrated to the commission that he or she has  
2327 met the requirements of a qualified practitioner as defined in  
2328 this section.

2329 6. If the victim was under age 18, a prohibition on working  
2330 for pay or as a volunteer at any school, child care facility,  
2331 park, playground, or other place where children regularly  
2332 congregate, as prescribed by the commission.

2333 7. Unless otherwise indicated in the treatment plan  
2334 provided by a qualified practitioner in the sexual offender  
2335 treatment program, a prohibition on viewing, owning, or  
2336 possessing any obscene, pornographic, or sexually stimulating  
2337 visual or auditory material, including telephone, electronic  
2338 media, computer programs, or computer services that are relevant  
2339 to the offender's deviant behavior pattern.

2340 8. Effective for a releasee whose crime is committed on or  
2341 after July 1, 2005, a prohibition on accessing the Internet or  
2342 other computer services until a qualified practitioner in the  
2343 offender's sex offender treatment program, after a risk  
2344 assessment is completed, approves and implements a safety plan  
2345 for the offender's accessing or using the Internet or other  
2346 computer services.

2347 9. A requirement that the releasee must submit two  
2348 specimens of blood to the Department of Law Enforcement to be  
2349 registered with the DNA database.

2350 10. A requirement that the releasee make restitution to the  
2351 victim, as determined by the sentencing court or the commission,  
2352 for all necessary medical and related professional services

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2353 relating to physical, psychiatric, and psychological care.

2354 11. Submission to a warrantless search by the community  
2355 control or probation officer of the probationer's or community  
2356 controllee's person, residence, or vehicle.

2357 (b) For a releasee whose crime was committed on or after  
2358 October 1, 1997, in violation of chapter 794, s. 800.04, former  
2359 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject  
2360 to conditional release supervision, in addition to any other  
2361 provision of this subsection, the commission shall impose the  
2362 following additional conditions of conditional release  
2363 supervision:

2364 1. As part of a treatment program, participation in a  
2365 minimum of one annual polygraph examination to obtain  
2366 information necessary for risk management and treatment and to  
2367 reduce the sex offender's denial mechanisms. The polygraph  
2368 examination must be conducted by a polygrapher who is a member  
2369 of a national or state polygraph association and who is  
2370 certified as a postconviction sex offender polygrapher, where  
2371 available, and at the expense of the releasee. The results of  
2372 the examination shall be provided to the releasee's probation  
2373 officer and qualified practitioner and may not be used as  
2374 evidence in a hearing to prove that a violation of supervision  
2375 has occurred.

2376 2. Maintenance of a driving log and a prohibition against  
2377 driving a motor vehicle alone without the prior approval of the  
2378 supervising officer.

2379 3. A prohibition against obtaining or using a post office  
2380 box without the prior approval of the supervising officer.

2381 4. If there was sexual contact, a submission to, at the

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2382 releasee's expense, an HIV test with the results to be released  
2383 to the victim or the victim's parent or guardian.

2384 5. Electronic monitoring of any form when ordered by the  
2385 commission. Any person who has been placed under supervision and  
2386 is electronically monitored by the department must pay the  
2387 department for the cost of the electronic monitoring service at  
2388 a rate that may not exceed the full cost of the monitoring  
2389 service. Funds collected under this subparagraph shall be  
2390 deposited into the General Revenue Fund. The department may  
2391 exempt a person from the payment of all or any part of the  
2392 electronic monitoring service cost if the department finds that  
2393 any of the factors listed in s. 948.09(3) exist.

2394 (10) Effective for a releasee whose crime was committed on  
2395 or after September 1, 2005, in violation of chapter 794, s.  
2396 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and  
2397 the unlawful activity involved a victim who was 15 years of age  
2398 or younger and the offender is 18 years of age or older or for a  
2399 releasee who is designated as a sexual predator pursuant to s.  
2400 775.21, in addition to any other provision of this section, the  
2401 commission must order electronic monitoring for the duration of  
2402 the releasee's supervision.

2403 (14) Effective for a releasee whose crime was committed on  
2404 or after October 1, 2014, in violation of chapter 794, s.  
2405 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in  
2406 addition to any other provision of this section, the commission  
2407 must impose a condition prohibiting the releasee from viewing,  
2408 accessing, owning, or possessing any obscene, pornographic, or  
2409 sexually stimulating visual or auditory material unless  
2410 otherwise indicated in the treatment plan provided by a

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2411 qualified practitioner in the sexual offender treatment program.  
2412 Visual or auditory material includes, but is not limited to,  
2413 telephone, electronic media, computer programs, and computer  
2414 services.

2415 (15) (a) Effective for a releasee whose crime was committed  
2416 on or after October 1, 2016, in violation of s. 847.003 or s.  
2417 847.0135(4), in addition to any other provision of this section,  
2418 the commission must impose the conditions specified in  
2419 subsections (7), (10), (12), and (14).

2420 (b) Effective for a releasee whose crime was committed on  
2421 or after October 1, 2016, in violation of s. 847.0137, in  
2422 addition to any other provision of this section, the commission  
2423 must impose the conditions specified in subsections (7) and  
2424 (14).

2425 Section 46. Subsection (2) of section 948.013, Florida  
2426 Statutes, is amended, and subsection (3) is added to that  
2427 section, to read:

2428 948.013 Administrative probation.—

2429 (2) Effective for an offense committed on or after July 1,  
2430 1998, a person is ineligible for placement on administrative  
2431 probation if the person is sentenced to or is serving a term of  
2432 probation or community control, regardless of the conviction or  
2433 adjudication, for committing, or attempting, conspiring, or  
2434 soliciting to commit, any of the felony offenses described in s.  
2435 787.01 or s. 787.02, where the victim is a minor and the  
2436 defendant is not the victim's parent; s. 787.025; s.  
2437 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.  
2438 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or  
2439 s. 847.0145.

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2440       (3) Effective for an offense committed on or after October  
2441 1, 2016, a person is ineligible for placement on administrative  
2442 probation if the person is sentenced to or is serving a term of  
2443 probation or community control, regardless of the conviction or  
2444 adjudication, for committing, or attempting, conspiring, or  
2445 soliciting to commit, any of the felony offenses described in s.  
2446 847.003 or s. 847.0137.

2447       Section 47. Subsection (2) of section 948.03, Florida  
2448 Statutes, is amended to read:

2449       948.03 Terms and conditions of probation.—

2450       (2) The enumeration of specific kinds of terms and  
2451 conditions shall not prevent the court from adding thereto such  
2452 other or others as it considers proper. However, the sentencing  
2453 court may only impose a condition of supervision allowing an  
2454 offender convicted of s. 794.011, s. 800.04, former s. 827.071,  
2455 s. 847.003, s. 847.0135(5), or s. 847.0145, to reside in another  
2456 state, if the order stipulates that it is contingent upon the  
2457 approval of the receiving state interstate compact authority.  
2458 The court may rescind or modify at any time the terms and  
2459 conditions theretofore imposed by it upon the probationer.  
2460 However, if the court withholds adjudication of guilt or imposes  
2461 a period of incarceration as a condition of probation, the  
2462 period shall not exceed 364 days, and incarceration shall be  
2463 restricted to either a county facility, a probation and  
2464 restitution center under the jurisdiction of the Department of  
2465 Corrections, a probation program drug punishment phase I secure  
2466 residential treatment institution, or a community residential  
2467 facility owned or operated by any entity providing such  
2468 services.

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2469 Section 48. Subsection (1) of section 948.04, Florida  
2470 Statutes, is amended to read:

2471 948.04 Period of probation; duty of probationer; early  
2472 termination.—

2473 (1) Defendants found guilty of felonies who are placed on  
2474 probation shall be under supervision not to exceed 2 years  
2475 unless otherwise specified by the court. No defendant placed on  
2476 probation pursuant to s. 948.012(1) is subject to the probation  
2477 limitations of this subsection. A defendant who is placed on  
2478 probation or community control for a violation of chapter 794,  
2479 ~~or~~ chapter 827, or s. 847.003 is subject to the maximum level of  
2480 supervision provided by the supervising agency, and that  
2481 supervision shall continue through the full term of the court-  
2482 imposed probation or community control.

2483 Section 49. Subsection (4) and paragraph (c) of subsection  
2484 (8) of section 948.06, Florida Statutes, are amended to read:

2485 948.06 Violation of probation or community control;  
2486 revocation; modification; continuance; failure to pay  
2487 restitution or cost of supervision.—

2488 (4) Notwithstanding any other provision of this section, a  
2489 felony probationer or an offender in community control who is  
2490 arrested for violating his or her probation or community control  
2491 in a material respect may be taken before the court in the  
2492 county or circuit in which the probationer or offender was  
2493 arrested. That court shall advise him or her of the charge of a  
2494 violation and, if such charge is admitted, shall cause him or  
2495 her to be brought before the court that granted the probation or  
2496 community control. If the violation is not admitted by the  
2497 probationer or offender, the court may commit him or her or

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2498 release him or her with or without bail to await further  
2499 hearing. However, if the probationer or offender is under  
2500 supervision for any criminal offense proscribed in chapter 794,  
2501 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is  
2502 a registered sexual predator or a registered sexual offender, or  
2503 is under supervision for a criminal offense for which he or she  
2504 would meet the registration criteria in s. 775.21, s. 943.0435,  
2505 or s. 944.607 but for the effective date of those sections, the  
2506 court must make a finding that the probationer or offender is  
2507 not a danger to the public prior to release with or without  
2508 bail. In determining the danger posed by the offender's or  
2509 probationer's release, the court may consider the nature and  
2510 circumstances of the violation and any new offenses charged; the  
2511 offender's or probationer's past and present conduct, including  
2512 convictions of crimes; any record of arrests without conviction  
2513 for crimes involving violence or sexual crimes; any other  
2514 evidence of allegations of unlawful sexual conduct or the use of  
2515 violence by the offender or probationer; the offender's or  
2516 probationer's family ties, length of residence in the community,  
2517 employment history, and mental condition; his or her history and  
2518 conduct during the probation or community control supervision  
2519 from which the violation arises and any other previous  
2520 supervisions, including disciplinary records of previous  
2521 incarcerations; the likelihood that the offender or probationer  
2522 will engage again in a criminal course of conduct; the weight of  
2523 the evidence against the offender or probationer; and any other  
2524 facts the court considers relevant. The court, as soon as is  
2525 practicable, shall give the probationer or offender an  
2526 opportunity to be fully heard on his or her behalf in person or

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2527 by counsel. After the hearing, the court shall make findings of  
2528 fact and forward the findings to the court that granted the  
2529 probation or community control and to the probationer or  
2530 offender or his or her attorney. The findings of fact by the  
2531 hearing court are binding on the court that granted the  
2532 probation or community control. Upon the probationer or offender  
2533 being brought before it, the court that granted the probation or  
2534 community control may revoke, modify, or continue the probation  
2535 or community control or may place the probationer into community  
2536 control as provided in this section. However, the probationer or  
2537 offender shall not be released and shall not be admitted to  
2538 bail, but shall be brought before the court that granted the  
2539 probation or community control if any violation of felony  
2540 probation or community control other than a failure to pay costs  
2541 or fines or make restitution payments is alleged to have been  
2542 committed by:

2543 (a) A violent felony offender of special concern, as  
2544 defined in this section;

2545 (b) A person who is on felony probation or community  
2546 control for any offense committed on or after the effective date  
2547 of this act and who is arrested for a qualifying offense as  
2548 defined in this section; or

2549 (c) A person who is on felony probation or community  
2550 control and has previously been found by a court to be a  
2551 habitual violent felony offender as defined in s. 775.084(1)(b),  
2552 a three-time violent felony offender as defined in s.  
2553 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
2554 arrested for committing a qualifying offense as defined in this  
2555 section on or after the effective date of this act.

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2556 (8)

2557 (c) For purposes of this section, the term "qualifying  
2558 offense" means any of the following:

2559 1. Kidnapping or attempted kidnapping under s. 787.01,  
2560 false imprisonment of a child under the age of 13 under s.  
2561 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
2562 or (c).

2563 2. Murder or attempted murder under s. 782.04, attempted  
2564 felony murder under s. 782.051, or manslaughter under s. 782.07.

2565 3. Aggravated battery or attempted aggravated battery under  
2566 s. 784.045.

2567 4. Sexual battery or attempted sexual battery under s.  
2568 794.011(2), (3), (4), or (8)(b) or (c).

2569 5. Lewd or lascivious battery or attempted lewd or  
2570 lascivious battery under s. 800.04(4), lewd or lascivious  
2571 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
2572 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
2573 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
2574 computer under s. 847.0135(5)(b).

2575 6. Robbery or attempted robbery under s. 812.13, carjacking  
2576 or attempted carjacking under s. 812.133, or home invasion  
2577 robbery or attempted home invasion robbery under s. 812.135.

2578 7. Lewd or lascivious offense upon or in the presence of an  
2579 elderly or disabled person or attempted lewd or lascivious  
2580 offense upon or in the presence of an elderly or disabled person  
2581 under s. 825.1025.

2582 8. Sexual performance by a child or attempted sexual  
2583 performance by a child under former s. 827.071 or s. 847.003.

2584 9. Computer pornography under s. 847.0135(2) or (3),

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2585 ~~transmission~~ of child pornography under s. 847.0137, or selling  
 2586 or buying of minors under s. 847.0145.

2587 10. Poisoning food or water under s. 859.01.

2588 11. Abuse of a dead human body under s. 872.06.

2589 12. Any burglary offense or attempted burglary offense that  
 2590 is either a first degree felony or second degree felony under s.  
 2591 810.02(2) or (3).

2592 13. Arson or attempted arson under s. 806.01(1).

2593 14. Aggravated assault under s. 784.021.

2594 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
 2595 (7).

2596 16. Aircraft piracy under s. 860.16.

2597 17. Unlawful throwing, placing, or discharging of a  
 2598 destructive device or bomb under s. 790.161(2), (3), or (4).

2599 18. Treason under s. 876.32.

2600 19. Any offense committed in another jurisdiction which  
 2601 would be an offense listed in this paragraph if that offense had  
 2602 been committed in this state.

2603 Section 50. Subsection (1) of section 948.062, Florida  
 2604 Statutes, is amended to read:

2605 948.062 Reviewing and reporting serious offenses committed  
 2606 by offenders placed on probation or community control.—

2607 (1) The department shall review the circumstances related  
 2608 to an offender placed on probation or community control who has  
 2609 been arrested while on supervision for the following offenses:

2610 (a) Any murder as provided in s. 782.04;

2611 (b) Any sexual battery as provided in s. 794.011 or s.  
 2612 794.023;

2613 (c) Any sexual performance by a child as provided in former

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2614 s. 827.071 or s. 847.003;

2615 (d) Any kidnapping, false imprisonment, or luring of a  
2616 child as provided in s. 787.01, s. 787.02, or s. 787.025;

2617 (e) Any lewd and lascivious battery or lewd and lascivious  
2618 molestation as provided in s. 800.04(4) or (5);

2619 (f) Any aggravated child abuse as provided in s.  
2620 827.03(2) (a);

2621 (g) Any robbery with a firearm or other deadly weapon, home  
2622 invasion robbery, or carjacking as provided in s. 812.13(2) (a),  
2623 s. 812.135, or s. 812.133;

2624 (h) Any aggravated stalking as provided in s. 784.048(3),  
2625 (4), or (5);

2626 (i) Any forcible felony as provided in s. 776.08, committed  
2627 by a person on probation or community control who is designated  
2628 as a sexual predator; or

2629 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),  
2630 or vehicular or vessel homicide as provided in s. 782.071 or s.  
2631 782.072, committed by a person who is on probation or community  
2632 control for an offense involving death or injury resulting from  
2633 a driving incident.

2634 Section 51. Subsection (2) of section 948.101, Florida  
2635 Statutes, is amended to read:

2636 948.101 Terms and conditions of community control.—

2637 (2) The enumeration of specific kinds of terms and  
2638 conditions does not prevent the court from adding any other  
2639 terms or conditions that the court considers proper. However,  
2640 the sentencing court may only impose a condition of supervision  
2641 allowing an offender convicted of s. 794.011, s. 800.04, former  
2642 s. 827.071, s. 847.003, s. 847.0135(5), or s. 847.0145 to reside

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2643 in another state if the order stipulates that it is contingent  
2644 upon the approval of the receiving state interstate compact  
2645 authority. The court may rescind or modify at any time the terms  
2646 and conditions theretofore imposed by it upon the offender in  
2647 community control. However, if the court withholds adjudication  
2648 of guilt or imposes a period of incarceration as a condition of  
2649 community control, the period may not exceed 364 days, and  
2650 incarceration shall be restricted to a county facility, a  
2651 probation and restitution center under the jurisdiction of the  
2652 Department of Corrections, a probation program drug punishment  
2653 phase I secure residential treatment institution, or a community  
2654 residential facility owned or operated by any entity providing  
2655 such services.

2656 Section 52. Subsections (1) and (2), paragraphs (a) and (c)  
2657 of subsection (3), and subsection (5) of section 948.30, Florida  
2658 Statutes, are amended, and subsection (6) is added to that  
2659 section, to read:

2660 948.30 Additional terms and conditions of probation or  
2661 community control for certain sex offenses.—Conditions imposed  
2662 pursuant to this section do not require oral pronouncement at  
2663 the time of sentencing and shall be considered standard  
2664 conditions of probation or community control for offenders  
2665 specified in this section.

2666 (1) Effective for probationers or community controllees  
2667 whose crime was committed on or after October 1, 1995, and who  
2668 are placed under supervision for violation of chapter 794, s.  
2669 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the  
2670 court must impose the following conditions in addition to all  
2671 other standard and special conditions imposed:

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2672 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may  
2673 designate another 8-hour period if the offender's employment  
2674 precludes the above specified time, and the alternative is  
2675 recommended by the Department of Corrections. If the court  
2676 determines that imposing a curfew would endanger the victim, the  
2677 court may consider alternative sanctions.

2678 (b) If the victim was under the age of 18, a prohibition on  
2679 living within 1,000 feet of a school, child care facility, park,  
2680 playground, or other place where children regularly congregate,  
2681 as prescribed by the court. The 1,000-foot distance shall be  
2682 measured in a straight line from the offender's place of  
2683 residence to the nearest boundary line of the school, child care  
2684 facility, park, playground, or other place where children  
2685 congregate. The distance may not be measured by a pedestrian  
2686 route or automobile route. A probationer or community controllee  
2687 who is subject to this paragraph may not be forced to relocate  
2688 and does not violate his or her probation or community control  
2689 if he or she is living in a residence that meets the  
2690 requirements of this paragraph and a school, child care  
2691 facility, park, playground, or other place where children  
2692 regularly congregate is subsequently established within 1,000  
2693 feet of his or her residence.

2694 (c) Active participation in and successful completion of a  
2695 sex offender treatment program with qualified practitioners  
2696 specifically trained to treat sex offenders, at the  
2697 probationer's or community controllee's own expense. If a  
2698 qualified practitioner is not available within a 50-mile radius  
2699 of the probationer's or community controllee's residence, the  
2700 offender shall participate in other appropriate therapy.

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2701 (d) A prohibition on any contact with the victim, directly  
2702 or indirectly, including through a third person, unless approved  
2703 by the victim, a qualified practitioner in the sexual offender  
2704 treatment program, and the sentencing court.

2705 (e) If the victim was under the age of 18, a prohibition on  
2706 contact with a child under the age of 18 except as provided in  
2707 this paragraph. The court may approve supervised contact with a  
2708 child under the age of 18 if the approval is based upon a  
2709 recommendation for contact issued by a qualified practitioner  
2710 who is basing the recommendation on a risk assessment. Further,  
2711 the sex offender must be currently enrolled in or have  
2712 successfully completed a sex offender therapy program. The court  
2713 may not grant supervised contact with a child if the contact is  
2714 not recommended by a qualified practitioner and may deny  
2715 supervised contact with a child at any time. When considering  
2716 whether to approve supervised contact with a child, the court  
2717 must review and consider the following:

2718 1. A risk assessment completed by a qualified practitioner.  
2719 The qualified practitioner must prepare a written report that  
2720 must include the findings of the assessment and address each of  
2721 the following components:

2722 a. The sex offender's current legal status;

2723 b. The sex offender's history of adult charges with  
2724 apparent sexual motivation;

2725 c. The sex offender's history of adult charges without  
2726 apparent sexual motivation;

2727 d. The sex offender's history of juvenile charges, whenever  
2728 available;

2729 e. The sex offender's offender treatment history, including

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2730 consultations with the sex offender's treating, or most recent  
2731 treating, therapist;

2732       f. The sex offender's current mental status;

2733       g. The sex offender's mental health and substance abuse  
2734 treatment history as provided by the Department of Corrections;

2735       h. The sex offender's personal, social, educational, and  
2736 work history;

2737       i. The results of current psychological testing of the sex  
2738 offender if determined necessary by the qualified practitioner;

2739       j. A description of the proposed contact, including the  
2740 location, frequency, duration, and supervisory arrangement;

2741       k. The child's preference and relative comfort level with  
2742 the proposed contact, when age appropriate;

2743       l. The parent's or legal guardian's preference regarding  
2744 the proposed contact; and

2745       m. The qualified practitioner's opinion, along with the  
2746 basis for that opinion, as to whether the proposed contact would  
2747 likely pose significant risk of emotional or physical harm to  
2748 the child.

2749

2750 The written report of the assessment must be given to the court;

2751       2. A recommendation made as a part of the risk assessment  
2752 report as to whether supervised contact with the child should be  
2753 approved;

2754       3. A written consent signed by the child's parent or legal  
2755 guardian, if the parent or legal guardian is not the sex  
2756 offender, agreeing to the sex offender having supervised contact  
2757 with the child after receiving full disclosure of the sex  
2758 offender's present legal status, past criminal history, and the

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2759 results of the risk assessment. The court may not approve  
2760 contact with the child if the parent or legal guardian refuses  
2761 to give written consent for supervised contact;

2762 4. A safety plan prepared by the qualified practitioner,  
2763 who provides treatment to the offender, in collaboration with  
2764 the sex offender, the child's parent or legal guardian, if the  
2765 parent or legal guardian is not the sex offender, and the child,  
2766 when age appropriate, which details the acceptable conditions of  
2767 contact between the sex offender and the child. The safety plan  
2768 must be reviewed and approved by the court; and

2769 5. Evidence that the child's parent or legal guardian  
2770 understands the need for and agrees to the safety plan and has  
2771 agreed to provide, or to designate another adult to provide,  
2772 constant supervision any time the child is in contact with the  
2773 offender.

2774  
2775 The court may not appoint a person to conduct a risk assessment  
2776 and may not accept a risk assessment from a person who has not  
2777 demonstrated to the court that he or she has met the  
2778 requirements of a qualified practitioner as defined in this  
2779 section.

2780 (f) If the victim was under age 18, a prohibition on  
2781 working for pay or as a volunteer at any place where children  
2782 regularly congregate, including, but not limited to, schools,  
2783 child care facilities, parks, playgrounds, pet stores,  
2784 libraries, zoos, theme parks, and malls.

2785 (g) Unless otherwise indicated in the treatment plan  
2786 provided by a qualified practitioner in the sexual offender  
2787 treatment program, a prohibition on viewing, accessing, owning,

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2788 or possessing any obscene, pornographic, or sexually stimulating  
2789 visual or auditory material, including telephone, electronic  
2790 media, computer programs, or computer services that are relevant  
2791 to the offender's deviant behavior pattern.

2792 (h) Effective for probationers and community controllees  
2793 whose crime is committed on or after July 1, 2005, a prohibition  
2794 on accessing the Internet or other computer services until a  
2795 qualified practitioner in the offender's sex offender treatment  
2796 program, after a risk assessment is completed, approves and  
2797 implements a safety plan for the offender's accessing or using  
2798 the Internet or other computer services.

2799 (i) A requirement that the probationer or community  
2800 controllee must submit a specimen of blood or other approved  
2801 biological specimen to the Department of Law Enforcement to be  
2802 registered with the DNA data bank.

2803 (j) A requirement that the probationer or community  
2804 controllee make restitution to the victim, as ordered by the  
2805 court under s. 775.089, for all necessary medical and related  
2806 professional services relating to physical, psychiatric, and  
2807 psychological care.

2808 (k) Submission to a warrantless search by the community  
2809 control or probation officer of the probationer's or community  
2810 controllee's person, residence, or vehicle.

2811 (2) Effective for a probationer or community controllee  
2812 whose crime was committed on or after October 1, 1997, and who  
2813 is placed on community control or sex offender probation for a  
2814 violation of chapter 794, s. 800.04, former s. 827.071, s.  
2815 847.0135(5), or s. 847.0145, in addition to any other provision  
2816 of this section, the court must impose the following conditions

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2817 of probation or community control:

2818 (a) As part of a treatment program, participation at least  
2819 annually in polygraph examinations to obtain information  
2820 necessary for risk management and treatment and to reduce the  
2821 sex offender's denial mechanisms. A polygraph examination must  
2822 be conducted by a polygrapher who is a member of a national or  
2823 state polygraph association and who is certified as a  
2824 postconviction sex offender polygrapher, where available, and  
2825 shall be paid for by the probationer or community controllee.  
2826 The results of the polygraph examination shall be provided to  
2827 the probationer's or community controllee's probation officer  
2828 and qualified practitioner and shall not be used as evidence in  
2829 court to prove that a violation of community supervision has  
2830 occurred.

2831 (b) Maintenance of a driving log and a prohibition against  
2832 driving a motor vehicle alone without the prior approval of the  
2833 supervising officer.

2834 (c) A prohibition against obtaining or using a post office  
2835 box without the prior approval of the supervising officer.

2836 (d) If there was sexual contact, a submission to, at the  
2837 probationer's or community controllee's expense, an HIV test  
2838 with the results to be released to the victim or the victim's  
2839 parent or guardian.

2840 (e) Electronic monitoring when deemed necessary by the  
2841 community control or probation officer and his or her  
2842 supervisor, and ordered by the court at the recommendation of  
2843 the Department of Corrections.

2844 (3) Effective for a probationer or community controllee  
2845 whose crime was committed on or after September 1, 2005, and

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2846 who:

2847 (a) Is placed on probation or community control for a  
2848 violation of chapter 794, s. 800.04(4), (5), or (6), former s.  
2849 827.071, or s. 847.0145 and the unlawful sexual activity  
2850 involved a victim 15 years of age or younger and the offender is  
2851 18 years of age or older;

2852 (c) Has previously been convicted of a violation of chapter  
2853 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.  
2854 847.0145 and the unlawful sexual activity involved a victim 15  
2855 years of age or younger and the offender is 18 years of age or  
2856 older,

2857  
2858 the court must order, in addition to any other provision of this  
2859 section, mandatory electronic monitoring as a condition of the  
2860 probation or community control supervision.

2861 (5) Effective for a probationer or community controllee  
2862 whose crime was committed on or after October 1, 2014, and who  
2863 is placed on probation or community control for a violation of  
2864 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.  
2865 847.0145, in addition to all other conditions imposed, the court  
2866 must impose a condition prohibiting the probationer or community  
2867 controllee from viewing, accessing, owning, or possessing any  
2868 obscene, pornographic, or sexually stimulating visual or  
2869 auditory material unless otherwise indicated in the treatment  
2870 plan provided by a qualified practitioner in the sexual offender  
2871 treatment program. Visual or auditory material includes, but is  
2872 not limited to, telephone, electronic media, computer programs,  
2873 and computer services.

2874 (6) Effective for a probationer or community controllee

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2875 whose crime was committed on or after October 1, 2016, and who  
2876 is placed under supervision for violation of s. 847.003, s.  
2877 847.0135(4), or s. 847.0137, the court must impose the  
2878 conditions specified in subsections (1)-(5) in addition to all  
2879 other standard and special conditions imposed.

2880 Section 53. Subsection (1) of section 948.32, Florida  
2881 Statutes, is amended to read:

2882 948.32 Requirements of law enforcement agency upon arrest  
2883 of persons for certain sex offenses.—

2884 (1) When any state or local law enforcement agency  
2885 investigates or arrests a person for committing, or attempting,  
2886 soliciting, or conspiring to commit, a violation of s.  
2887 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,  
2888 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.  
2889 847.0135, or s. 847.0145, the law enforcement agency shall  
2890 contact the Department of Corrections to verify whether the  
2891 person under investigation or under arrest is on probation,  
2892 community control, parole, conditional release, or control  
2893 release.

2894 Section 54. Paragraph (e) of subsection (3) and subsection  
2895 (10) of section 960.03, Florida Statutes, are amended to read:

2896 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
2897 960.01-960.28, unless the context otherwise requires, the term:

2898 (3) "Crime" means:

2899 (e) A violation of former s. 827.071, s. 847.003, s.  
2900 847.0135, s. 847.0137, or s. 847.0138, related to online sexual  
2901 exploitation and child pornography.

2902 (10) "Identified victim of child pornography" means any  
2903 person who, while under the age of 18, is depicted in any visual

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2904 depiction image or movie of child pornography, as defined in s.  
2905 847.0137, and who is identified through a report generated by a  
2906 law enforcement agency and provided to the National Center for  
2907 Missing and Exploited Children's Child Victim Identification  
2908 Program.

2909 Section 55. Section 960.197, Florida Statutes, is amended  
2910 to read:

2911 960.197 Assistance to victims of online sexual exploitation  
2912 and child pornography.—

2913 (1) Notwithstanding the criteria set forth in s. 960.13 for  
2914 crime victim compensation awards, the department may award  
2915 compensation for counseling and other mental health services to  
2916 treat psychological injury or trauma to:

2917 (a) A child younger than 18 years of age who suffers  
2918 psychiatric or psychological injury as a direct result of online  
2919 sexual exploitation under former ~~any provision of~~ s. 827.071, s.  
2920 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does  
2921 not otherwise sustain a personal injury or death; or

2922 (b) Any person who, while younger than age 18, was depicted  
2923 in any visual depiction ~~image or movie, regardless of length~~, of  
2924 child pornography as defined in s. 847.0137 ~~847.001~~, who has  
2925 been identified by a law enforcement agency or the National  
2926 Center for Missing and Exploited Children as an identified  
2927 victim of child pornography, who suffers psychiatric or  
2928 psychological injury as a direct result of the crime, and who  
2929 does not otherwise sustain a personal injury or death.

2930 (2) Compensation under this section is not contingent upon  
2931 pursuit of a criminal investigation or prosecution.

2932 Section 56. Paragraph (d) of subsection (4) of section

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2933 985.04, Florida Statutes, is amended to read:

2934 985.04 Oaths; records; confidential information.—

2935 (4)

2936 (d) The department shall disclose to the school  
2937 superintendent the presence of any child in the care and custody  
2938 or under the jurisdiction or supervision of the department who  
2939 has a known history of criminal sexual behavior with other  
2940 juveniles; is alleged to have committed juvenile sexual abuse as  
2941 defined in s. 39.01; or has pled guilty or nolo contendere to,  
2942 or has been found to have committed, a violation of chapter 794,  
2943 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.  
2944 847.0133, or s. 847.0137, regardless of adjudication. Any  
2945 employee of a district school board who knowingly and willfully  
2946 discloses such information to an unauthorized person commits a  
2947 misdemeanor of the second degree, punishable as provided in s.  
2948 775.082 or s. 775.083.

2949 Section 57. Subsection (1) of section 985.475, Florida  
2950 Statutes, is amended to read:

2951 985.475 Juvenile sexual offenders.—

2952 (1) CRITERIA.—A “juvenile sexual offender” means:

2953 (a) A juvenile who has been found by the court under s.  
2954 985.35 to have committed a violation of chapter 794, chapter  
2955 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,  
2956 or s. 847.0137;

2957 (b) A juvenile found to have committed any felony violation  
2958 of law or delinquent act involving juvenile sexual abuse.

2959 “Juvenile sexual abuse” means any sexual behavior that occurs  
2960 without consent, without equality, or as a result of coercion.

2961 For purposes of this subsection, the following definitions

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2962 apply:

2963 1. "Coercion" means the exploitation of authority, use of  
2964 bribes, threats of force, or intimidation to gain cooperation or  
2965 compliance.

2966 2. "Equality" means two participants operating with the  
2967 same level of power in a relationship, neither being controlled  
2968 nor coerced by the other.

2969 3. "Consent" means an agreement including all of the  
2970 following:

2971 a. Understanding what is proposed based on age, maturity,  
2972 developmental level, functioning, and experience.

2973 b. Knowledge of societal standards for what is being  
2974 proposed.

2975 c. Awareness of potential consequences and alternatives.

2976 d. Assumption that agreement or disagreement will be  
2977 accepted equally.

2978 e. Voluntary decision.

2979 f. Mental competence.

2980

2981 Juvenile sexual offender behavior ranges from noncontact sexual  
2982 behavior such as making obscene phone calls, exhibitionism,  
2983 voyeurism, and the showing or taking of lewd photographs to  
2984 varying degrees of direct sexual contact, such as frottage,  
2985 fondling, digital penetration, rape, fellatio, sodomy, and  
2986 various other sexually aggressive acts.

2987 Section 58. Paragraph (mm) of subsection (1) of section  
2988 1012.315, Florida Statutes, is amended to read:

2989 1012.315 Disqualification from employment.—A person is  
2990 ineligible for educator certification, and instructional

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2991 personnel and school administrators, as defined in s. 1012.01,  
 2992 are ineligible for employment in any position that requires  
 2993 direct contact with students in a district school system,  
 2994 charter school, or private school that accepts scholarship  
 2995 students under s. 1002.39 or s. 1002.395, if the person,  
 2996 instructional personnel, or school administrator has been  
 2997 convicted of:

2998 (1) Any felony offense prohibited under any of the  
 2999 following statutes:

3000 (mm) Former s. Section ~~827.071~~, relating to sexual  
 3001 performance by a child.

3002 Section 59. Paragraphs (e), (f), and (h) of subsection (3)  
 3003 of section 921.0022, Florida Statutes, are amended to read:

3004 921.0022 Criminal Punishment Code; offense severity ranking  
 3005 chart.—

3006 (3) OFFENSE SEVERITY RANKING CHART

3007 (e) LEVEL 5

3008

3009

Florida Statute	Felony Degree	Description
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3010

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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3011

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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3012

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3013 322.34 (6) 3rd Careless operation of motor  
vehicle with suspended license,  
resulting in death or serious  
bodily injury.

3014 327.30 (5) 3rd Vessel accidents involving  
personal injury; leaving scene.

3015 379.367 (4) 3rd Willful molestation of a  
commercial harvester's spiny  
lobster trap, line, or buoy.

3016 379.3671 3rd Willful molestation,  
(2) (c) 3. possession, or removal of a  
commercial harvester's trap  
contents or trap gear by  
another harvester.

3017 381.0041 (11) (b) 3rd Donate blood, plasma, or organs  
knowing HIV positive.

3018 440.10 (1) (g) 2nd Failure to obtain workers'  
compensation coverage.

3019 440.105 (5) 2nd Unlawful solicitation for the  
purpose of making workers'  
compensation claims.

440.381 (2) 2nd Submission of false,

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3020	624.401 (4) (b) 2.	2nd	misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3021	626.902 (1) (c)	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3022	790.01 (2)	3rd	Representing an unauthorized insurer; repeat offender.
3023	790.162	2nd	Carrying a concealed firearm.
3024	790.163 (1)	2nd	Threat to throw or discharge destructive device.
3025	790.221 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
3026	790.23	2nd	Possession of short-barreled shotgun or machine gun.
3027			Felons in possession of firearms, ammunition, or electronic weapons or devices.

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3028	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3029	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3030	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3031	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3032	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3033	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3034	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3035	812.131 (2) (b)	3rd	Robbery by sudden snatching.

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3036	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
3037	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3038	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3039	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.
3040	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 persons.
	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or

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3041

reencoder.

825.1025 (4)

3rd

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

3042

~~827.071 (4)~~

2nd

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

3043

~~827.071 (5)~~

3rd

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

3044

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.

3045

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

3046

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition

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3047			using computer; offender 18 years or older.
3048	<u>847.0137(2)(a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3049	<u>847.0137(2)(b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3050	<u>847.0137(3)</u> <del>847.0137</del> <del>(2) &amp; (3)</del>	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3051	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3052	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3053	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s.

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3054

893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)4.  
drugs).

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver  
cannabis (or other s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7., (2)(c)8.,  
(2)(c)9., (3), or (4) drugs)  
within 1,000 feet of a child  
care facility, school, or  
state, county, or municipal  
park or publicly owned  
recreational facility or  
community center.

3055

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.

3056

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.,

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3057 (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.

3058 893.13(1)(f)1. 1st Sell, manufacture, or deliver  
 cocaine (or other s.  
 893.03(1)(a), (1)(b), (1)(d),  
 or (2)(a), (2)(b), or (2)(c)4.  
 drugs) within 1,000 feet of  
 public housing facility.

3059 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).

3060 893.1351(1) 3rd Ownership, lease, or rental for  
 trafficking in or manufacturing  
 of controlled substance.

3061 (f) LEVEL 6

3062  
 3063

Florida	Felony	Description
Statute	Degree	

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3064  
3065  
3066  
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3072

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(3)	2nd	Knowing forgery of pedigree papers.
499.0051(4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.

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3073	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3074	784.041	3rd	Felony battery; domestic battery by strangulation.
3075	784.048 (3)	3rd	Aggravated stalking; credible threat.
3076	784.048 (5)	3rd	Aggravated stalking of person under 16.
3077	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3078	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3079	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3080	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3081	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.

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3082	784.083 (2)	2nd	Aggravated assault on code inspector.
3083	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3084	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3085	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3086	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
3087	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3088	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
	794.05 (1)	2nd	Unlawful sexual activity with

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3089			specified minor.
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3090			
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3091			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3092			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3093			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3094			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3095			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.



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3104	827.03 (2) (c)	3rd	Abuse of a child.
3105	827.03 (2) (d)	3rd	Neglect of a child.
3106	<del>827.071 (2) &amp; (3)</del>	2nd	<del>Use or induce a child in a sexual performance, or promote or direct such performance.</del>
3107	836.05	2nd	Threats; extortion.
3108	836.10	2nd	Written threats to kill or do bodily injury.
3109	843.12	3rd	Aids or assists person to escape.
3110	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3111	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3112	847.012	3rd	Knowingly using a minor in the production of materials harmful

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3113	847.0135(2)	3rd	to minors. Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3114	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3115	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3116	944.40	2nd	Escapes.
3117	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3118	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3119	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

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(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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.

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3131 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.

3132 655.50 (10) (b) 2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

3133 777.03 (2) (a) 1st Accessory after the fact, capital felony.

3134 782.04 (4) 2nd Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

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

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

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

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

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

3139

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

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

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787.06(3)(f)2. 1st Human trafficking using coercion for commercial sexual activity by the transfer or

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3142			transport of any adult from outside Florida to within the state.
3143	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
3144	794.011 (5) (a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
3145	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
3146	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does

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3147 not use physical force likely  
to cause serious injury; prior  
conviction for specified sex  
offense.

3148 794.08 (3) 2nd Female genital mutilation,  
removal of a victim younger  
than 18 years of age from this  
state.

3149 800.04 (4) (b) 2nd Lewd or lascivious battery.

3150 800.04 (4) (c) 1st Lewd or lascivious battery;  
offender 18 years of age or  
older; prior conviction for  
specified sex offense.

3151 806.01 (1) 1st Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

3152 810.02 (2) (a) 1st, PBL Burglary with assault or  
battery.

3153 810.02 (2) (b) 1st, PBL Burglary; armed with explosives  
or dangerous weapon.

810.02 (2) (c) 1st Burglary of a dwelling or  
structure causing structural

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3154			damage or \$1,000 or more property damage.
3155	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3156	812.13 (2) (b)	1st	Robbery with a weapon.
3157	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3158	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3159	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3160	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of

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			the property incurs financial loss as a result of the false instrument.
3161	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3162	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3163	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3164	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3165	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3166	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
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3168	<u>847.0135(3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3169	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3170	860.16	1st	Aircraft piracy.
3171	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3172	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3173	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3174	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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3175	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3176	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3177	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3178	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3179	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3180	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
3181	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
	893.135	1st	Trafficking in flunitrazepam,

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3182	(1) (g) 1.b.		14 grams or more, less than 28 grams.
3183	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3184	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3185	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3186	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
3187	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3187	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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

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

3190

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.

3191

3192                    Section 60. For the purpose of incorporating the amendment  
3193 made by this act to section 16.56, Florida Statutes, in a  
3194 reference thereto, paragraph (b) of subsection (1) of section  
3195 92.605, Florida Statutes, is reenacted to read:

3196                    92.605 Production of certain records by Florida businesses  
3197 and out-of-state corporations.—

3198                    (1) For the purposes of this section, the term:

3199                    (b) "Applicant" means a law enforcement officer who is  
3200 seeking a court order or subpoena under s. 16.56, s. 27.04, s.  
3201 905.185, or s. 914.04 or who is issued a search warrant under s.  
3202 933.01, or anyone who is authorized to issue a subpoena under  
3203 the Florida Rules of Criminal Procedure.

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3204 Section 61. For the purpose of incorporating the amendment  
3205 made by this act to section 16.56, Florida Statutes, in  
3206 references thereto, subsection (10) of section 896.101, Florida  
3207 Statutes, is reenacted to read:

3208 896.101 Florida Money Laundering Act; definitions;  
3209 penalties; injunctions; seizure warrants; immunity.—

3210 (10) Any financial institution, licensed money services  
3211 business, or other person served with and complying with the  
3212 terms of a warrant, temporary injunction, or other court order,  
3213 including any subpoena issued under s. 16.56 or s. 27.04,  
3214 obtained in furtherance of an investigation of any crime in this  
3215 section, including any crime listed as specified unlawful  
3216 activity under this section or any felony violation of chapter  
3217 560, has immunity from criminal liability and is not liable to  
3218 any person for any lawful action taken in complying with the  
3219 warrant, temporary injunction, or other court order, including  
3220 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena  
3221 issued under s. 16.56 or s. 27.04 contains a nondisclosure  
3222 provision, any financial institution, licensed money services  
3223 business, employee or officer of a financial institution or  
3224 licensed money services business, or any other person may not  
3225 notify, directly or indirectly, any customer of that financial  
3226 institution or money services business whose records are being  
3227 sought by the subpoena, or any other person named in the  
3228 subpoena, about the existence or the contents of that subpoena  
3229 or about information that has been furnished to the state  
3230 attorney or statewide prosecutor who issued the subpoena or  
3231 other law enforcement officer named in the subpoena in response  
3232 to the subpoena.

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3233 Section 62. For the purpose of incorporating the amendment  
3234 made by this act to section 39.01, Florida Statutes, in  
3235 references thereto, paragraphs (b) and (e) of subsection (2) of  
3236 section 390.01114, Florida Statutes, are reenacted to read:

3237 390.01114 Parental Notice of Abortion Act.—

3238 (2) DEFINITIONS.—As used in this section, the term:

3239 (b) "Child abuse" means abandonment, abuse, harm, mental  
3240 injury, neglect, physical injury, or sexual abuse of a child as  
3241 those terms are defined in ss. 39.01, 827.04, and 984.03.

3242 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

3243 Section 63. For the purpose of incorporating the amendment  
3244 made by this act to section 39.01, Florida Statutes, in  
3245 references thereto, paragraph (h) of subsection (4) and  
3246 subsections (7) and (9) of section 393.067, Florida Statutes,  
3247 are reenacted to read:

3248 393.067 Facility licensure.—

3249 (4) The application shall be under oath and shall contain  
3250 the following:

3251 (h) Certification that the staff of the facility or program  
3252 will receive training to detect, report, and prevent sexual  
3253 abuse, abuse, neglect, exploitation, and abandonment, as defined  
3254 in ss. 39.01 and 415.102, of residents and clients.

3255 (7) The agency shall adopt rules establishing minimum  
3256 standards for facilities and programs licensed under this  
3257 section, including rules requiring facilities and programs to  
3258 train staff to detect, report, and prevent sexual abuse, abuse,  
3259 neglect, exploitation, and abandonment, as defined in ss. 39.01  
3260 and 415.102, of residents and clients, minimum standards of  
3261 quality and adequacy of client care, incident reporting

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3262 requirements, and uniform firesafety standards established by  
3263 the State Fire Marshal which are appropriate to the size of the  
3264 facility or of the component centers or units of the program.

3265 (9) The agency may conduct unannounced inspections to  
3266 determine compliance by foster care facilities, group home  
3267 facilities, residential habilitation centers, and comprehensive  
3268 transitional education programs with the applicable provisions  
3269 of this chapter and the rules adopted pursuant hereto, including  
3270 the rules adopted for training staff of a facility or a program  
3271 to detect, report, and prevent sexual abuse, abuse, neglect,  
3272 exploitation, and abandonment, as defined in ss. 39.01 and  
3273 415.102, of residents and clients. The facility or program shall  
3274 make copies of inspection reports available to the public upon  
3275 request.

3276 Section 64. For the purpose of incorporating the amendment  
3277 made by this act to section 39.01, Florida Statutes, in a  
3278 reference thereto, paragraph (p) of subsection (4) of section  
3279 394.495, Florida Statutes, is reenacted to read:

3280 394.495 Child and adolescent mental health system of care;  
3281 programs and services.—

3282 (4) The array of services may include, but is not limited  
3283 to:

3284 (p) Trauma-informed services for children who have suffered  
3285 sexual exploitation as defined in s. 39.01(69)(g).

3286 Section 65. For the purpose of incorporating the amendment  
3287 made by this act to section 39.01, Florida Statutes, in  
3288 references thereto, paragraph (c) of subsection (1) and  
3289 paragraphs (a) and (b) of subsection (6) of section 409.1678,  
3290 Florida Statutes, are reenacted to read:

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3291 409.1678 Specialized residential options for children who  
3292 are victims of sexual exploitation.—

3293 (1) DEFINITIONS.—As used in this section, the term:

3294 (c) "Sexually exploited child" means a child who has  
3295 suffered sexual exploitation as defined in s. 39.01(69)(g) and  
3296 is ineligible for relief and benefits under the federal  
3297 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

3298 (6) LOCATION INFORMATION.—

3299 (a) Information about the location of a safe house, safe  
3300 foster home, or other residential facility serving victims of  
3301 sexual exploitation, as defined in s. 39.01(69)(g), which is  
3302 held by an agency, as defined in s. 119.011, is confidential and  
3303 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3304 Constitution. This exemption applies to such confidential and  
3305 exempt information held by an agency before, on, or after the  
3306 effective date of the exemption.

3307 (b) Information about the location of a safe house, safe  
3308 foster home, or other residential facility serving victims of  
3309 sexual exploitation, as defined in s. 39.01(69)(g), may be  
3310 provided to an agency, as defined in s. 119.011, as necessary to  
3311 maintain health and safety standards and to address emergency  
3312 situations in the safe house, safe foster home, or other  
3313 residential facility.

3314 Section 66. For the purpose of incorporating the amendment  
3315 made by this act to section 39.01, Florida Statutes, in a  
3316 reference thereto, subsection (5) of section 960.065, Florida  
3317 Statutes, is reenacted to read:

3318 960.065 Eligibility for awards.—

3319 (5) A person is not ineligible for an award pursuant to

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3320 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
3321 person is a victim of sexual exploitation of a child as defined  
3322 in s. 39.01(69) (g).

3323 Section 67. For the purpose of incorporating the amendment  
3324 made by this act to section 39.01, Florida Statutes, in a  
3325 reference thereto, subsection (2) of section 984.03, Florida  
3326 Statutes, is reenacted to read:

3327 984.03 Definitions.—When used in this chapter, the term:

3328 (2) "Abuse" means any willful act that results in any  
3329 physical, mental, or sexual injury that causes or is likely to  
3330 cause the child's physical, mental, or emotional health to be  
3331 significantly impaired. Corporal discipline of a child by a  
3332 parent or guardian for disciplinary purposes does not in itself  
3333 constitute abuse when it does not result in harm to the child as  
3334 defined in s. 39.01.

3335 Section 68. For the purpose of incorporating the amendment  
3336 made by this act to section 775.21, Florida Statutes, in a  
3337 reference thereto, paragraph (b) of subsection (6) of section  
3338 39.509, Florida Statutes, is reenacted to read:

3339 39.509 Grandparents rights.—Notwithstanding any other  
3340 provision of law, a maternal or paternal grandparent as well as  
3341 a stepgrandparent is entitled to reasonable visitation with his  
3342 or her grandchild who has been adjudicated a dependent child and  
3343 taken from the physical custody of the parent unless the court  
3344 finds that such visitation is not in the best interest of the  
3345 child or that such visitation would interfere with the goals of  
3346 the case plan. Reasonable visitation may be unsupervised and,  
3347 where appropriate and feasible, may be frequent and continuing.  
3348 Any order for visitation or other contact must conform to the

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3349 provisions of s. 39.0139.

3350 (6) In determining whether grandparental visitation is not  
3351 in the child's best interest, consideration may be given to the  
3352 following:

3353 (b) The designation by a court as a sexual predator as  
3354 defined in s. 775.21 or a substantially similar designation  
3355 under laws of another jurisdiction.

3356 Section 69. For the purpose of incorporating the amendment  
3357 made by this act to section 775.21, Florida Statutes, in  
3358 references thereto, paragraphs (d) and (n) of subsection (1) of  
3359 section 39.806, Florida Statutes, are reenacted to read:

3360 39.806 Grounds for termination of parental rights.—

3361 (1) Grounds for the termination of parental rights may be  
3362 established under any of the following circumstances:

3363 (d) When the parent of a child is incarcerated and either:

3364 1. The period of time for which the parent is expected to  
3365 be incarcerated will constitute a significant portion of the  
3366 child's minority. When determining whether the period of time is  
3367 significant, the court shall consider the child's age and the  
3368 child's need for a permanent and stable home. The period of time  
3369 begins on the date that the parent enters into incarceration;

3370 2. The incarcerated parent has been determined by the court  
3371 to be a violent career criminal as defined in s. 775.084, a  
3372 habitual violent felony offender as defined in s. 775.084, or a  
3373 sexual predator as defined in s. 775.21; has been convicted of  
3374 first degree or second degree murder in violation of s. 782.04  
3375 or a sexual battery that constitutes a capital, life, or first  
3376 degree felony violation of s. 794.011; or has been convicted of  
3377 an offense in another jurisdiction which is substantially

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3378 similar to one of the offenses listed in this paragraph. As used  
3379 in this section, the term "substantially similar offense" means  
3380 any offense that is substantially similar in elements and  
3381 penalties to one of those listed in this subparagraph, and that  
3382 is in violation of a law of any other jurisdiction, whether that  
3383 of another state, the District of Columbia, the United States or  
3384 any possession or territory thereof, or any foreign  
3385 jurisdiction; or

3386 3. The court determines by clear and convincing evidence  
3387 that continuing the parental relationship with the incarcerated  
3388 parent would be harmful to the child and, for this reason, that  
3389 termination of the parental rights of the incarcerated parent is  
3390 in the best interest of the child. When determining harm, the  
3391 court shall consider the following factors:

3392 a. The age of the child.

3393 b. The relationship between the child and the parent.

3394 c. The nature of the parent's current and past provision  
3395 for the child's developmental, cognitive, psychological, and  
3396 physical needs.

3397 d. The parent's history of criminal behavior, which may  
3398 include the frequency of incarceration and the unavailability of  
3399 the parent to the child due to incarceration.

3400 e. Any other factor the court deems relevant.

3401 (n) The parent is convicted of an offense that requires the  
3402 parent to register as a sexual predator under s. 775.21.

3403 Section 70. For the purpose of incorporating the amendment  
3404 made by this act to section 775.21, Florida Statutes, in a  
3405 reference thereto, paragraph (b) of subsection (4) of section  
3406 63.089, Florida Statutes, is reenacted to read:

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3407 63.089 Proceeding to terminate parental rights pending  
3408 adoption; hearing; grounds; dismissal of petition; judgment.—

3409 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
3410 resulting in a termination of parental rights must be based upon  
3411 clear and convincing evidence that a parent or person having  
3412 legal custody has abandoned the child in accordance with the  
3413 definition contained in s. 63.032. A finding of abandonment may  
3414 also be based upon emotional abuse or a refusal to provide  
3415 reasonable financial support, when able, to a birth mother  
3416 during her pregnancy or on whether the person alleged to have  
3417 abandoned the child, while being able, failed to establish  
3418 contact with the child or accept responsibility for the child's  
3419 welfare.

3420 (b) The child has been abandoned when the parent of a child  
3421 is incarcerated on or after October 1, 2001, in a federal,  
3422 state, or county correctional institution and:

3423 1. The period of time for which the parent has been or is  
3424 expected to be incarcerated will constitute a significant  
3425 portion of the child's minority. In determining whether the  
3426 period of time is significant, the court shall consider the  
3427 child's age and the child's need for a permanent and stable  
3428 home. The period of time begins on the date that the parent  
3429 enters into incarceration;

3430 2. The incarcerated parent has been determined by a court  
3431 of competent jurisdiction to be a violent career criminal as  
3432 defined in s. 775.084, a habitual violent felony offender as  
3433 defined in s. 775.084, convicted of child abuse as defined in s.  
3434 827.03, or a sexual predator as defined in s. 775.21; has been  
3435 convicted of first degree or second degree murder in violation

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3436 of s. 782.04 or a sexual battery that constitutes a capital,  
3437 life, or first degree felony violation of s. 794.011; or has  
3438 been convicted of a substantially similar offense in another  
3439 jurisdiction. As used in this section, the term "substantially  
3440 similar offense" means any offense that is substantially similar  
3441 in elements and penalties to one of those listed in this  
3442 subparagraph, and that is in violation of a law of any other  
3443 jurisdiction, whether that of another state, the District of  
3444 Columbia, the United States or any possession or territory  
3445 thereof, or any foreign jurisdiction; or

3446 3. The court determines by clear and convincing evidence  
3447 that continuing the parental relationship with the incarcerated  
3448 parent would be harmful to the child and, for this reason,  
3449 termination of the parental rights of the incarcerated parent is  
3450 in the best interests of the child.

3451 Section 71. For the purpose of incorporating the amendment  
3452 made by this act to section 775.21, Florida Statutes, in a  
3453 reference thereto, subsection (3) of section 63.092, Florida  
3454 Statutes, is reenacted to read:

3455 63.092 Report to the court of intended placement by an  
3456 adoption entity; at-risk placement; preliminary study.-

3457 (3) PRELIMINARY HOME STUDY.-Before placing the minor in the  
3458 intended adoptive home, a preliminary home study must be  
3459 performed by a licensed child-placing agency, a child-caring  
3460 agency registered under s. 409.176, a licensed professional, or  
3461 an agency described in s. 61.20(2), unless the adoptee is an  
3462 adult or the petitioner is a stepparent or a relative. If the  
3463 adoptee is an adult or the petitioner is a stepparent or a  
3464 relative, a preliminary home study may be required by the court

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3465 for good cause shown. The department is required to perform the  
3466 preliminary home study only if there is no licensed child-  
3467 placing agency, child-caring agency registered under s. 409.176,  
3468 licensed professional, or agency described in s. 61.20(2), in  
3469 the county where the prospective adoptive parents reside. The  
3470 preliminary home study must be made to determine the suitability  
3471 of the intended adoptive parents and may be completed prior to  
3472 identification of a prospective adoptive minor. A favorable  
3473 preliminary home study is valid for 1 year after the date of its  
3474 completion. Upon its completion, a signed copy of the home study  
3475 must be provided to the intended adoptive parents who were the  
3476 subject of the home study. A minor may not be placed in an  
3477 intended adoptive home before a favorable preliminary home study  
3478 is completed unless the adoptive home is also a licensed foster  
3479 home under s. 409.175. The preliminary home study must include,  
3480 at a minimum:

- 3481 (a) An interview with the intended adoptive parents;  
3482 (b) Records checks of the department's central abuse  
3483 registry and criminal records correspondence checks under s.  
3484 39.0138 through the Department of Law Enforcement on the  
3485 intended adoptive parents;  
3486 (c) An assessment of the physical environment of the home;  
3487 (d) A determination of the financial security of the  
3488 intended adoptive parents;  
3489 (e) Documentation of counseling and education of the  
3490 intended adoptive parents on adoptive parenting;  
3491 (f) Documentation that information on adoption and the  
3492 adoption process has been provided to the intended adoptive  
3493 parents;

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3494 (g) Documentation that information on support services  
3495 available in the community has been provided to the intended  
3496 adoptive parents; and

3497 (h) A copy of each signed acknowledgment of receipt of  
3498 disclosure required by s. 63.085.

3499

3500 If the preliminary home study is favorable, a minor may be  
3501 placed in the home pending entry of the judgment of adoption. A  
3502 minor may not be placed in the home if the preliminary home  
3503 study is unfavorable. If the preliminary home study is  
3504 unfavorable, the adoption entity may, within 20 days after  
3505 receipt of a copy of the written recommendation, petition the  
3506 court to determine the suitability of the intended adoptive  
3507 home. A determination as to suitability under this subsection  
3508 does not act as a presumption of suitability at the final  
3509 hearing. In determining the suitability of the intended adoptive  
3510 home, the court must consider the totality of the circumstances  
3511 in the home. A minor may not be placed in a home in which there  
3512 resides any person determined by the court to be a sexual  
3513 predator as defined in s. 775.21 or to have been convicted of an  
3514 offense listed in s. 63.089(4)(b)2.

3515 Section 72. For the purpose of incorporating the amendment  
3516 made by this act to section 775.21, Florida Statutes, in a  
3517 reference thereto, subsection (1) of section 794.075, Florida  
3518 Statutes, is reenacted to read:

3519 794.075 Sexual predators; erectile dysfunction drugs.—

3520 (1) A person may not possess a prescription drug, as  
3521 defined in s. 499.003(43), for the purpose of treating erectile  
3522 dysfunction if the person is designated as a sexual predator

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3523 under s. 775.21.

3524 Section 73. For the purpose of incorporating the amendment  
3525 made by this act to section 775.21, Florida Statutes, in a  
3526 reference thereto, paragraph (o) of subsection (5) of section  
3527 921.141, Florida Statutes, is reenacted to read:

3528 921.141 Sentence of death or life imprisonment for capital  
3529 felonies; further proceedings to determine sentence.—

3530 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances  
3531 shall be limited to the following:

3532 (o) The capital felony was committed by a person designated  
3533 as a sexual predator pursuant to s. 775.21 or a person  
3534 previously designated as a sexual predator who had the sexual  
3535 predator designation removed.

3536 Section 74. For the purpose of incorporating the amendment  
3537 made by this act to section 775.21, Florida Statutes, in  
3538 references thereto, subsection (5) of section 943.0435, Florida  
3539 Statutes, is reenacted to read:

3540 943.0435 Sexual offenders required to register with the  
3541 department; penalty.—

3542 (5) This section does not apply to a sexual offender who is  
3543 also a sexual predator, as defined in s. 775.21. A sexual  
3544 predator must register as required under s. 775.21.

3545 Section 75. For the purpose of incorporating the amendment  
3546 made by this act to section 775.21, Florida Statutes, in  
3547 references thereto, subsection (4) of section 944.609, Florida  
3548 Statutes, is reenacted to read:

3549 944.609 Career offenders; notification upon release.—

3550 (4) The department or any law enforcement agency may notify  
3551 the community and the public of a career offender's presence in

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3552 the community. However, with respect to a career offender who  
3553 has been found to be a sexual predator under s. 775.21, the  
3554 Department of Law Enforcement or any other law enforcement  
3555 agency must inform the community and the public of the career  
3556 offender's presence in the community, as provided in s. 775.21.

3557 Section 76. For the purpose of incorporating the amendment  
3558 made by this act to section 775.21, Florida Statutes, in a  
3559 reference thereto, subsection (2) of section 947.1405, Florida  
3560 Statutes, is reenacted to read:

3561 947.1405 Conditional release program.—

3562 (2) Any inmate who:

3563 (a) Is convicted of a crime committed on or after October  
3564 1, 1988, and before January 1, 1994, and any inmate who is  
3565 convicted of a crime committed on or after January 1, 1994,  
3566 which crime is or was contained in category 1, category 2,  
3567 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida  
3568 Rules of Criminal Procedure (1993), and who has served at least  
3569 one prior felony commitment at a state or federal correctional  
3570 institution;

3571 (b) Is sentenced as a habitual or violent habitual offender  
3572 or a violent career criminal pursuant to s. 775.084; or

3573 (c) Is found to be a sexual predator under s. 775.21 or  
3574 former s. 775.23,

3575  
3576 shall, upon reaching the tentative release date or provisional  
3577 release date, whichever is earlier, as established by the  
3578 Department of Corrections, be released under supervision subject  
3579 to specified terms and conditions, including payment of the cost  
3580 of supervision pursuant to s. 948.09. Such supervision shall be

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3581 applicable to all sentences within the overall term of sentences  
3582 if an inmate's overall term of sentences includes one or more  
3583 sentences that are eligible for conditional release supervision  
3584 as provided herein. Effective July 1, 1994, and applicable for  
3585 offenses committed on or after that date, the commission may  
3586 require, as a condition of conditional release, that the  
3587 releasee make payment of the debt due and owing to a county or  
3588 municipal detention facility under s. 951.032 for medical care,  
3589 treatment, hospitalization, or transportation received by the  
3590 releasee while in that detention facility. The commission, in  
3591 determining whether to order such repayment and the amount of  
3592 such repayment, shall consider the amount of the debt, whether  
3593 there was any fault of the institution for the medical expenses  
3594 incurred, the financial resources of the releasee, the present  
3595 and potential future financial needs and earning ability of the  
3596 releasee, and dependents, and other appropriate factors. If any  
3597 inmate placed on conditional release supervision is also subject  
3598 to probation or community control, resulting from a probationary  
3599 or community control split sentence within the overall term of  
3600 sentences, the Department of Corrections shall supervise such  
3601 person according to the conditions imposed by the court and the  
3602 commission shall defer to such supervision. If the court revokes  
3603 probation or community control and resentences the offender to a  
3604 term of incarceration, such revocation also constitutes a  
3605 sufficient basis for the revocation of the conditional release  
3606 supervision on any nonprobationary or noncommunity control  
3607 sentence without further hearing by the commission. If any such  
3608 supervision on any nonprobationary or noncommunity control  
3609 sentence is revoked, such revocation may result in a forfeiture

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3610 of all gain-time, and the commission may revoke the resulting  
3611 deferred conditional release supervision or take other action it  
3612 considers appropriate. If the term of conditional release  
3613 supervision exceeds that of the probation or community control,  
3614 then, upon expiration of the probation or community control,  
3615 authority for the supervision shall revert to the commission and  
3616 the supervision shall be subject to the conditions imposed by  
3617 the commission. A panel of no fewer than two commissioners shall  
3618 establish the terms and conditions of any such release. If the  
3619 offense was a controlled substance violation, the conditions  
3620 shall include a requirement that the offender submit to random  
3621 substance abuse testing intermittently throughout the term of  
3622 conditional release supervision, upon the direction of the  
3623 correctional probation officer as defined in s. 943.10(3). The  
3624 commission shall also determine whether the terms and conditions  
3625 of such release have been violated and whether such violation  
3626 warrants revocation of the conditional release.

3627 Section 77. For the purpose of incorporating the amendment  
3628 made by this act to section 775.21, Florida Statutes, in  
3629 references thereto, paragraphs (b) and (d) of subsection (8) of  
3630 section 948.06, Florida Statutes, are reenacted to read:

3631 948.06 Violation of probation or community control;  
3632 revocation; modification; continuance; failure to pay  
3633 restitution or cost of supervision.—

3634 (8)

3635 (b) For purposes of this section and ss. 903.0351, 948.064,  
3636 and 921.0024, the term "violent felony offender of special  
3637 concern" means a person who is on:

3638 1. Felony probation or community control related to the

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3639 commission of a qualifying offense committed on or after the  
3640 effective date of this act;

3641 2. Felony probation or community control for any offense  
3642 committed on or after the effective date of this act, and has  
3643 previously been convicted of a qualifying offense;

3644 3. Felony probation or community control for any offense  
3645 committed on or after the effective date of this act, and is  
3646 found to have violated that probation or community control by  
3647 committing a qualifying offense;

3648 4. Felony probation or community control and has previously  
3649 been found by a court to be a habitual violent felony offender  
3650 as defined in s. 775.084(1)(b) and has committed a qualifying  
3651 offense on or after the effective date of this act;

3652 5. Felony probation or community control and has previously  
3653 been found by a court to be a three-time violent felony offender  
3654 as defined in s. 775.084(1)(c) and has committed a qualifying  
3655 offense on or after the effective date of this act; or

3656 6. Felony probation or community control and has previously  
3657 been found by a court to be a sexual predator under s. 775.21  
3658 and has committed a qualifying offense on or after the effective  
3659 date of this act.

3660 (d) In the case of an alleged violation of probation or  
3661 community control other than a failure to pay costs, fines, or  
3662 restitution, the following individuals shall remain in custody  
3663 pending the resolution of the probation or community control  
3664 violation:

3665 1. A violent felony offender of special concern, as defined  
3666 in this section;

3667 2. A person who is on felony probation or community control

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3668 for any offense committed on or after the effective date of this  
3669 act and who is arrested for a qualifying offense as defined in  
3670 this section; or

3671 3. A person who is on felony probation or community control  
3672 and has previously been found by a court to be a habitual  
3673 violent felony offender as defined in s. 775.084(1)(b), a three-  
3674 time violent felony offender as defined in s. 775.084(1)(c), or  
3675 a sexual predator under s. 775.21, and who is arrested for  
3676 committing a qualifying offense as defined in this section on or  
3677 after the effective date of this act.

3678  
3679 The court shall not dismiss the probation or community control  
3680 violation warrant pending against an offender enumerated in this  
3681 paragraph without holding a recorded violation-of-probation  
3682 hearing at which both the state and the offender are  
3683 represented.

3684 Section 78. For the purpose of incorporating the amendment  
3685 made by this act to section 775.21, Florida Statutes, in a  
3686 reference thereto, subsection (4) of section 948.064, Florida  
3687 Statutes, is reenacted to read:

3688 948.064 Notification of status as a violent felony offender  
3689 of special concern.—

3690 (4) The state attorney, or the statewide prosecutor if  
3691 applicable, shall advise the court at each critical stage in the  
3692 judicial process, at which the state attorney or statewide  
3693 prosecutor is represented, whether an alleged or convicted  
3694 offender is a violent felony offender of special concern; a  
3695 person who is on felony probation or community control for any  
3696 offense committed on or after the effective date of this act and

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3697 who is arrested for a qualifying offense; or a person who is on  
3698 felony probation or community control and has previously been  
3699 found by a court to be a habitual violent felony offender as  
3700 defined in s. 775.084(1)(b), a three-time violent felony  
3701 offender as defined in s. 775.084(1)(c), or a sexual predator  
3702 under s. 775.21, and who is arrested for committing a qualifying  
3703 offense on or after the effective date of this act.

3704 Section 79. For the purpose of incorporating the amendment  
3705 made by this act to section 775.21, Florida Statutes, in a  
3706 reference thereto, section 948.12, Florida Statutes, is  
3707 reenacted to read:

3708 948.12 Intensive supervision for postprison release of  
3709 violent offenders.—It is the finding of the Legislature that the  
3710 population of violent offenders released from state prison into  
3711 the community poses the greatest threat to the public safety of  
3712 the groups of offenders under community supervision. Therefore,  
3713 for the purpose of enhanced public safety, any offender released  
3714 from state prison who:

3715 (1) Was most recently incarcerated for an offense that is  
3716 or was contained in category 1 (murder, manslaughter), category  
3717 2 (sexual offenses), category 3 (robbery), or category 4  
3718 (violent personal crimes) of Rules 3.701 and 3.988, Florida  
3719 Rules of Criminal Procedure (1993), and who has served at least  
3720 one prior felony commitment at a state or federal correctional  
3721 institution;

3722 (2) Was sentenced as a habitual offender, violent habitual  
3723 offender, or violent career criminal pursuant to s. 775.084; or

3724 (3) Has been found to be a sexual predator pursuant to s.  
3725 775.21,

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3726

3727 and who has a term of probation to follow the period of  
3728 incarceration shall be provided intensive supervision by  
3729 experienced correctional probation officers. Subject to specific  
3730 appropriation by the Legislature, caseloads may be restricted to  
3731 a maximum of 40 offenders per officer to provide for enhanced  
3732 public safety as well as to effectively monitor conditions of  
3733 electronic monitoring or curfews, if such was ordered by the  
3734 court.

3735 Section 80. For the purpose of incorporating the amendment  
3736 made by this act to section 784.046, Florida Statutes, in a  
3737 reference thereto, paragraph (e) of subsection (1) of section  
3738 741.313, Florida Statutes, is reenacted to read:

3739 741.313 Unlawful action against employees seeking  
3740 protection.—

3741 (1) As used in this section, the term:

3742 (e) "Sexual violence" means sexual violence, as defined in  
3743 s. 784.046, or any crime the underlying factual basis of which  
3744 has been found by a court to include an act of sexual violence.

3745 Section 81. For the purpose of incorporating the amendment  
3746 made by this act to section 794.0115, Florida Statutes, in  
3747 references thereto, subsection (3), paragraphs (a), (b), (c),  
3748 and (d) of subsection (4), and subsection (5) of section  
3749 794.011, Florida Statutes, are reenacted to read:

3750 794.011 Sexual battery.—

3751 (3) A person who commits sexual battery upon a person 12  
3752 years of age or older, without that person's consent, and in the  
3753 process thereof uses or threatens to use a deadly weapon or uses  
3754 actual physical force likely to cause serious personal injury

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3755 commits a life felony, punishable as provided in s. 775.082, s.  
3756 775.083, s. 775.084, or s. 794.0115.

3757 (4) (a) A person 18 years of age or older who commits sexual  
3758 battery upon a person 12 years of age or older but younger than  
3759 18 years of age without that person's consent, under any of the  
3760 circumstances listed in paragraph (e), commits a felony of the  
3761 first degree, punishable by a term of years not exceeding life  
3762 or as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
3763 794.0115.

3764 (b) A person 18 years of age or older who commits sexual  
3765 battery upon a person 18 years of age or older without that  
3766 person's consent, under any of the circumstances listed in  
3767 paragraph (e), commits a felony of the first degree, punishable  
3768 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
3769 794.0115.

3770 (c) A person younger than 18 years of age who commits  
3771 sexual battery upon a person 12 years of age or older without  
3772 that person's consent, under any of the circumstances listed in  
3773 paragraph (e), commits a felony of the first degree, punishable  
3774 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
3775 794.0115.

3776 (d) A person commits a felony of the first degree,  
3777 punishable by a term of years not exceeding life or as provided  
3778 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the  
3779 person commits sexual battery upon a person 12 years of age or  
3780 older without that person's consent, under any of the  
3781 circumstances listed in paragraph (e), and such person was  
3782 previously convicted of a violation of:

3783 1. Section 787.01(2) or s. 787.02(2) when the violation

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3784 involved a victim who was a minor and, in the course of  
3785 committing that violation, the defendant committed against the  
3786 minor a sexual battery under this chapter or a lewd act under s.  
3787 800.04 or s. 847.0135(5);

3788 2. Section 787.01(3)(a)2. or 3.;

3789 3. Section 787.02(3)(a)2. or 3.;

3790 4. Section 800.04;

3791 5. Section 825.1025;

3792 6. Section 847.0135(5); or

3793 7. This chapter, excluding subsection (10) of this section.

3794 (5)(a) A person 18 years of age or older who commits sexual  
3795 battery upon a person 12 years of age or older but younger than  
3796 18 years of age, without that person's consent, and in the  
3797 process does not use physical force and violence likely to cause  
3798 serious personal injury commits a felony of the first degree,  
3799 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
3800 s. 794.0115.

3801 (b) A person 18 years of age or older who commits sexual  
3802 battery upon a person 18 years of age or older, without that  
3803 person's consent, and in the process does not use physical force  
3804 and violence likely to cause serious personal injury commits a  
3805 felony of the second degree, punishable as provided in s.  
3806 775.082, s. 775.083, s. 775.084, or s. 794.0115.

3807 (c) A person younger than 18 years of age who commits  
3808 sexual battery upon a person 12 years of age or older, without  
3809 that person's consent, and in the process does not use physical  
3810 force and violence likely to cause serious personal injury  
3811 commits a felony of the second degree, punishable as provided in  
3812 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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3813 (d) A person commits a felony of the first degree,  
3814 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
3815 s. 794.0115 if the person commits sexual battery upon a person  
3816 12 years of age or older, without that person's consent, and in  
3817 the process does not use physical force and violence likely to  
3818 cause serious personal injury and the person was previously  
3819 convicted of a violation of:

3820 1. Section 787.01(2) or s. 787.02(2) when the violation  
3821 involved a victim who was a minor and, in the course of  
3822 committing that violation, the defendant committed against the  
3823 minor a sexual battery under this chapter or a lewd act under s.  
3824 800.04 or s. 847.0135(5);

3825 2. Section 787.01(3)(a)2. or 3.;

3826 3. Section 787.02(3)(a)2. or 3.;

3827 4. Section 800.04;

3828 5. Section 825.1025;

3829 6. Section 847.0135(5); or

3830 7. This chapter, excluding subsection (10) of this section.

3831 Section 82. For the purpose of incorporating the amendment  
3832 made by this act to section 847.001, Florida Statutes, in a  
3833 reference thereto, subsection (2) of section 944.11, Florida  
3834 Statutes, is reenacted to read:

3835 944.11 Department to regulate admission of books.—

3836 (2) The department shall have the authority to prohibit  
3837 admission of reading materials or publications with content  
3838 which depicts sexual conduct as defined by s. 847.001 or  
3839 presents nudity in such a way as to create the appearance that  
3840 sexual conduct is imminent. The department shall have the  
3841 authority to prohibit admission of such materials at a

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3842 particular state correctional facility upon a determination by  
3843 the department that such material or publications would be  
3844 detrimental to the safety, security, order or rehabilitative  
3845 interests of a particular state correctional facility or would  
3846 create a risk of disorder at a particular state correctional  
3847 facility.

3848 Section 83. For the purpose of incorporating the amendment  
3849 made by this act to section 847.0135, Florida Statutes, in a  
3850 reference thereto, paragraph (q) of subsection (5) of section  
3851 456.074, Florida Statutes, is reenacted to read:

3852 456.074 Certain health care practitioners; immediate  
3853 suspension of license.—

3854 (5) The department shall issue an emergency order  
3855 suspending the license of a massage therapist or establishment  
3856 as defined in chapter 480 upon receipt of information that the  
3857 massage therapist, a person with an ownership interest in the  
3858 establishment, or, for a corporation that has more than \$250,000  
3859 of business assets in this state, the owner, officer, or  
3860 individual directly involved in the management of the  
3861 establishment has been convicted or found guilty of, or has  
3862 entered a plea of guilty or nolo contendere to, regardless of  
3863 adjudication, a felony offense under any of the following  
3864 provisions of state law or a similar provision in another  
3865 jurisdiction:

3866 (q) Section 847.0135, relating to computer pornography.

3867 Section 84. For the purpose of incorporating the amendment  
3868 made by this act to section 847.0135, Florida Statutes, in a  
3869 reference thereto, paragraph (q) of subsection (7) of section  
3870 480.041, Florida Statutes, is reenacted to read:

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3871 480.041 Massage therapists; qualifications; licensure;  
3872 endorsement.—

3873 (7) The board shall deny an application for a new or  
3874 renewal license if an applicant has been convicted or found  
3875 guilty of, or enters a plea of guilty or nolo contendere to,  
3876 regardless of adjudication, a felony offense under any of the  
3877 following provisions of state law or a similar provision in  
3878 another jurisdiction:

3879 (q) Section 847.0135, relating to computer pornography.

3880 Section 85. For the purpose of incorporating the amendment  
3881 made by this act to section 847.0135, Florida Statutes, in a  
3882 reference thereto, paragraph (q) of subsection (8) of section  
3883 480.043, Florida Statutes, is reenacted to read:

3884 480.043 Massage establishments; requisites; licensure;  
3885 inspection.—

3886 (8) The department shall deny an application for a new or  
3887 renewal license if a person with an ownership interest in the  
3888 establishment or, for a corporation that has more than \$250,000  
3889 of business assets in this state, the owner, officer, or  
3890 individual directly involved in the management of the  
3891 establishment has been convicted or found guilty of, or entered  
3892 a plea of guilty or nolo contendere to, regardless of  
3893 adjudication, a felony offense under any of the following  
3894 provisions of state law or a similar provision in another  
3895 jurisdiction:

3896 (q) Section 847.0135, relating to computer pornography.

3897 Section 86. For the purpose of incorporating the amendment  
3898 made by this act to section 895.02, Florida Statutes, in a  
3899 reference thereto, paragraph (g) of subsection (3) of section

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3900 655.50, Florida Statutes, is reenacted to read:

3901 655.50 Florida Control of Money Laundering and Terrorist  
3902 Financing in Financial Institutions Act.—

3903 (3) As used in this section, the term:

3904 (g) "Specified unlawful activity" means "racketeering  
3905 activity" as defined in s. 895.02.

3906 Section 87. For the purpose of incorporating the amendment  
3907 made by this act to section 895.02, Florida Statutes, in a  
3908 reference thereto, paragraph (g) of subsection (2) of section  
3909 896.101, Florida Statutes, is reenacted to read:

3910 896.101 Florida Money Laundering Act; definitions;  
3911 penalties; injunctions; seizure warrants; immunity.—

3912 (2) As used in this section, the term:

3913 (g) "Specified unlawful activity" means any "racketeering  
3914 activity" as defined in s. 895.02.

3915 Section 88. For the purpose of incorporating the amendment  
3916 made by this act to section 943.0435, Florida Statutes, in a  
3917 reference thereto, subsection (2) of section 394.9125, Florida  
3918 Statutes, is reenacted to read:

3919 394.9125 State attorney; authority to refer a person for  
3920 civil commitment.—

3921 (2) A state attorney may refer a person to the department  
3922 for civil commitment proceedings if the person:

3923 (a) Is required to register as a sexual offender pursuant  
3924 to s. 943.0435;

3925 (b) Has previously been convicted of a sexually violent  
3926 offense as defined in s. 394.912(9)(a)-(h); and

3927 (c) Has been sentenced to a term of imprisonment in a  
3928 county or municipal jail for any criminal offense.

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3929 Section 89. For the purpose of incorporating the amendment  
3930 made by this act to section 943.0435, Florida Statutes, in a  
3931 reference thereto, paragraph (g) of subsection (2) of section  
3932 1012.467, Florida Statutes, is reenacted to read:

3933 1012.467 Noninstructional contractors who are permitted  
3934 access to school grounds when students are present; background  
3935 screening requirements.—

3936 (2)

3937 (g) A noninstructional contractor for whom a criminal  
3938 history check is required under this section may not have been  
3939 convicted of any of the following offenses designated in the  
3940 Florida Statutes, any similar offense in another jurisdiction,  
3941 or any similar offense committed in this state which has been  
3942 redesignated from a former provision of the Florida Statutes to  
3943 one of the following offenses:

3944 1. Any offense listed in s. 943.0435(1)(a)1., relating to  
3945 the registration of an individual as a sexual offender.

3946 2. Section 393.135, relating to sexual misconduct with  
3947 certain developmentally disabled clients and the reporting of  
3948 such sexual misconduct.

3949 3. Section 394.4593, relating to sexual misconduct with  
3950 certain mental health patients and the reporting of such sexual  
3951 misconduct.

3952 4. Section 775.30, relating to terrorism.

3953 5. Section 782.04, relating to murder.

3954 6. Section 787.01, relating to kidnapping.

3955 7. Any offense under chapter 800, relating to lewdness and  
3956 indecent exposure.

3957 8. Section 826.04, relating to incest.

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3958 9. Section 827.03, relating to child abuse, aggravated  
3959 child abuse, or neglect of a child.

3960 Section 90. For the purpose of incorporating the amendment  
3961 made by this act to section 943.0435, Florida Statutes, in a  
3962 reference thereto, subsection (2) of section 775.0862, Florida  
3963 Statutes, is reenacted to read:

3964 775.0862 Sexual offenses against students by authority  
3965 figures; reclassification.—

3966 (2) The felony degree of a violation of an offense listed  
3967 in s. 943.0435(1)(a)1.a., unless the offense is a violation of  
3968 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
3969 as provided in this section if the offense is committed by an  
3970 authority figure of a school against a student of the school.

3971 Section 91. For the purpose of incorporating the amendment  
3972 made by this act to section 947.1405, Florida Statutes, in a  
3973 reference thereto, paragraph (j) of subsection (4) of section  
3974 775.084, Florida Statutes, is reenacted to read:

3975 775.084 Violent career criminals; habitual felony offenders  
3976 and habitual violent felony offenders; three-time violent felony  
3977 offenders; definitions; procedure; enhanced penalties or  
3978 mandatory minimum prison terms.—

3979 (4)

3980 (j) The provisions of s. 947.1405 shall apply to persons  
3981 sentenced as habitual felony offenders and persons sentenced as  
3982 habitual violent felony offenders.

3983 Section 92. For the purpose of incorporating the amendment  
3984 made by this act to section 947.1405, Florida Statutes, in  
3985 references thereto, subsection (1) of section 944.70, Florida  
3986 Statutes, is reenacted to read:

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- 3987 944.70 Conditions for release from incarceration.—
- 3988 (1) (a) A person who is convicted of a crime committed on or
- 3989 after October 1, 1983, but before January 1, 1994, may be
- 3990 released from incarceration only:
- 3991 1. Upon expiration of the person's sentence;
- 3992 2. Upon expiration of the person's sentence as reduced by
- 3993 accumulated gain-time;
- 3994 3. As directed by an executive order granting clemency;
- 3995 4. Upon attaining the provisional release date;
- 3996 5. Upon placement in a conditional release program pursuant
- 3997 to s. 947.1405; or
- 3998 6. Upon the granting of control release pursuant to s.
- 3999 947.146.
- 4000 (b) A person who is convicted of a crime committed on or
- 4001 after January 1, 1994, may be released from incarceration only:
- 4002 1. Upon expiration of the person's sentence;
- 4003 2. Upon expiration of the person's sentence as reduced by
- 4004 accumulated meritorious or incentive gain-time;
- 4005 3. As directed by an executive order granting clemency;
- 4006 4. Upon placement in a conditional release program pursuant
- 4007 to s. 947.1405 or a conditional medical release program pursuant
- 4008 to s. 947.149; or
- 4009 5. Upon the granting of control release, including
- 4010 emergency control release, pursuant to s. 947.146.
- 4011 Section 93. For the purpose of incorporating the amendment
- 4012 made by this act to section 948.06, Florida Statutes, in a
- 4013 reference thereto, paragraph (a) of subsection (7) of section
- 4014 948.08, Florida Statutes, is reenacted to read:
- 4015 948.08 Pretrial intervention program.—

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4016 (7) (a) Notwithstanding any provision of this section, a  
4017 person who is charged with a felony, other than a felony listed  
4018 in s. 948.06(8)(c), and identified as a veteran, as defined in  
4019 s. 1.01, or servicemember, as defined in s. 250.01, who suffers  
4020 from a military service-related mental illness, traumatic brain  
4021 injury, substance abuse disorder, or psychological problem, is  
4022 eligible for voluntary admission into a pretrial veterans'  
4023 treatment intervention program approved by the chief judge of  
4024 the circuit, upon motion of either party or the court's own  
4025 motion, except:

4026 1. If a defendant was previously offered admission to a  
4027 pretrial veterans' treatment intervention program at any time  
4028 before trial and the defendant rejected that offer on the  
4029 record, the court may deny the defendant's admission to such a  
4030 program.

4031 2. If a defendant previously entered a court-ordered  
4032 veterans' treatment program, the court may deny the defendant's  
4033 admission into the pretrial veterans' treatment program.

4034 Section 94. For the purpose of incorporating the amendment  
4035 made by this act to section 960.03, Florida Statutes, in  
4036 references thereto, paragraph (b) of subsection (1) and  
4037 subsections (2) and (3) of section 847.002, Florida Statutes,  
4038 are reenacted to read:

4039 847.002 Child pornography prosecutions.—

4040 (1) Any law enforcement officer who, pursuant to a criminal  
4041 investigation, recovers images or movies of child pornography  
4042 shall:

4043 (b) Request the law enforcement agency contact information  
4044 from the Child Victim Identification Program for any images or

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4045 movies recovered which contain an identified victim of child  
4046 pornography as defined in s. 960.03.

4047 (2) Any law enforcement officer submitting a case for  
4048 prosecution which involves the production, promotion, or  
4049 possession of child pornography shall submit to the designated  
4050 prosecutor the law enforcement agency contact information  
4051 provided by the Child Victim Identification Program at the  
4052 National Center for Missing and Exploited Children, for any  
4053 images or movies involved in the case which contain the  
4054 depiction of an identified victim of child pornography as  
4055 defined in s. 960.03.

4056 (3) In every filed case involving an identified victim of  
4057 child pornography, as defined in s. 960.03, the prosecuting  
4058 agency shall enter the following information into the Victims in  
4059 Child Pornography Tracking Repeat Exploitation database  
4060 maintained by the Office of the Attorney General:

4061 (a) The case number and agency file number.

4062 (b) The named defendant.

4063 (c) The circuit court division and county.

4064 (d) Current court dates and the status of the case.

4065 (e) Contact information for the prosecutor assigned.

4066 (f) Verification that the prosecutor is or is not in  
4067 possession of a victim impact statement and will use the  
4068 statement in sentencing.

4069 Section 95. For the purpose of incorporating the amendment  
4070 made by this act to section 985.475, Florida Statutes, in a  
4071 reference thereto, paragraph (c) of subsection (5) of section  
4072 985.0301, Florida Statutes, is reenacted to read:

4073 985.0301 Jurisdiction.—

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4074 (5)  
4075 (c) The court shall retain jurisdiction over a juvenile  
4076 sexual offender, as defined in s. 985.475, who has been placed  
4077 on community-based treatment alternative with supervision or who  
4078 has been placed in a program or facility for juvenile sexual  
4079 offenders, pursuant to s. 985.48, until the juvenile sexual  
4080 offender reaches 21 years of age, specifically for the purpose  
4081 of allowing the juvenile to complete the program.

4082 Section 96. For the purpose of incorporating the amendment  
4083 made by this act to section 985.475, Florida Statutes, in a  
4084 reference thereto, paragraph (c) of subsection (1) of section  
4085 985.441, Florida Statutes, is reenacted to read:

4086 985.441 Commitment.—

4087 (1) The court that has jurisdiction of an adjudicated  
4088 delinquent child may, by an order stating the facts upon which a  
4089 determination of a sanction and rehabilitative program was made  
4090 at the disposition hearing:

4091 (c) Commit the child to the department for placement in a  
4092 program or facility for juvenile sexual offenders in accordance  
4093 with s. 985.48, subject to specific appropriation for such a  
4094 program or facility.

4095 1. The child may only be committed for such placement  
4096 pursuant to determination that the child is a juvenile sexual  
4097 offender under the criteria specified in s. 985.475.

4098 2. Any commitment of a juvenile sexual offender to a  
4099 program or facility for juvenile sexual offenders must be for an  
4100 indeterminate period of time, but the time may not exceed the  
4101 maximum term of imprisonment that an adult may serve for the  
4102 same offense.

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4103 Section 97. For the purpose of incorporating the amendments  
4104 made by this act to sections 947.0435 and 947.04354, Florida  
4105 Statutes, in references thereto, subsection (12) of section  
4106 947.1405, Florida Statutes, is reenacted to read:

4107 947.1405 Conditional release program.—

4108 (12) In addition to all other conditions imposed, for a  
4109 releasee who is subject to conditional release for a crime that  
4110 was committed on or after May 26, 2010, and who has been  
4111 convicted at any time of committing, or attempting, soliciting,  
4112 or conspiring to commit, any of the criminal offenses listed in  
4113 s. 943.0435(1)(a)1.a.(I), or a similar offense in another  
4114 jurisdiction against a victim who was under 18 years of age at  
4115 the time of the offense, if the releasee has not received a  
4116 pardon for any felony or similar law of another jurisdiction  
4117 necessary for the operation of this subsection, if a conviction  
4118 of a felony or similar law of another jurisdiction necessary for  
4119 the operation of this subsection has not been set aside in any  
4120 postconviction proceeding, or if the releasee has not been  
4121 removed from the requirement to register as a sexual offender or  
4122 sexual predator pursuant to s. 943.04354, the commission must  
4123 impose the following conditions:

4124 (a) A prohibition on visiting schools, child care  
4125 facilities, parks, and playgrounds without prior approval from  
4126 the releasee's supervising officer. The commission may also  
4127 designate additional prohibited locations to protect a victim.  
4128 The prohibition ordered under this paragraph does not prohibit  
4129 the releasee from visiting a school, child care facility, park,  
4130 or playground for the sole purpose of attending a religious  
4131 service as defined in s. 775.0861 or picking up or dropping off

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4132 the releasee's child or grandchild at a child care facility or  
4133 school.

4134 (b) A prohibition on distributing candy or other items to  
4135 children on Halloween; wearing a Santa Claus costume, or other  
4136 costume to appeal to children, on or preceding Christmas;  
4137 wearing an Easter Bunny costume, or other costume to appeal to  
4138 children, on or preceding Easter; entertaining at children's  
4139 parties; or wearing a clown costume without prior approval from  
4140 the commission.

4141 Section 98. For the purpose of incorporating the amendments  
4142 made by this act to sections 775.21 and 943.0435, Florida  
4143 Statutes, in references thereto, paragraph (i) of subsection (3)  
4144 and subsection (6) of section 68.07, Florida Statutes, are  
4145 reenacted to read:

4146 68.07 Change of name.—

4147 (3) Each petition shall be verified and show:

4148 (i) Whether the petitioner has ever been required to  
4149 register as a sexual predator under s. 775.21 or as a sexual  
4150 offender under s. 943.0435.

4151 (6) The clerk of the court must, within 5 business days  
4152 after the filing of the final judgment, send a report of the  
4153 judgment to the Department of Law Enforcement on a form to be  
4154 furnished by that department. If the petitioner is required to  
4155 register as a sexual predator or a sexual offender pursuant to  
4156 s. 775.21 or s. 943.0435, the clerk of court shall  
4157 electronically notify the Department of Law Enforcement of the  
4158 name change, in a manner prescribed by that department, within 2  
4159 business days after the filing of the final judgment. The  
4160 Department of Law Enforcement must send a copy of the report to

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4161 the Department of Highway Safety and Motor Vehicles, which may  
4162 be delivered by electronic transmission. The report must contain  
4163 sufficient information to identify the petitioner, including the  
4164 results of the criminal history records check if applicable, the  
4165 new name of the petitioner, and the file number of the judgment.  
4166 The Department of Highway Safety and Motor Vehicles shall  
4167 monitor the records of any sexual predator or sexual offender  
4168 whose name has been provided to it by the Department of Law  
4169 Enforcement. If the sexual predator or sexual offender does not  
4170 obtain a replacement driver license or identification card  
4171 within the required time as specified in s. 775.21 or s.  
4172 943.0435, the Department of Highway Safety and Motor Vehicles  
4173 shall notify the Department of Law Enforcement. The Department  
4174 of Law Enforcement shall notify applicable law enforcement  
4175 agencies of the predator's or offender's failure to comply with  
4176 registration requirements. Any information retained by the  
4177 Department of Law Enforcement and the Department of Highway  
4178 Safety and Motor Vehicles may be revised or supplemented by said  
4179 departments to reflect changes made by the final judgment. With  
4180 respect to a person convicted of a felony in another state or of  
4181 a federal offense, the Department of Law Enforcement must send  
4182 the report to the respective state's office of law enforcement  
4183 records or to the office of the Federal Bureau of Investigation.  
4184 The Department of Law Enforcement may forward the report to any  
4185 other law enforcement agency it believes may retain information  
4186 related to the petitioner.

4187 Section 99. For the purpose of incorporating the amendments  
4188 made by this act to sections 775.21 and 943.0435, Florida  
4189 Statutes, in references thereto, paragraph (b) of subsection (1)

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4190 of section 92.55, Florida Statutes, is reenacted to read:

4191 92.55 Judicial or other proceedings involving victim or  
4192 witness under the age of 16, a person who has an intellectual  
4193 disability, or a sexual offense victim or witness; special  
4194 protections; use of registered service or therapy animals.—

4195 (1) For purposes of this section, the term:

4196 (b) "Sexual offense" means any offense specified in s.  
4197 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

4198 Section 100. For the purpose of incorporating the amendment  
4199 made by this act to sections 775.21 and 943.0435, Florida  
4200 Statutes, in references thereto, subsection (2) of section  
4201 322.19, Florida Statutes, is reenacted to read:

4202 322.19 Change of address or name.—

4203 (2) Whenever any person, after applying for or receiving a  
4204 driver license, changes the legal residence or mailing address  
4205 in the application or license, the person must, within 10  
4206 calendar days after making the change, obtain a replacement  
4207 license that reflects the change. A written request to the  
4208 department must include the old and new addresses and the driver  
4209 license number. Any person who has a valid, current student  
4210 identification card issued by an educational institution in this  
4211 state is presumed not to have changed his or her legal residence  
4212 or mailing address. This subsection does not affect any person  
4213 required to register a permanent or temporary address change  
4214 pursuant to s. 775.13, s. 775.21, s. 775.25, or s. 943.0435.

4215 Section 101. For the purpose of incorporating the  
4216 amendments made by this act to sections 775.21, 943.0435, and  
4217 944.607, Florida Statutes, in references thereto, subsection (3)  
4218 of section 322.141, Florida Statutes, is reenacted to read:

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4219           322.141 Color or markings of certain licenses or  
4220 identification cards.—

4221           (3) All licenses for the operation of motor vehicles or  
4222 identification cards originally issued or reissued by the  
4223 department to persons who are designated as sexual predators  
4224 under s. 775.21 or subject to registration as sexual offenders  
4225 under s. 943.0435 or s. 944.607, or who have a similar  
4226 designation or are subject to a similar registration under the  
4227 laws of another jurisdiction, shall have on the front of the  
4228 license or identification card the following:

4229           (a) For a person designated as a sexual predator under s.  
4230 775.21 or who has a similar designation under the laws of  
4231 another jurisdiction, the marking "SEXUAL PREDATOR."

4232           (b) For a person subject to registration as a sexual  
4233 offender under s. 943.0435 or s. 944.607, or subject to a  
4234 similar registration under the laws of another jurisdiction, the  
4235 marking "943.0435, F.S."

4236           Section 102. For the purpose of incorporating the  
4237 amendments made by this act to sections 775.21, 943.0435, and  
4238 943.04354, Florida Statutes, in references thereto, subsection  
4239 (2) of section 397.4872, Florida Statutes, are reenacted to  
4240 read:

4241           397.4872 Exemption from disqualification; publication.—

4242           (2) The department may exempt a person from ss. 397.487(6)  
4243 and 397.4871(5) if it has been at least 3 years since the person  
4244 has completed or been lawfully released from confinement,  
4245 supervision, or sanction for the disqualifying offense. An  
4246 exemption from the disqualifying offenses may not be given under  
4247 any circumstances for any person who is a:

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4248 (a) Sexual predator pursuant to s. 775.21;  
4249 (b) Career offender pursuant to s. 775.261; or  
4250 (c) Sexual offender pursuant to s. 943.0435, unless the  
4251 requirement to register as a sexual offender has been removed  
4252 pursuant to s. 943.04354.

4253 Section 103. For the purpose of incorporating the  
4254 amendments made by this act to sections 775.21, 943.0435, and  
4255 943.04354, Florida Statutes, in references thereto, paragraph  
4256 (b) of subsection (4) of section 435.07, Florida Statutes, is  
4257 reenacted to read:

4258 435.07 Exemptions from disqualification.—Unless otherwise  
4259 provided by law, the provisions of this section apply to  
4260 exemptions from disqualification for disqualifying offenses  
4261 revealed pursuant to background screenings required under this  
4262 chapter, regardless of whether those disqualifying offenses are  
4263 listed in this chapter or other laws.

4264 (4)

4265 (b) Disqualification from employment under this chapter may  
4266 not be removed from, nor may an exemption be granted to, any  
4267 person who is a:

4268 1. Sexual predator as designated pursuant to s. 775.21;  
4269 2. Career offender pursuant to s. 775.261; or  
4270 3. Sexual offender pursuant to s. 943.0435, unless the  
4271 requirement to register as a sexual offender has been removed  
4272 pursuant to s. 943.04354.

4273 Section 104. For the purpose of incorporating the  
4274 amendments made by this act to sections 775.21, 943.0435, and  
4275 944.607, Florida Statutes, in references thereto, subsection (4)  
4276 of section 775.13, Florida Statutes, is reenacted to read:

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4277           775.13 Registration of convicted felons, exemptions;  
4278 penalties.—

4279           (4) This section does not apply to an offender:

4280           (a) Who has had his or her civil rights restored;

4281           (b) Who has received a full pardon for the offense for  
4282 which convicted;

4283           (c) Who has been lawfully released from incarceration or  
4284 other sentence or supervision for a felony conviction for more  
4285 than 5 years prior to such time for registration, unless the  
4286 offender is a fugitive from justice on a felony charge or has  
4287 been convicted of any offense since release from such  
4288 incarceration or other sentence or supervision;

4289           (d) Who is a parolee or probationer under the supervision  
4290 of the United States Parole Commission if the commission knows  
4291 of and consents to the presence of the offender in Florida or is  
4292 a probationer under the supervision of any federal probation  
4293 officer in the state or who has been lawfully discharged from  
4294 such parole or probation;

4295           (e) Who is a sexual predator and has registered as required  
4296 under s. 775.21;

4297           (f) Who is a sexual offender and has registered as required  
4298 in s. 943.0435 or s. 944.607; or

4299           (g) Who is a career offender who has registered as required  
4300 in s. 775.261 or s. 944.609.

4301           Section 105. For the purpose of incorporating the  
4302 amendments made by this act to sections 775.21, 943.0435, and  
4303 944.607, Florida Statutes, in references thereto, paragraph (b)  
4304 of subsection (3) of section 775.261, Florida Statutes, is  
4305 reenacted to read:

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4306 775.261 The Florida Career Offender Registration Act.—

4307 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4308 (b) This section does not apply to any person who has been  
4309 designated as a sexual predator and required to register under  
4310 s. 775.21 or who is required to register as a sexual offender  
4311 under s. 943.0435 or s. 944.607. However, if a person is no  
4312 longer required to register as a sexual predator under s. 775.21  
4313 or as a sexual offender under s. 943.0435 or s. 944.607, the  
4314 person must register as a career offender under this section if  
4315 the person is otherwise designated as a career offender as  
4316 provided in this section.

4317 Section 106. For the purpose of incorporating the  
4318 amendments made by this act to sections 775.21 and 943.0435,  
4319 Florida Statutes, in references thereto, paragraph (m) of  
4320 subsection (2) of section 903.046, Florida Statutes, is  
4321 reenacted to read:

4322 903.046 Purpose of and criteria for bail determination.—

4323 (2) When determining whether to release a defendant on bail  
4324 or other conditions, and what that bail or those conditions may  
4325 be, the court shall consider:

4326 (m) Whether the defendant, other than a defendant whose  
4327 only criminal charge is a misdemeanor offense under chapter 316,  
4328 is required to register as a sexual offender under s. 943.0435  
4329 or a sexual predator under s. 775.21; and, if so, he or she is  
4330 not eligible for release on bail or surety bond until the first  
4331 appearance on the case in order to ensure the full participation  
4332 of the prosecutor and the protection of the public.

4333 Section 107. For the purpose of incorporating the  
4334 amendments made by this act to sections 775.21 and 948.06,

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4335 Florida Statutes, in references thereto, subsection (1) of  
4336 section 903.0351, Florida Statutes, is reenacted to read:

4337 903.0351 Restrictions on pretrial release pending  
4338 probation-violation hearing or community-control-violation  
4339 hearing.—

4340 (1) In the instance of an alleged violation of felony  
4341 probation or community control, bail or any other form of  
4342 pretrial release shall not be granted prior to the resolution of  
4343 the probation-violation hearing or the community-control-  
4344 violation hearing to:

4345 (a) A violent felony offender of special concern as defined  
4346 in s. 948.06;

4347 (b) A person who is on felony probation or community  
4348 control for any offense committed on or after the effective date  
4349 of this act and who is arrested for a qualifying offense as  
4350 defined in s. 948.06(8)(c); or

4351 (c) A person who is on felony probation or community  
4352 control and has previously been found by a court to be a  
4353 habitual violent felony offender as defined in s. 775.084(1)(b),  
4354 a three-time violent felony offender as defined in s.  
4355 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
4356 arrested for committing a qualifying offense as defined in s.  
4357 948.06(8)(c) on or after the effective date of this act.

4358 Section 108. For the purpose of incorporating the  
4359 amendments made by this act to sections 775.21, 943.0435, and  
4360 944.607, Florida Statutes, in references thereto, section  
4361 948.063, Florida Statutes, is reenacted to read:

4362 948.063 Violations of probation or community control by  
4363 designated sexual offenders and sexual predators.—

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4364 (1) If probation or community control for any felony  
4365 offense is revoked by the court pursuant to s. 948.06(2)(e) and  
4366 the offender is designated as a sexual offender pursuant to s.  
4367 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
4368 775.21 for unlawful sexual activity involving a victim 15 years  
4369 of age or younger and the offender is 18 years of age or older,  
4370 and if the court imposes a subsequent term of supervision  
4371 following the revocation of probation or community control, the  
4372 court must order electronic monitoring as a condition of the  
4373 subsequent term of probation or community control.

4374 (2) If the probationer or offender is required to register  
4375 as a sexual predator under s. 775.21 or as a sexual offender  
4376 under s. 943.0435 or s. 944.607 for unlawful sexual activity  
4377 involving a victim 15 years of age or younger and the  
4378 probationer or offender is 18 years of age or older and has  
4379 violated the conditions of his or her probation or community  
4380 control, but the court does not revoke the probation or  
4381 community control, the court shall nevertheless modify the  
4382 probation or community control to include electronic monitoring  
4383 for any probationer or offender not then subject to electronic  
4384 monitoring.

4385 Section 109. For the purpose of incorporating the  
4386 amendments made by this act to sections 775.21, 943.0435, and  
4387 943.04354, Florida Statutes, in references thereto, subsections  
4388 (3) and (4) of section 948.30, Florida Statutes, are reenacted  
4389 to read:

4390 948.30 Additional terms and conditions of probation or  
4391 community control for certain sex offenses.—Conditions imposed  
4392 pursuant to this section do not require oral pronouncement at

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4393 the time of sentencing and shall be considered standard  
4394 conditions of probation or community control for offenders  
4395 specified in this section.

4396 (3) Effective for a probationer or community controllee  
4397 whose crime was committed on or after September 1, 2005, and  
4398 who:

4399 (a) Is placed on probation or community control for a  
4400 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
4401 or s. 847.0145 and the unlawful sexual activity involved a  
4402 victim 15 years of age or younger and the offender is 18 years  
4403 of age or older;

4404 (b) Is designated a sexual predator pursuant to s. 775.21;  
4405 or

4406 (c) Has previously been convicted of a violation of chapter  
4407 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and  
4408 the unlawful sexual activity involved a victim 15 years of age  
4409 or younger and the offender is 18 years of age or older,

4410  
4411 the court must order, in addition to any other provision of this  
4412 section, mandatory electronic monitoring as a condition of the  
4413 probation or community control supervision.

4414 (4) In addition to all other conditions imposed, for a  
4415 probationer or community controllee who is subject to  
4416 supervision for a crime that was committed on or after May 26,  
4417 2010, and who has been convicted at any time of committing, or  
4418 attempting, soliciting, or conspiring to commit, any of the  
4419 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a  
4420 similar offense in another jurisdiction, against a victim who  
4421 was under the age of 18 at the time of the offense; if the

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4422 offender has not received a pardon for any felony or similar law  
4423 of another jurisdiction necessary for the operation of this  
4424 subsection, if a conviction of a felony or similar law of  
4425 another jurisdiction necessary for the operation of this  
4426 subsection has not been set aside in any postconviction  
4427 proceeding, or if the offender has not been removed from the  
4428 requirement to register as a sexual offender or sexual predator  
4429 pursuant to s. 943.04354, the court must impose the following  
4430 conditions:

4431 (a) A prohibition on visiting schools, child care  
4432 facilities, parks, and playgrounds, without prior approval from  
4433 the offender's supervising officer. The court may also designate  
4434 additional locations to protect a victim. The prohibition  
4435 ordered under this paragraph does not prohibit the offender from  
4436 visiting a school, child care facility, park, or playground for  
4437 the sole purpose of attending a religious service as defined in  
4438 s. 775.0861 or picking up or dropping off the offender's  
4439 children or grandchildren at a child care facility or school.

4440 (b) A prohibition on distributing candy or other items to  
4441 children on Halloween; wearing a Santa Claus costume, or other  
4442 costume to appeal to children, on or preceding Christmas;  
4443 wearing an Easter Bunny costume, or other costume to appeal to  
4444 children, on or preceding Easter; entertaining at children's  
4445 parties; or wearing a clown costume; without prior approval from  
4446 the court.

4447 Section 110. For the purpose of incorporating the  
4448 amendments made by this act to sections 775.21, 943.0435,  
4449 944.606, and 944.607, Florida Statutes, in references thereto,  
4450 section 948.31, Florida Statutes, is reenacted to read:

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4451           948.31 Evaluation and treatment of sexual predators and  
4452 offenders on probation or community control.—The court may  
4453 require any probationer or community controllee who is required  
4454 to register as a sexual predator under s. 775.21 or sexual  
4455 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
4456 an evaluation, at the probationer or community controllee's  
4457 expense, by a qualified practitioner to determine whether such  
4458 probationer or community controllee needs sexual offender  
4459 treatment. If the qualified practitioner determines that sexual  
4460 offender treatment is needed and recommends treatment, the  
4461 probationer or community controllee must successfully complete  
4462 and pay for the treatment. Such treatment must be obtained from  
4463 a qualified practitioner as defined in s. 948.001. Treatment may  
4464 not be administered by a qualified practitioner who has been  
4465 convicted or adjudicated delinquent of committing, or  
4466 attempting, soliciting, or conspiring to commit, any offense  
4467 that is listed in s. 943.0435(1)(a)1.a.(I).

4468           Section 111. For the purpose of incorporating the  
4469 amendments made by this act to sections 943.0435, 944.607, and  
4470 947.1405, Florida Statutes, in references thereto, paragraph (b)  
4471 of subsection (3), paragraph (d) of subsection (5), and  
4472 paragraph (c) of subsection (10) of section 775.21, Florida  
4473 Statutes, are reenacted to read:

4474           775.21 The Florida Sexual Predators Act.—

4475           (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4476           (b) The high level of threat that a sexual predator  
4477 presents to the public safety, and the long-term effects  
4478 suffered by victims of sex offenses, provide the state with  
4479 sufficient justification to implement a strategy that includes:

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4480 1. Incarcerating sexual predators and maintaining adequate  
4481 facilities to ensure that decisions to release sexual predators  
4482 into the community are not made on the basis of inadequate  
4483 space.

4484 2. Providing for specialized supervision of sexual  
4485 predators who are in the community by specially trained  
4486 probation officers with low caseloads, as described in ss.  
4487 947.1405(7) and 948.30. The sexual predator is subject to  
4488 specified terms and conditions implemented at sentencing or at  
4489 the time of release from incarceration, with a requirement that  
4490 those who are financially able must pay all or part of the costs  
4491 of supervision.

4492 3. Requiring the registration of sexual predators, with a  
4493 requirement that complete and accurate information be maintained  
4494 and accessible for use by law enforcement authorities,  
4495 communities, and the public.

4496 4. Providing for community and public notification  
4497 concerning the presence of sexual predators.

4498 5. Prohibiting sexual predators from working with children,  
4499 either for compensation or as a volunteer.

4500 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
4501 as a sexual predator as follows:

4502 (d) A person who establishes or maintains a residence in  
4503 this state and who has not been designated as a sexual predator  
4504 by a court of this state but who has been designated as a sexual  
4505 predator, as a sexually violent predator, or by another sexual  
4506 offender designation in another state or jurisdiction and was,  
4507 as a result of such designation, subjected to registration or  
4508 community or public notification, or both, or would be if the

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4509 person was a resident of that state or jurisdiction, without  
4510 regard to whether the person otherwise meets the criteria for  
4511 registration as a sexual offender, shall register in the manner  
4512 provided in s. 943.0435 or s. 944.607 and shall be subject to  
4513 community and public notification as provided in s. 943.0435 or  
4514 s. 944.607. A person who meets the criteria of this section is  
4515 subject to the requirements and penalty provisions of s.  
4516 943.0435 or s. 944.607 until the person provides the department  
4517 with an order issued by the court that designated the person as  
4518 a sexual predator, as a sexually violent predator, or by another  
4519 sexual offender designation in the state or jurisdiction in  
4520 which the order was issued which states that such designation  
4521 has been removed or demonstrates to the department that such  
4522 designation, if not imposed by a court, has been removed by  
4523 operation of law or court order in the state or jurisdiction in  
4524 which the designation was made, and provided such person no  
4525 longer meets the criteria for registration as a sexual offender  
4526 under the laws of this state.

4527 (10) PENALTIES.—

4528 (c) Any person who misuses public records information  
4529 relating to a sexual predator, as defined in this section, or a  
4530 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
4531 secure a payment from such a predator or offender; who knowingly  
4532 distributes or publishes false information relating to such a  
4533 predator or offender which the person misrepresents as being  
4534 public records information; or who materially alters public  
4535 records information with the intent to misrepresent the  
4536 information, including documents, summaries of public records  
4537 information provided by law enforcement agencies, or public

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4538 records information displayed by law enforcement agencies on  
4539 websites or provided through other means of communication,  
4540 commits a misdemeanor of the first degree, punishable as  
4541 provided in s. 775.082 or s. 775.083.

4542 Section 112. For the purpose of incorporating the  
4543 amendments made by this act to sections 943.0435, 944.606, and  
4544 944.607, Florida Statutes, in references thereto, subsection (2)  
4545 of section 775.24, Florida Statutes, is reenacted to read:

4546 775.24 Duty of the court to uphold laws governing sexual  
4547 predators and sexual offenders.—

4548 (2) If a person meets the criteria in this chapter for  
4549 designation as a sexual predator or meets the criteria in s.  
4550 943.0435, s. 944.606, s. 944.607, or any other law for  
4551 classification as a sexual offender, the court may not enter an  
4552 order, for the purpose of approving a plea agreement or for any  
4553 other reason, which:

4554 (a) Exempts a person who meets the criteria for designation  
4555 as a sexual predator or classification as a sexual offender from  
4556 such designation or classification, or exempts such person from  
4557 the requirements for registration or community and public  
4558 notification imposed upon sexual predators and sexual offenders;

4559 (b) Restricts the compiling, reporting, or release of  
4560 public records information that relates to sexual predators or  
4561 sexual offenders; or

4562 (c) Prevents any person or entity from performing its  
4563 duties or operating within its statutorily conferred authority  
4564 as such duty or authority relates to sexual predators or sexual  
4565 offenders.

4566 Section 113. For the purpose of incorporating the

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4567 amendments made by this act to sections 943.0435, 944.606, and  
4568 944.607, Florida Statutes, in references thereto, subsection (2)  
4569 of section 943.0436, Florida Statutes, is reenacted to read:

4570 943.0436 Duty of the court to uphold laws governing sexual  
4571 predators and sexual offenders.—

4572 (2) If a person meets the criteria in chapter 775 for  
4573 designation as a sexual predator or meets the criteria in s.  
4574 943.0435, s. 944.606, s. 944.607, or any other law for  
4575 classification as a sexual offender, the court may not enter an  
4576 order, for the purpose of approving a plea agreement or for any  
4577 other reason, which:

4578 (a) Exempts a person who meets the criteria for designation  
4579 as a sexual predator or classification as a sexual offender from  
4580 such designation or classification, or exempts such person from  
4581 the requirements for registration or community and public  
4582 notification imposed upon sexual predators and sexual offenders;

4583 (b) Restricts the compiling, reporting, or release of  
4584 public records information that relates to sexual predators or  
4585 sexual offenders; or

4586 (c) Prevents any person or entity from performing its  
4587 duties or operating within its statutorily conferred authority  
4588 as such duty or authority relates to sexual predators or sexual  
4589 offenders.

4590 Section 114. For the purpose of incorporating the  
4591 amendments made by this act to sections 775.21 and 847.0135,  
4592 Florida Statutes, in references thereto, paragraph (g) of  
4593 subsection (3) of section 921.0022, Florida Statutes, is  
4594 reenacted to read:

4595 921.0022 Criminal Punishment Code; offense severity ranking

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

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			permanent disfiguration, permanent disability, or death.
4606	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4607	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4608	456.065 (2)	3rd	Practicing a health care profession without a license.
4609	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4610	458.327 (1)	3rd	Practicing medicine without a license.
4611	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4612	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4613	461.012 (1)	3rd	Practicing podiatric medicine without a license.

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4614	462.17	3rd	Practicing naturopathy without a license.
4615	463.015 (1)	3rd	Practicing optometry without a license.
4616	464.016 (1)	3rd	Practicing nursing without a license.
4617	465.015 (2)	3rd	Practicing pharmacy without a license.
4618	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4619	467.201	3rd	Practicing midwifery without a license.
4620	468.366	3rd	Delivering respiratory care services without a license.
4621	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4622	483.901 (9)	3rd	Practicing medical physics without a license.
4623			

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4624

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

4625

484.053 3rd Dispensing hearing aids without a license.

4626

494.0018 (2) 1st Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

4627

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.

4628

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

4629

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

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	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
4630	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
4631	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4632	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
4633	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4634	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular

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4635			homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4636			
	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4637			
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4638			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4639			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4640			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4641			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4642			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

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784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
784.081 (1)	1st	Aggravated battery on specified official or employee.
784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

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4651	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
4652	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4653	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4654	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4655	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
4656	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial

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4657			authority to a victim younger than 18 years of age.
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4658			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4659			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4660			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
4661			
	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
4662			
	806.01 (2)	2nd	Maliciously damage structure by

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			fire or explosive.
4663	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4664	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4665	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4666	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4667	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.
4668	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4669	812.014 (2) (b) 3.	2nd	Property stolen, emergency

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4670			medical equipment; 2nd degree grand theft.
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4671			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4672			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4673			
	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4674			
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4675			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4676			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4677			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional

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			motor vehicle collision.
4678	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4679	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.
4680	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
4681	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4682	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4683	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

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4684

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

4685

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

4686

838.015 2nd Bribery.

4687

838.016 2nd Unlawful compensation or reward  
for official behavior.

4688

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

4689

838.22 2nd Bid tampering.

4690

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

4691

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

4692

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

4693

847.0135 (3) 3rd Solicitation of a child, via a

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4694

computer service, to commit an unlawful sex act.

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.

4695

872.06

2nd

Abuse of a dead human body.

4696

874.05 (2) (b)

1st

Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

4697

874.10

1st, PBL

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

4698

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.

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4699

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.

4700

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).

4701

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

4702

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

4703

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

4704

893.135  
(1)(c)2.a.            1st    Trafficking in hydrocodone, 14 grams or more, less than 28

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4705	grams.		
4706	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4707	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4708	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4709	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
4710	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4711	893.135 (1) (g) 1.a.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4711	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

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4712

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

4713

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

4714

893.135 1st Trafficking in Phenethylamines,  
 (1) (k) 2.a. 10 grams or more, less than 200  
 grams.

4715

893.1351 (2) 2nd Possession of place for  
 trafficking in or manufacturing  
 of controlled substance.

4716

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

4717

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

4718

943.0435 (4) (c) 2nd Sexual offender vacating

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4719 permanent residence; failure to  
comply with reporting  
requirements.

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

4720 943.0435 (9) (a) 3rd Sexual offender; failure to  
comply with reporting  
requirements.

4721 943.0435 (13) 3rd Failure to report or providing  
false information about a  
sexual offender; harbor or  
conceal a sexual offender.

4722 943.0435 (14) 3rd Sexual offender; failure to  
report and reregister; failure  
to respond to address  
verification; providing false  
registration information.

4723 944.607 (9) 3rd Sexual offender; failure to  
comply with reporting  
requirements.

4724 944.607 (10) (a) 3rd Sexual offender; failure to

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4725

submit to the taking of a digitized photograph.

944.607(12)

3rd

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

4726

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4727

985.4815(10)

3rd

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

4728

985.4815(12)

3rd

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

4729

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4730

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4731           Section 115. The Division of Law Revision and Information  
4732 is directed to rename chapter 847, Florida Statutes, as  
4733 "Obscenity; Child Pornography."

4734           Section 116. This act shall take effect October 1, 2016.