

By Senator Book

32-01244-17

20171208__

1 A bill to be entitled
2 An act relating to sexual crimes; amending s. 794.011,
3 F.S.; redefining the term "sexual battery" to include
4 the intentional touching in a lewd or lascivious
5 manner upon specified areas or the clothing covering
6 such areas; amending s. 825.1025, F.S.; defining the
7 term "disabled person" as it relates to lewd or
8 lascivious offenses committed upon or in the presence
9 of a disabled person; amending s. 960.199, F.S.;
10 authorizing the Department of Legal Affairs to award
11 relocation assistance to victims of specified sexual
12 offenses, rather than only sexual battery; conforming
13 provisions to changes made by the act; amending s.
14 960.28, F.S.; increasing the monetary assistance that
15 the Crime Victims' Services Office must pay for
16 medical expenses connected with an initial forensic
17 physical examination for specified victims; reenacting
18 s. 39.0139(3) (a), F.S., relating to visitation or
19 other contact and restrictions; reenacting s.
20 39.509(6) (a), F.S., relating to grandparents rights;
21 reenacting s. 39.806(1) (d) and (m), F.S., relating to
22 grounds for termination of parental rights; reenacting
23 s. 63.089(4) (b), F.S., relating to proceedings to
24 terminate parental rights pending adoption, hearing,
25 grounds, dismissal of petition, and judgment;
26 reenacting s. 90.404(2) (b), F.S., relating to
27 character evidence when admissible; reenacting s.
28 92.565(2), F.S., relating to admissibility of
29 confession in sexual abuse cases; reenacting s.

32-01244-17

20171208__

30 95.11(9), F.S., relating to limitations other than for
31 the recovery of real property; reenacting s.
32 119.071(2)(j), F.S., relating to general exemptions
33 from inspection or copying of public records;
34 reenacting s. 382.356, F.S., relating to protocol for
35 sharing certain birth certificate information;
36 reenacting s. 394.912(9), F.S., relating to
37 definitions; reenacting s. 395.0197(10), F.S.,
38 relating to the internal risk management program;
39 reenacting s. 409.2355, F.S., relating to programs for
40 prosecution of males over age 21 who commit certain
41 offenses involving girls under age 16; reenacting s.
42 411.243(1)(c), F.S., relating to the Teen Pregnancy
43 Prevention Community Initiative; reenacting s.
44 415.102(26), F.S., relating to definitions of terms
45 used in ss. 415.101-415.113, F.S.; reenacting s.
46 435.04(2)(s), F.S., relating to level 2 screening
47 standards; reenacting s. 435.07(4)(c), F.S., relating
48 to exemptions from disqualification; reenacting s.
49 456.074(5)(f), F.S., relating to certain health care
50 practitioners and immediate suspension of license;
51 reenacting s. 480.041(7)(f), F.S., relating to massage
52 therapists, qualifications, licensure, and
53 endorsement; reenacting s. 480.043(8)(f), F.S.,
54 relating to massage establishments, requisites,
55 licensure, and inspection; reenacting s.
56 775.0877(1)(a), F.S., relating to criminal
57 transmission of HIV, procedures, and penalties;
58 reenacting s. 775.15(13) and (14), F.S., relating to

32-01244-17

20171208__

59 time limitations, general time limitations, and
60 exceptions; reenacting s. 775.21(4)(a) and (10)(b),
61 F.S., relating to The Florida Sexual Predators Act;
62 reenacting s. 775.215(2) and (3), F.S., relating to
63 residency restriction for persons convicted of certain
64 sex offenses; reenacting s. 784.048(7) and (8), F.S.,
65 relating to stalking, definitions, and penalties;
66 reenacting s. 787.06(3)(g), F.S., relating to human
67 trafficking; reenacting s. 794.022, F.S., relating to
68 the rules of evidence; reenacting s. 794.0235(1),
69 F.S., relating to administration of
70 medroxyprogesterone acetate (MPA) to persons convicted
71 of sexual battery; reenacting s. 794.055(2)(e), F.S.,
72 relating to access to services for victims of sexual
73 battery; reenacting s. 794.056(1), F.S., relating to
74 the Rape Crisis Program Trust Fund; reenacting s.
75 856.022(1), F.S., relating to loitering or prowling by
76 certain offenders in close proximity to children;
77 reenacting s. 914.16, F.S., relating to child abuse
78 and sexual abuse of victims under age 16 or who have
79 an intellectual disability and limits on interviews;
80 reenacting s. 921.0024(1)(b), F.S., relating to the
81 Criminal Punishment Code, worksheet computations, and
82 scoresheets; reenacting s. 921.244(1) and (3), F.S.,
83 relating to an order of no contact and penalties;
84 reenacting s. 938.08, F.S., relating to additional
85 costs to fund programs in domestic violence;
86 reenacting s. 938.085, F.S., relating to additional
87 costs to fund rape crisis centers; reenacting s.

32-01244-17

20171208__

88 943.0435(1)(h), (11)(a), and (14)(b), F.S., relating
89 to sexual offenders required to register with the
90 Department of Law Enforcement and penalty; reenacting
91 s. 943.04354(1)(a) and (3), F.S., relating to removal
92 of the requirement to register as a sexual offender or
93 sexual predator in special circumstances; reenacting
94 s. 944.033(3), F.S., relating to community
95 correctional centers, existence, location, purpose,
96 and restriction; reenacting s. 944.053(4), F.S.,
97 relating to Forestry Work Camps; reenacting s.
98 944.275(4)(e), F.S., relating to gain-time; reenacting
99 s. 944.606(1)(f), F.S., relating to sexual offenders
100 and notification upon release; reenacting s.
101 944.607(1)(f), F.S., relating to notification to the
102 Department of Law Enforcement of information on sexual
103 offenders; reenacting s. 945.091(3), F.S., relating to
104 extension of the limits of confinement; reenacting s.
105 946.40(4), F.S., relating to use of prisoners in
106 public works; reenacting s. 948.012(5)(a), F.S.,
107 relating to a split sentence of probation or community
108 control and imprisonment; reenacting s. 948.03(2),
109 F.S., relating to the terms and conditions of
110 probation; reenacting s. 948.062(1)(b), F.S., relating
111 to reviewing and reporting serious offenses committed
112 by offenders placed on probation or community control;
113 reenacting s. 948.101(2), F.S., relating to the terms
114 and conditions of community control; reenacting s.
115 951.24(2)(c), F.S., relating to extending the limits
116 of confinement for county prisoners; reenacting s.

32-01244-17

20171208__

117 958.09(2), F.S., relating to the extension of limits
118 of confinement; reenacting s. 960.199(1), F.S.,
119 relating to relocation assistance for victims of
120 sexual battery; reenacting s. 1012.315(1)(p), F.S.,
121 relating to disqualifications from employment;
122 reenacting s. 435.04(2), F.S., relating to level 2
123 screening standards; reenacting s. 775.15(15) and
124 (16), F.S., relating to time limitations, general time
125 limitations, and exceptions; reenacting s. 775.21(4),
126 F.S., relating to The Florida Sexual Predators Act;
127 reenacting s. 794.011(4) and (5), F.S., relating to
128 sexual battery; reenacting s. 794.056(1), F.S.,
129 relating to the Rape Crisis Program Trust Fund;
130 reenacting s. 800.04(4) and (5), F.S., relating to
131 lewd or lascivious offenses committed upon or in the
132 presence of persons less than 16 years of age;
133 reenacting s. 856.022(1), F.S., relating to loitering
134 or prowling by certain offenders in close proximity to
135 children; reenacting s. 938.085, F.S., relating to
136 additional costs to fund rape crisis centers;
137 reenacting s. 943.0435(1), F.S., relating to sexual
138 offenders required to register with the Department of
139 Law Enforcement and penalty; reenacting s. 943.0585,
140 F.S., relating to court-ordered expunction of criminal
141 history records; reenacting s. 943.059, F.S., relating
142 to court-ordered sealing of criminal history records;
143 reenacting s. 944.275(4), F.S., relating to gain-time;
144 reenacting s. 944.606(1), F.S., relating to sexual
145 offenders and notification upon release; reenacting s.

32-01244-17

20171208__

146 944.607(1), F.S., relating to notification to the
147 Department of Law Enforcement of information on sexual
148 offenders; reenacting s. 948.012(5), F.S., relating to
149 split sentence of probation or community control and
150 imprisonment; reenacting s. 948.06(8), F.S., relating
151 to violation of probation or community control,
152 revocation, modification, continuance, and failure to
153 pay restitution or cost of supervision; reenacting s.
154 960.003(2) and (3), F.S., relating to hepatitis and
155 HIV testing for persons charged with, or alleged by
156 petition for delinquency to have committed, certain
157 offenses, and disclosure of results to victims;
158 reenacting s. 1012.315(1), F.S., relating to
159 disqualification from employment; reenacting s.
160 960.196(3), F.S., relating to relocation assistance
161 for victims of human trafficking; reenacting s.
162 960.198(3), F.S., relating to relocation assistance
163 for victims of domestic violence; reenacting s.
164 39.304(5), F.S., relating to photographs, medical
165 examinations, X rays, and medical treatment of abused,
166 abandoned, or neglected child; reenacting s. 624.128,
167 F.S., relating to crime victims exemption; reenacting
168 s. 960.13(6), F.S., relating to awards; providing an
169 effective date.

170

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

172

173 Section 1. Paragraph (h) of subsection (1) of section
174 794.011, Florida Statutes, is amended to read:

32-01244-17

20171208__

175 794.011 Sexual battery.—

176 (1) As used in this chapter:

177 (h) "Sexual battery" means oral, anal, or vaginal
 178 penetration by, or union with, the sexual organ of another, ~~or~~
 179 the anal or vaginal penetration of another by any other object,
 180 or the intentional touching in a lewd or lascivious manner the
 181 breasts, genitals, genital area, or buttocks, or the clothing
 182 covering such areas; however, sexual battery does not include an
 183 act done for a bona fide medical purpose.

184 Section 2. Subsection (1) of section 825.1025, Florida
 185 Statutes, is amended to read:

186 825.1025 Lewd or lascivious offenses committed upon or in
 187 the presence of an elderly person or disabled person.—

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

189 (a) "Disabled person" includes a minor who suffers from a
 190 condition of physical or mental incapacitation due to a
 191 developmental disability, organic brain damage, or mental
 192 illness, or who has one or more physical or mental limitations
 193 that restrict his or her ability to perform the normal
 194 activities of daily living.

195 (b) "Sexual activity" means the oral, anal, or vaginal
 196 penetration by, or union with, the sexual organ of another or
 197 the anal or vaginal penetration of another by any other object;
 198 however, sexual activity does not include an act done for a bona
 199 fide medical purpose.

200 Section 3. Section 960.199, Florida Statutes, is amended to
 201 read:

202 960.199 Relocation assistance for victims of sexual
 203 offenses ~~battery~~.—

32-01244-17

20171208__

204 (1) The department may award a one-time payment of up to
205 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
206 victim of sexual battery, as defined in s. 794.011, of a felony
207 violation of chapter 800, or of a violation of s. 827.071(2) or
208 (3), who needs relocation assistance.

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

211 (a) There must be proof that a sexual ~~battery~~ offense was
212 committed.

213 (b) The sexual ~~battery~~ offense must be reported to the
214 proper authorities.

215 (c) The victim's need for assistance must be certified by a
216 certified rape crisis center in this state.

217 (d) The center's certification must assert that the victim
218 is cooperating with law enforcement officials, if applicable,
219 and must include documentation that the victim has developed a
220 safety plan.

221 (e) The act of the sexual offense ~~battery~~ must be committed
222 in the victim's place of residence or in a location that would
223 lead the victim to reasonably fear for his or her continued
224 safety in the place of residence.

225 (3) Relocation payments for the a sexual offense ~~battery~~
226 claim under this section shall be denied if the department has
227 previously approved or paid out a human trafficking or domestic
228 violence relocation claim under s. 960.196 or s. 960.198 to the
229 same victim regarding the same incident.

230 Section 4. Subsection (2) of section 960.28, Florida
231 Statutes, is amended to read:

232 960.28 Payment for victims' initial forensic physical

32-01244-17

20171208__

233 examinations.—

234 (2) The Crime Victims' Services Office of the department
235 shall pay for medical expenses connected with an initial
236 forensic physical examination of a victim of sexual battery as
237 defined in chapter 794 or a lewd or lascivious offense as
238 defined in chapter 800. Such payment shall be made regardless of
239 whether the victim is covered by health or disability insurance
240 and whether the victim participates in the criminal justice
241 system or cooperates with law enforcement. The payment shall be
242 made only out of moneys allocated to the Crime Victims' Services
243 Office for the purposes of this section, and the payment may not
244 exceed \$700 ~~\$500~~ with respect to any violation. The department
245 shall develop and maintain separate protocols for the initial
246 forensic physical examination of adults and children. Payment
247 under this section is limited to medical expenses connected with
248 the initial forensic physical examination, and payment may be
249 made to a medical provider using an examiner qualified under
250 part I of chapter 464, excluding s. 464.003(16); chapter 458; or
251 chapter 459. Payment made to the medical provider by the
252 department shall be considered by the provider as payment in
253 full for the initial forensic physical examination associated
254 with the collection of evidence. The victim may not be required
255 to pay, directly or indirectly, the cost of an initial forensic
256 physical examination performed in accordance with this section.

257 Section 5. For the purpose of incorporating the amendment
258 made by this act to section 794.011, Florida Statutes, in a
259 reference thereto, paragraph (a) of subsection (3) of section
260 39.0139, Florida Statutes, is reenacted to read:

261 39.0139 Visitation or other contact; restrictions.—

32-01244-17

20171208__

262 (3) PRESUMPTION OF DETRIMENT.—

263 (a) A rebuttable presumption of detriment to a child is
264 created when:

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

268 2. A parent or caregiver has been found guilty of,
269 regardless of adjudication, or has entered a plea of guilty or
270 nolo contendere to, charges under the following statutes or
271 substantially similar statutes of other jurisdictions:

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

274 b. Section 794.011, relating to sexual battery;

275 c. Section 798.02, relating to lewd and lascivious
276 behavior;

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

278 e. Section 826.04, relating to incest; or

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

280 3. A court of competent jurisdiction has determined a
281 parent or caregiver to be a sexual predator as defined in s.
282 775.21 or a parent or caregiver has received a substantially
283 similar designation under laws of another jurisdiction.

284 Section 6. For the purpose of incorporating the amendment
285 made by this act to section 794.011, Florida Statutes, in a
286 reference thereto, paragraph (a) of subsection (6) of section
287 39.509, Florida Statutes, is reenacted to read:

288 39.509 Grandparents rights.—Notwithstanding any other
289 provision of law, a maternal or paternal grandparent as well as
290 a stepgrandparent is entitled to reasonable visitation with his

32-01244-17

20171208__

291 or her grandchild who has been adjudicated a dependent child and
292 taken from the physical custody of the parent unless the court
293 finds that such visitation is not in the best interest of the
294 child or that such visitation would interfere with the goals of
295 the case plan. Reasonable visitation may be unsupervised and,
296 where appropriate and feasible, may be frequent and continuing.
297 Any order for visitation or other contact must conform to the
298 provisions of s. 39.0139.

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

302 (a) The finding of guilt, regardless of adjudication, or
303 entry or plea of guilty or nolo contendere to charges under the
304 following statutes, or similar statutes of other jurisdictions:
305 s. 787.04, relating to removing minors from the state or
306 concealing minors contrary to court order; s. 794.011, relating
307 to sexual battery; s. 798.02, relating to lewd and lascivious
308 behavior; chapter 800, relating to lewdness and indecent
309 exposure; s. 826.04, relating to incest; or chapter 827,
310 relating to the abuse of children.

311 Section 7. For the purpose of incorporating the amendment
312 made by this act to section 794.011, Florida Statutes, in
313 references thereto, paragraphs (d) and (m) of subsection (1) of
314 section 39.806, Florida Statutes, are reenacted to read:

315 39.806 Grounds for termination of parental rights.—

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

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

319 1. The period of time for which the parent is expected to

32-01244-17

20171208__

320 be incarcerated will constitute a significant portion of the
321 child's minority. When determining whether the period of time is
322 significant, the court shall consider the child's age and the
323 child's need for a permanent and stable home. The period of time
324 begins on the date that the parent enters into incarceration;

325 2. The incarcerated parent has been determined by the court
326 to be a violent career criminal as defined in s. 775.084, a
327 habitual violent felony offender as defined in s. 775.084, or a
328 sexual predator as defined in s. 775.21; has been convicted of
329 first degree or second degree murder in violation of s. 782.04
330 or a sexual battery that constitutes a capital, life, or first
331 degree felony violation of s. 794.011; or has been convicted of
332 an offense in another jurisdiction which is substantially
333 similar to one of the offenses listed in this paragraph. As used
334 in this section, the term "substantially similar offense" means
335 any offense that is substantially similar in elements and
336 penalties to one of those listed in this subparagraph, and that
337 is in violation of a law of any other jurisdiction, whether that
338 of another state, the District of Columbia, the United States or
339 any possession or territory thereof, or any foreign
340 jurisdiction; or

341 3. The court determines by clear and convincing evidence
342 that continuing the parental relationship with the incarcerated
343 parent would be harmful to the child and, for this reason, that
344 termination of the parental rights of the incarcerated parent is
345 in the best interest of the child. When determining harm, the
346 court shall consider the following factors:

347 a. The age of the child.

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

32-01244-17

20171208__

349 c. The nature of the parent's current and past provision
350 for the child's developmental, cognitive, psychological, and
351 physical needs.

352 d. The parent's history of criminal behavior, which may
353 include the frequency of incarceration and the unavailability of
354 the parent to the child due to incarceration.

355 e. Any other factor the court deems relevant.

356 (m) The court determines by clear and convincing evidence
357 that the child was conceived as a result of an act of sexual
358 battery made unlawful pursuant to s. 794.011, or pursuant to a
359 similar law of another state, territory, possession, or Native
360 American tribe where the offense occurred. It is presumed that
361 termination of parental rights is in the best interest of the
362 child if the child was conceived as a result of the unlawful
363 sexual battery. A petition for termination of parental rights
364 under this paragraph may be filed at any time. The court must
365 accept a guilty plea or conviction of unlawful sexual battery
366 pursuant to s. 794.011 as conclusive proof that the child was
367 conceived by a violation of criminal law as set forth in this
368 subsection.

369 Section 8. For the purpose of incorporating the amendment
370 made by this act to section 794.011, Florida Statutes, in a
371 reference thereto, paragraph (b) of subsection (4) of section
372 63.089, Florida Statutes, is reenacted to read:

373 63.089 Proceeding to terminate parental rights pending
374 adoption; hearing; grounds; dismissal of petition; judgment.—

375 (4) FINDING OF ABANDONMENT.—A finding of abandonment
376 resulting in a termination of parental rights must be based upon
377 clear and convincing evidence that a parent or person having

32-01244-17

20171208__

378 legal custody has abandoned the child in accordance with the
379 definition contained in s. 63.032. A finding of abandonment may
380 also be based upon emotional abuse or a refusal to provide
381 reasonable financial support, when able, to a birth mother
382 during her pregnancy or on whether the person alleged to have
383 abandoned the child, while being able, failed to establish
384 contact with the child or accept responsibility for the child's
385 welfare.

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

389 1. The period of time for which the parent has been or is
390 expected to be incarcerated will constitute a significant
391 portion of the child's minority. In determining whether the
392 period of time is significant, the court shall consider the
393 child's age and the child's need for a permanent and stable
394 home. The period of time begins on the date that the parent
395 enters into incarceration;

396 2. The incarcerated parent has been determined by a court
397 of competent jurisdiction to be a violent career criminal as
398 defined in s. 775.084, a habitual violent felony offender as
399 defined in s. 775.084, convicted of child abuse as defined in s.
400 827.03, or a sexual predator as defined in s. 775.21; has been
401 convicted of first degree or second degree murder in violation
402 of s. 782.04 or a sexual battery that constitutes a capital,
403 life, or first degree felony violation of s. 794.011; or has
404 been convicted of a substantially similar offense in another
405 jurisdiction. As used in this section, the term "substantially
406 similar offense" means any offense that is substantially similar

32-01244-17

20171208__

407 in elements and penalties to one of those listed in this
408 subparagraph, and that is in violation of a law of any other
409 jurisdiction, whether that of another state, the District of
410 Columbia, the United States or any possession or territory
411 thereof, or any foreign jurisdiction; or

412 3. The court determines by clear and convincing evidence
413 that continuing the parental relationship with the incarcerated
414 parent would be harmful to the child and, for this reason,
415 termination of the parental rights of the incarcerated parent is
416 in the best interests of the child.

417 Section 9. For the purpose of incorporating the amendment
418 made by this act to section 794.011, Florida Statutes, in a
419 reference thereto, paragraph (b) of subsection (2) of section
420 90.404, Florida Statutes, is reenacted to read:

421 90.404 Character evidence; when admissible.—

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

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

428 2. For the purposes of this paragraph, the term "child
429 molestation" means conduct proscribed by s. 787.025(2)(c), s.
430 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
431 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
432 800.04, s. 827.071, s. 847.0135(5), s. 847.0145, or s.
433 985.701(1) when committed against a person 16 years of age or
434 younger.

435 Section 10. For the purpose of incorporating the amendment

32-01244-17

20171208__

436 made by this act to section 794.011, Florida Statutes, in a
437 reference thereto, subsection (2) of section 92.565, Florida
438 Statutes, is reenacted to read:

439 92.565 Admissibility of confession in sexual abuse cases.—

440 (2) In any criminal action in which the defendant is
441 charged with a crime against a victim under s. 794.011; s.
442 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
443 s. 827.04, involving sexual abuse; s. 827.071; or s.
444 847.0135(5), or any other crime involving sexual abuse of
445 another, or with any attempt, solicitation, or conspiracy to
446 commit any of these crimes, the defendant's memorialized
447 confession or admission is admissible during trial without the
448 state having to prove a corpus delicti of the crime if the court
449 finds in a hearing conducted outside the presence of the jury
450 that the state is unable to show the existence of each element
451 of the crime, and having so found, further finds that the
452 defendant's confession or admission is trustworthy. Factors
453 which may be relevant in determining whether the state is unable
454 to show the existence of each element of the crime include, but
455 are not limited to, the fact that, at the time the crime was
456 committed, the victim was:

457 (a) Physically helpless, mentally incapacitated, or
458 mentally defective, as those terms are defined in s. 794.011;

459 (b) Physically incapacitated due to age, infirmity, or any
460 other cause; or

461 (c) Less than 12 years of age.

462 Section 11. For the purpose of incorporating the amendment
463 made by this act to section 794.011, Florida Statutes, in a
464 reference thereto, subsection (9) of section 95.11, Florida

32-01244-17

20171208__

465 Statutes, is reenacted to read:

466 95.11 Limitations other than for the recovery of real
467 property.—Actions other than for recovery of real property shall
468 be commenced as follows:

469 (9) SEXUAL BATTERY OFFENSES ON VICTIMS UNDER AGE 16.—An
470 action related to an act constituting a violation of s. 794.011
471 involving a victim who was under the age of 16 at the time of
472 the act may be commenced at any time. This subsection applies to
473 any such action other than one which would have been time barred
474 on or before July 1, 2010.

475 Section 12. For the purpose of incorporating the amendment
476 made by this act to section 794.011, Florida Statutes, in a
477 reference thereto, paragraph (j) of subsection (2) of section
478 119.071, Florida Statutes, is reenacted to read:

479 119.071 General exemptions from inspection or copying of
480 public records.—

481 (2) AGENCY INVESTIGATIONS.—

482 (j)1. Any document that reveals the identity, home or
483 employment telephone number, home or employment address, or
484 personal assets of the victim of a crime and identifies that
485 person as the victim of a crime, which document is received by
486 any agency that regularly receives information from or
487 concerning the victims of crime, is exempt from s. 119.07(1) and
488 s. 24(a), Art. I of the State Constitution. Any information not
489 otherwise held confidential or exempt from s. 119.07(1) which
490 reveals the home or employment telephone number, home or
491 employment address, or personal assets of a person who has been
492 the victim of sexual battery, aggravated child abuse, aggravated
493 stalking, harassment, aggravated battery, or domestic violence

32-01244-17

20171208__

494 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
495 Constitution, upon written request by the victim, which must
496 include official verification that an applicable crime has
497 occurred. Such information shall cease to be exempt 5 years
498 after the receipt of the written request. Any state or federal
499 agency that is authorized to have access to such documents by
500 any provision of law shall be granted such access in the
501 furtherance of such agency's statutory duties, notwithstanding
502 this section.

503 2.a. Any information in a videotaped statement of a minor
504 who is alleged to be or who is a victim of sexual battery, lewd
505 acts, or other sexual misconduct proscribed in chapter 800 or in
506 s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s.
507 847.0133, or s. 847.0145, which reveals that minor's identity,
508 including, but not limited to, the minor's face; the minor's
509 home, school, church, or employment telephone number; the
510 minor's home, school, church, or employment address; the name of
511 the minor's school, church, or place of employment; or the
512 personal assets of the minor; and which identifies that minor as
513 the victim of a crime described in this subparagraph, held by a
514 law enforcement agency, is confidential and exempt from s.
515 119.07(1) and s. 24(a), Art. I of the State Constitution. Any
516 governmental agency that is authorized to have access to such
517 statements by any provision of law shall be granted such access
518 in the furtherance of the agency's statutory duties,
519 notwithstanding the provisions of this section.

520 b. A public employee or officer who has access to a
521 videotaped statement of a minor who is alleged to be or who is a
522 victim of sexual battery, lewd acts, or other sexual misconduct

32-01244-17

20171208__

523 proscribed in chapter 800 or in s. 794.011, s. 827.071, s.
524 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145
525 may not willfully and knowingly disclose videotaped information
526 that reveals the minor's identity to a person who is not
527 assisting in the investigation or prosecution of the alleged
528 offense or to any person other than the defendant, the
529 defendant's attorney, or a person specified in an order entered
530 by the court having jurisdiction of the alleged offense. A
531 person who violates this provision commits a misdemeanor of the
532 first degree, punishable as provided in s. 775.082 or s.
533 775.083.

534 Section 13. For the purpose of incorporating the amendment
535 made by this act to section 794.011, Florida Statutes, in a
536 reference thereto, section 382.356, Florida Statutes, is
537 reenacted to read:

538 382.356 Protocol for sharing certain birth certificate
539 information.—In order to facilitate the prosecution of offenses
540 under s. 794.011, s. 794.05, s. 800.04, or s. 827.04(3), the
541 Department of Health, the Department of Revenue, and the Florida
542 Prosecuting Attorneys Association shall develop a protocol for
543 sharing birth certificate information for all children born to
544 unmarried mothers who are less than 17 years of age at the time
545 of the child's birth.

546 Section 14. For the purpose of incorporating the amendment
547 made by this act to section 794.011, Florida Statutes, in a
548 reference thereto, subsection (9) of section 394.912, Florida
549 Statutes, is reenacted to read:

550 394.912 Definitions.—As used in this part, the term:

551 (9) "Sexually violent offense" means:

32-01244-17

20171208__

552 (a) Murder of a human being while engaged in sexual battery
553 in violation of s. 782.04(1)(a)2.;

554 (b) Kidnapping of a child under the age of 13 and, in the
555 course of that offense, committing:

556 1. Sexual battery; or

557 2. A lewd, lascivious, or indecent assault or act upon or
558 in the presence of the child;

559 (c) Committing the offense of false imprisonment upon a
560 child under the age of 13 and, in the course of that offense,
561 committing:

562 1. Sexual battery; or

563 2. A lewd, lascivious, or indecent assault or act upon or
564 in the presence of the child;

565 (d) Sexual battery in violation of s. 794.011;

566 (e) Lewd, lascivious, or indecent assault or act upon or in
567 presence of the child in violation of s. 800.04 or s.
568 847.0135(5);

569 (f) An attempt, criminal solicitation, or conspiracy, in
570 violation of s. 777.04, of a sexually violent offense;

571 (g) Any conviction for a felony offense in effect at any
572 time before October 1, 1998, which is comparable to a sexually
573 violent offense under paragraphs (a)-(f) or any federal
574 conviction or conviction in another state for a felony offense
575 that in this state would be a sexually violent offense;

576 (h) Any criminal act that, either at the time of sentencing
577 for the offense or subsequently during civil commitment
578 proceedings under this part, has been determined beyond a
579 reasonable doubt to have been sexually motivated; or

580 (i) A criminal offense in which the state attorney refers a

32-01244-17

20171208__

581 person to the department for civil commitment proceedings
582 pursuant to s. 394.9125.

583 Section 15. For the purpose of incorporating the amendment
584 made by this act to section 794.011, Florida Statutes, in a
585 reference thereto, subsection (10) of section 395.0197, Florida
586 Statutes, is reenacted to read:

587 395.0197 Internal risk management program.—

588 (10) Any witness who witnessed or who possesses actual
589 knowledge of the act that is the basis of an allegation of
590 sexual abuse shall:

591 (a) Notify the local police; and

592 (b) Notify the hospital risk manager and the administrator.

593

594 For purposes of this subsection, "sexual abuse" means acts of a
595 sexual nature committed for the sexual gratification of anyone
596 upon, or in the presence of, a vulnerable adult, without the
597 vulnerable adult's informed consent, or a minor. "Sexual abuse"
598 includes, but is not limited to, the acts defined in s.
599 794.011(1)(h), fondling, exposure of a vulnerable adult's or
600 minor's sexual organs, or the use of the vulnerable adult or
601 minor to solicit for or engage in prostitution or sexual
602 performance. "Sexual abuse" does not include any act intended
603 for a valid medical purpose or any act which may reasonably be
604 construed to be a normal caregiving action.

605 Section 16. For the purpose of incorporating the amendment
606 made by this act to section 794.011, Florida Statutes, in a
607 reference thereto, section 409.2355, Florida Statutes, is
608 reenacted to read:

609 409.2355 Programs for prosecution of males over age 21 who

32-01244-17

20171208__

610 commit certain offenses involving girls under age 16.—Subject to
611 specific appropriated funds, the Department of Children and
612 Families is directed to establish a program by which local
613 communities, through the state attorney's office of each
614 judicial circuit, may apply for grants to fund innovative
615 programs for the prosecution of males over the age of 21 who
616 victimize girls under the age of 16 in violation of s. 794.011,
617 s. 794.05, s. 800.04, s. 827.04(3), or s. 847.0135(5).

618 Section 17. For the purpose of incorporating the amendment
619 made by this act to section 794.011, Florida Statutes, in a
620 reference thereto, paragraph (c) of subsection (1) of section
621 411.243, Florida Statutes, is reenacted to read:

622 411.243 Teen Pregnancy Prevention Community Initiative.—
623 Subject to the availability of funds, the Department of Health
624 shall create a Teen Pregnancy Prevention Community Initiative.
625 The purpose of this initiative is to create collaborative
626 community partnerships to reduce teen pregnancy. Participating
627 communities shall examine their needs and resources relative to
628 teen pregnancy prevention and develop plans which provide for a
629 collaborative approach to how existing, enhanced, and new
630 initiatives together will reduce teen pregnancy in a community.
631 Community incentive grants shall provide funds for communities
632 to implement plans which provide for a collaborative,
633 comprehensive, outcome-focused approach to reducing teen
634 pregnancy.

635 (1) The requirements of the community incentive grants are
636 as follows:

637 (c) Grants must target a specified geographic area or
638 region, for which data can be maintained to substantiate the

32-01244-17

20171208__

639 teen pregnancy rate.

640 Section 18. For the purpose of incorporating the amendment
641 made by this act to section 794.011, Florida Statutes, in a
642 reference thereto, subsection (26) of section 415.102, Florida
643 Statutes, is reenacted to read:

644 415.102 Definitions of terms used in ss. 415.101-415.113.—
645 As used in ss. 415.101-415.113, the term:

646 (26) "Sexual abuse" means acts of a sexual nature committed
647 in the presence of a vulnerable adult without that person's
648 informed consent. "Sexual abuse" includes, but is not limited
649 to, the acts defined in s. 794.011(1)(h), fondling, exposure of
650 a vulnerable adult's sexual organs, or the use of a vulnerable
651 adult to solicit for or engage in prostitution or sexual
652 performance. "Sexual abuse" does not include any act intended
653 for a valid medical purpose or any act that may reasonably be
654 construed to be normal caregiving action or appropriate display
655 of affection.

656 Section 19. For the purpose of incorporating the amendment
657 made by this act to section 794.011, Florida Statutes, in a
658 reference thereto, paragraph (s) of subsection (2) of section
659 435.04, Florida Statutes, is reenacted to read:

660 435.04 Level 2 screening standards.—

661 (2) The security background investigations under this
662 section must ensure that no persons subject to the provisions of
663 this section have been arrested for and are awaiting final
664 disposition of, have been found guilty of, regardless of
665 adjudication, or entered a plea of nolo contendere or guilty to,
666 or have been adjudicated delinquent and the record has not been
667 sealed or expunged for, any offense prohibited under any of the

32-01244-17

20171208__

668 following provisions of state law or similar law of another
669 jurisdiction:

670 (s) Section 794.011, relating to sexual battery.

671 Section 20. For the purpose of incorporating the amendment
672 made by this act to section 794.011, Florida Statutes, in a
673 reference thereto, paragraph (c) of subsection (4) of section
674 435.07, Florida Statutes, is reenacted to read:

675 435.07 Exemptions from disqualification.—Unless otherwise
676 provided by law, the provisions of this section apply to
677 exemptions from disqualification for disqualifying offenses
678 revealed pursuant to background screenings required under this
679 chapter, regardless of whether those disqualifying offenses are
680 listed in this chapter or other laws.

681 (4)

682 (c) Disqualification from employment under this chapter may
683 not be removed from, and an exemption may not be granted to, any
684 current or prospective child care personnel, as defined in s.
685 402.302(3), and such a person is disqualified from employment as
686 child care personnel, regardless of any previous exemptions from
687 disqualification, if the person has been registered as a sex
688 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been
689 arrested for and is awaiting final disposition of, has been
690 convicted or found guilty of, or entered a plea of guilty or
691 nolo contendere to, regardless of adjudication, or has been
692 adjudicated delinquent and the record has not been sealed or
693 expunged for, any offense prohibited under any of the following
694 provisions of state law or a similar law of another
695 jurisdiction:

696 1. A felony offense prohibited under any of the following

32-01244-17

20171208__

697 statutes:

698 a. Chapter 741, relating to domestic violence.

699 b. Section 782.04, relating to murder.

700 c. Section 782.07, relating to manslaughter, aggravated
701 manslaughter of an elderly person or disabled adult, aggravated
702 manslaughter of a child, or aggravated manslaughter of an
703 officer, a firefighter, an emergency medical technician, or a
704 paramedic.

705 d. Section 784.021, relating to aggravated assault.

706 e. Section 784.045, relating to aggravated battery.

707 f. Section 787.01, relating to kidnapping.

708 g. Section 787.025, relating to luring or enticing a child.

709 h. Section 787.04(2), relating to leading, taking,
710 enticing, or removing a minor beyond the state limits, or
711 concealing the location of a minor, with criminal intent pending
712 custody proceedings.

713 i. Section 787.04(3), relating to leading, taking,
714 enticing, or removing a minor beyond the state limits, or
715 concealing the location of a minor, with criminal intent pending
716 dependency proceedings or proceedings concerning alleged abuse
717 or neglect of a minor.

718 j. Section 794.011, relating to sexual battery.

719 k. Former s. 794.041, relating to sexual activity with or
720 solicitation of a child by a person in familial or custodial
721 authority.

722 l. Section 794.05, relating to unlawful sexual activity
723 with certain minors.

724 m. Section 794.08, relating to female genital mutilation.

725 n. Section 806.01, relating to arson.

32-01244-17

20171208__

726 o. Section 826.04, relating to incest.

727 p. Section 827.03, relating to child abuse, aggravated
728 child abuse, or neglect of a child.

729 q. Section 827.04, relating to contributing to the
730 delinquency or dependency of a child.

731 r. Section 827.071, relating to sexual performance by a
732 child.

733 s. Chapter 847, relating to child pornography.

734 t. Section 985.701, relating to sexual misconduct in
735 juvenile justice programs.

736 2. A misdemeanor offense prohibited under any of the
737 following statutes:

738 a. Section 784.03, relating to battery, if the victim of
739 the offense was a minor.

740 b. Section 787.025, relating to luring or enticing a child.

741 c. Chapter 847, relating to child pornography.

742 3. A criminal act committed in another state or under
743 federal law which, if committed in this state, constitutes an
744 offense prohibited under any statute listed in subparagraph 1.
745 or subparagraph 2.

746 Section 21. For the purpose of incorporating the amendment
747 made by this act to section 794.011, Florida Statutes, in a
748 reference thereto, paragraph (f) of subsection (5) of section
749 456.074, Florida Statutes, is reenacted to read:

750 456.074 Certain health care practitioners; immediate
751 suspension of license.—

752 (5) The department shall issue an emergency order
753 suspending the license of a massage therapist or establishment
754 as defined in chapter 480 upon receipt of information that the

32-01244-17

20171208__

755 massage therapist, a person with an ownership interest in the
756 establishment, or, for a corporation that has more than \$250,000
757 of business assets in this state, the owner, officer, or
758 individual directly involved in the management of the
759 establishment has been convicted or found guilty of, or has
760 entered a plea of guilty or nolo contendere to, regardless of
761 adjudication, a violation of s. 796.07(2) (a) which is
762 reclassified under s. 796.07(7) or a felony offense under any of
763 the following provisions of state law or a similar provision in
764 another jurisdiction:

765 (f) Section 794.011, relating to sexual battery.

766 Section 22. For the purpose of incorporating the amendment
767 made by this act to section 794.011, Florida Statutes, in a
768 reference thereto, paragraph (f) of subsection (7) of section
769 480.041, Florida Statutes, is reenacted to read:

770 480.041 Massage therapists; qualifications; licensure;
771 endorsement.—

772 (7) The board shall deny an application for a new or
773 renewal license if an applicant has been convicted or found
774 guilty of, or enters a plea of guilty or nolo contendere to,
775 regardless of adjudication, a violation of s. 796.07(2) (a) which
776 is reclassified under s. 796.07(7) or a felony offense under any
777 of the following provisions of state law or a similar provision
778 in another jurisdiction:

779 (f) Section 794.011, relating to sexual battery.

780 Section 23. For the purpose of incorporating the amendment
781 made by this act to section 794.011, Florida Statutes, in a
782 reference thereto, paragraph (f) of subsection (8) of section
783 480.043, Florida Statutes, is reenacted to read:

32-01244-17

20171208__

784 480.043 Massage establishments; requisites; licensure;
785 inspection.—

786 (8) The department shall deny an application for a new or
787 renewal license if a person with an ownership interest in the
788 establishment or, for a corporation that has more than \$250,000
789 of business assets in this state, the owner, officer, or
790 individual directly involved in the management of the
791 establishment has been convicted or found guilty of, or entered
792 a plea of guilty or nolo contendere to, regardless of
793 adjudication, a violation of s. 796.07(2)(a) which is
794 reclassified under s. 796.07(7) or a felony offense under any of
795 the following provisions of state law or a similar provision in
796 another jurisdiction:

797 (f) Section 794.011, relating to sexual battery.

798 Section 24. For the purpose of incorporating the amendment
799 made by this act to section 794.011, Florida Statutes, in a
800 reference thereto, paragraph (a) of subsection (1) of section
801 775.0877, Florida Statutes, is reenacted to read:

802 775.0877 Criminal transmission of HIV; procedures;
803 penalties.—

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

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

810

811 the court shall order the offender to undergo HIV testing, to be
812 performed under the direction of the Department of Health in

32-01244-17

20171208__

813 accordance with s. 381.004, unless the offender has undergone
814 HIV testing voluntarily or pursuant to procedures established in
815 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
816 rule providing for HIV testing of criminal offenders or inmates,
817 subsequent to her or his arrest for an offense enumerated in
818 paragraphs (a)-(n) for which she or he was convicted or to which
819 she or he pled nolo contendere or guilty. The results of an HIV
820 test performed on an offender pursuant to this subsection are
821 not admissible in any criminal proceeding arising out of the
822 alleged offense.

823 Section 25. For the purpose of incorporating the amendment
824 made by this act to section 794.011, Florida Statutes, in
825 references thereto, subsections (13) and (14) of section 775.15,
826 Florida Statutes, are reenacted to read:

827 775.15 Time limitations; general time limitations;
828 exceptions.—

829 (13) (a) If the victim of a violation of s. 794.011, former
830 s. 794.05, Florida Statutes 1995, s. 800.04, s. 826.04, or s.
831 847.0135(5) is under the age of 18, the applicable period of
832 limitation, if any, does not begin to run until the victim has
833 reached the age of 18 or the violation is reported to a law
834 enforcement agency or other governmental agency, whichever
835 occurs earlier. Such law enforcement agency or other
836 governmental agency shall promptly report such allegation to the
837 state attorney for the judicial circuit in which the alleged
838 violation occurred. If the offense is a first or second degree
839 felony violation of s. 794.011, and the offense is reported
840 within 72 hours after its commission, the prosecution for such
841 offense may be commenced at any time. This paragraph applies to

32-01244-17

20171208__

842 any such offense except an offense the prosecution of which
843 would have been barred by subsection (2) on or before December
844 31, 1984.

845 (b) If the offense is a first degree felony violation of s.
846 794.011 and the victim was under 18 years of age at the time the
847 offense was committed, a prosecution of the offense may be
848 commenced at any time. This paragraph applies to any such
849 offense except an offense the prosecution of which would have
850 been barred by subsection (2) on or before October 1, 2003.

851 (c) If the offense is a violation of s. 794.011 and the
852 victim was under 16 years of age at the time the offense was
853 committed, a prosecution of the offense may be commenced at any
854 time. This paragraph applies to any such offense except an
855 offense the prosecution of which would have been barred by
856 subsection (2) on or before July 1, 2010.

857 (14) (a) A prosecution for a first or second degree felony
858 violation of s. 794.011, if the victim is 16 years of age or
859 older at the time of the offense and the offense is reported to
860 a law enforcement agency within 72 hours after commission of the
861 offense, may be commenced at any time.

862 (b) Except as provided in paragraph (a) or paragraph
863 (13) (b), a prosecution for a first or second degree felony
864 violation of s. 794.011, if the victim is 16 years of age or
865 older at the time of the offense, must be commenced within 8
866 years after the violation is committed. This paragraph applies
867 to any such offense except an offense the prosecution of which
868 would have been barred by subsection (2) on or before July 1,
869 2015.

870 Section 26. For the purpose of incorporating the amendment

32-01244-17

20171208__

871 made by this act to section 794.011, Florida Statutes, in
872 references thereto, paragraph (a) of subsection (4) and
873 paragraph (b) of subsection (10) of section 775.21, Florida
874 Statutes, are reenacted to read:

875 775.21 The Florida Sexual Predators Act.—

876 (4) SEXUAL PREDATOR CRITERIA.—

877 (a) For a current offense committed on or after October 1,
878 1993, upon conviction, an offender shall be designated as a
879 “sexual predator” under subsection (5), and subject to
880 registration under subsection (6) and community and public
881 notification under subsection (7) if:

882 1. The felony is:

883 a. A capital, life, or first degree felony violation, or
884 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
885 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
886 violation of a similar law of another jurisdiction; or

887 b. Any felony violation, or any attempt thereof, of s.
888 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
889 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
890 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
891 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
892 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
893 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if
894 the court makes a written finding that the racketeering activity
895 involved at least one sexual offense listed in this sub-
896 subparagraph or at least one offense listed in this sub-
897 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
898 985.701(1); or a violation of a similar law of another
899 jurisdiction, and the offender has previously been convicted of

32-01244-17

20171208__

900 or found to have committed, or has pled nolo contendere or
901 guilty to, regardless of adjudication, any violation of s.
902 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
903 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
904 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
905 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
906 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
907 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
908 makes a written finding that the racketeering activity involved
909 at least one sexual offense listed in this sub-subparagraph or
910 at least one offense listed in this sub-subparagraph with sexual
911 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
912 violation of a similar law of another jurisdiction;

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

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

919 (10) PENALTIES.—

920 (b) A sexual predator who has been convicted of or found to
921 have committed, or has pled nolo contendere or guilty to,
922 regardless of adjudication, any violation, or attempted
923 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
924 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
925 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
926 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s.
927 985.701(1); or a violation of a similar law of another
928 jurisdiction when the victim of the offense was a minor, and who

32-01244-17

20171208__

929 works, whether for compensation or as a volunteer, at any
930 business, school, child care facility, park, playground, or
931 other place where children regularly congregate, commits a
932 felony of the third degree, punishable as provided in s.
933 775.082, s. 775.083, or s. 775.084.

934 Section 27. For the purpose of incorporating the amendment
935 made by this act to section 794.011, Florida Statutes, in
936 references thereto, subsections (2) and (3) of section 775.215,
937 Florida Statutes, are reenacted to read:

938 775.215 Residency restriction for persons convicted of
939 certain sex offenses.—

940 (2) (a) A person who has been convicted of a violation of s.
941 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
942 regardless of whether adjudication has been withheld, in which
943 the victim of the offense was less than 16 years of age, may not
944 reside within 1,000 feet of any school, child care facility,
945 park, or playground. However, a person does not violate this
946 subsection and may not be forced to relocate if he or she is
947 living in a residence that meets the requirements of this
948 subsection and a school, child care facility, park, or
949 playground is subsequently established within 1,000 feet of his
950 or her residence.

951 (b) A person who violates this subsection and whose
952 conviction under s. 794.011, s. 800.04, s. 827.071, s.
953 847.0135(5), or s. 847.0145 was classified as a felony of the
954 first degree or higher commits a felony of the third degree,
955 punishable as provided in s. 775.082 or s. 775.083. A person who
956 violates this subsection and whose conviction under s. 794.011,
957 s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 was

32-01244-17

20171208__

958 classified as a felony of the second or third degree commits a
959 misdemeanor of the first degree, punishable as provided in s.
960 775.082 or s. 775.083.

961 (c) This subsection applies to any person convicted of a
962 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
963 or s. 847.0145 for offenses that occur on or after October 1,
964 2004, excluding persons who have been removed from the
965 requirement to register as a sexual offender or sexual predator
966 pursuant to s. 943.04354.

967 (3) (a) A person who has been convicted of an offense in
968 another jurisdiction that is similar to a violation of s.
969 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
970 regardless of whether adjudication has been withheld, in which
971 the victim of the offense was less than 16 years of age, may not
972 reside within 1,000 feet of any school, child care facility,
973 park, or playground. However, a person does not violate this
974 subsection and may not be forced to relocate if he or she is
975 living in a residence that meets the requirements of this
976 subsection and a school, child care facility, park, or
977 playground is subsequently established within 1,000 feet of his
978 or her residence.

979 (b) A person who violates this subsection and whose
980 conviction in another jurisdiction resulted in a penalty that is
981 substantially similar to a felony of the first degree or higher
982 commits a felony of the third degree, punishable as provided in
983 s. 775.082 or s. 775.083. A person who violates this subsection
984 and whose conviction in another jurisdiction resulted in a
985 penalty that is substantially similar to a felony of the second
986 or third degree commits a misdemeanor of the first degree,

32-01244-17

20171208__

987 punishable as provided in s. 775.082 or s. 775.083.

988 (c) This subsection applies to any person convicted of an
989 offense in another jurisdiction that is similar to a violation
990 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
991 847.0145 if such offense occurred on or after May 26, 2010,
992 excluding persons who have been removed from the requirement to
993 register as a sexual offender or sexual predator pursuant to s.
994 943.04354.

995 Section 28. For the purpose of incorporating the amendment
996 made by this act to section 794.011, Florida Statutes, in
997 references thereto, subsections (7) and (8) of section 784.048,
998 Florida Statutes, are reenacted to read:

999 784.048 Stalking; definitions; penalties.—

1000 (7) A person who, after having been sentenced for a
1001 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
1002 prohibited from contacting the victim of the offense under s.
1003 921.244, willfully, maliciously, and repeatedly follows,
1004 harasses, or cyberstalks the victim commits the offense of
1005 aggravated stalking, a felony of the third degree, punishable as
1006 provided in s. 775.082, s. 775.083, or s. 775.084.

1007 (8) The punishment imposed under this section shall run
1008 consecutive to any former sentence imposed for a conviction for
1009 any offense under s. 794.011, s. 800.04, or s. 847.0135(5).

1010 Section 29. For the purpose of incorporating the amendment
1011 made by this act to section 794.011, Florida Statutes, in a
1012 reference thereto, paragraph (g) of subsection (3) of section
1013 787.06, Florida Statutes, is reenacted to read:

1014 787.06 Human trafficking.—

1015 (3) Any person who knowingly, or in reckless disregard of

32-01244-17

20171208__

1016 the facts, engages in human trafficking, or attempts to engage
1017 in human trafficking, or benefits financially by receiving
1018 anything of value from participation in a venture that has
1019 subjected a person to human trafficking:

1020 (g) For commercial sexual activity in which any child under
1021 the age of 18, or in which any person who is mentally defective
1022 or mentally incapacitated as those terms are defined in s.
1023 794.011(1), is involved commits a life felony, punishable as
1024 provided in s. 775.082(3)(a)6., s. 775.083, or s. 775.084.

1025
1026 For each instance of human trafficking of any individual under
1027 this subsection, a separate crime is committed and a separate
1028 punishment is authorized.

1029 Section 30. For the purpose of incorporating the amendment
1030 made by this act to section 794.011, Florida Statutes, in a
1031 reference thereto, section 794.022, Florida Statutes, is
1032 reenacted to read:

1033 794.022 Rules of evidence.—

1034 (1) The testimony of the victim need not be corroborated in
1035 a prosecution under s. 787.06, s. 794.011, or s. 800.04.

1036 (2) Specific instances of prior consensual sexual activity
1037 between the victim and any person other than the offender may
1038 not be admitted into evidence in a prosecution under s. 787.06,
1039 s. 794.011, or s. 800.04. However, such evidence may be admitted
1040 if it is first established to the court in a proceeding in
1041 camera that such evidence may prove that the defendant was not
1042 the source of the semen, pregnancy, injury, or disease; or, when
1043 consent by the victim is at issue, such evidence may be admitted
1044 if it is first established to the court in a proceeding in

32-01244-17

20171208__

1045 camera that such evidence tends to establish a pattern of
1046 conduct or behavior on the part of the victim which is so
1047 similar to the conduct or behavior in the case that it is
1048 relevant to the issue of consent.

1049 (3) Notwithstanding any other provision of law, reputation
1050 evidence relating to a victim's prior sexual conduct or evidence
1051 presented for the purpose of showing that manner of dress of the
1052 victim at the time of the offense incited the sexual battery may
1053 not be admitted into evidence in a prosecution under s. 787.06,
1054 s. 794.011, or s. 800.04.

1055 (4) When consent of the victim is a defense to prosecution
1056 under s. 787.06, s. 794.011, or s. 800.04, evidence of the
1057 victim's mental incapacity or defect is admissible to prove that
1058 the consent was not intelligent, knowing, or voluntary; and the
1059 court shall instruct the jury accordingly.

1060 (5) An offender's use of a prophylactic device, or a
1061 victim's request that an offender use a prophylactic device, is
1062 not, by itself, relevant to either the issue of whether or not
1063 the offense was committed or the issue of whether or not the
1064 victim consented.

1065 Section 31. For the purpose of incorporating the amendment
1066 made by this act to section 794.011, Florida Statutes, in a
1067 reference thereto, subsection (1) of section 794.0235, Florida
1068 Statutes, is reenacted to read:

1069 794.0235 Administration of medroxyprogesterone acetate
1070 (MPA) to persons convicted of sexual battery.—

1071 (1) Notwithstanding any other law, the court:

1072 (a) May sentence a defendant to be treated with
1073 medroxyprogesterone acetate (MPA), according to a schedule of

32-01244-17

20171208__

1074 administration monitored by the Department of Corrections, if
1075 the defendant is convicted of sexual battery as described in s.
1076 794.011.

1077 (b) Shall sentence a defendant to be treated with
1078 medroxyprogesterone acetate (MPA), according to a schedule of
1079 administration monitored by the Department of Corrections, if
1080 the defendant is convicted of sexual battery as described in s.
1081 794.011 and the defendant has a prior conviction of sexual
1082 battery under s. 794.011.

1083
1084 If the court sentences a defendant to be treated with
1085 medroxyprogesterone acetate (MPA), the penalty may not be
1086 imposed in lieu of, or reduce, any other penalty prescribed
1087 under s. 794.011. However, in lieu of treatment with
1088 medroxyprogesterone acetate (MPA), the court may order the
1089 defendant to undergo physical castration upon written motion by
1090 the defendant providing the defendant's intelligent, knowing,
1091 and voluntary consent to physical castration as an alternative
1092 penalty.

1093 Section 32. For the purpose of incorporating the amendment
1094 made by this act to section 794.011, Florida Statutes, in a
1095 reference thereto, paragraph (e) of subsection (2) of section
1096 794.055, Florida Statutes, is reenacted to read:

1097 794.055 Access to services for victims of sexual battery.—

1098 (2) As used in this section, the term:

1099 (e) "Sexual battery" has the same meaning as that term has
1100 in the offenses provided in s. 794.011.

1101 Section 33. For the purpose of incorporating the amendment
1102 made by this act to section 794.011, Florida Statutes, in a

32-01244-17

20171208__

1103 reference thereto, subsection (1) of section 794.056, Florida
1104 Statutes, is reenacted to read:

1105 794.056 Rape Crisis Program Trust Fund.—

1106 (1) The Rape Crisis Program Trust Fund is created within
1107 the Department of Health for the purpose of providing funds for
1108 rape crisis centers in this state. Trust fund moneys shall be
1109 used exclusively for the purpose of providing services for
1110 victims of sexual assault. Funds credited to the trust fund
1111 consist of those funds collected as an additional court
1112 assessment in each case in which a defendant pleads guilty or
1113 nolo contendere to, or is found guilty of, regardless of
1114 adjudication, an offense provided in s. 775.21(6) and (10)(a),
1115 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
1116 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
1117 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
1118 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
1119 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
1120 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
1121 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
1122 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
1123 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
1124 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
1125 fund also shall include revenues provided by law, moneys
1126 appropriated by the Legislature, and grants from public or
1127 private entities.

1128 Section 34. For the purpose of incorporating the amendment
1129 made by this act to section 794.011, Florida Statutes, in a
1130 reference thereto, subsection (1) of section 856.022, Florida
1131 Statutes, is reenacted to read:

32-01244-17

20171208__

1132 856.022 Loitering or prowling by certain offenders in close
1133 proximity to children; penalty.—

1134 (1) Except as provided in subsection (2), this section
1135 applies to a person convicted of committing, or attempting,
1136 soliciting, or conspiring to commit, any of the criminal
1137 offenses proscribed in the following statutes in this state or
1138 similar offenses in another jurisdiction against a victim who
1139 was under 18 years of age at the time of the offense: s. 787.01,
1140 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1141 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1142 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
1143 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1144 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
1145 similar offense committed in this state which has been
1146 redesignated from a former statute number to one of those listed
1147 in this subsection, if the person has not received a pardon for
1148 any felony or similar law of another jurisdiction necessary for
1149 the operation of this subsection and a conviction of a felony or
1150 similar law of another jurisdiction necessary for the operation
1151 of this subsection has not been set aside in any postconviction
1152 proceeding.

1153 Section 35. For the purpose of incorporating the amendment
1154 made by this act to section 794.011, Florida Statutes, in a
1155 reference thereto, section 914.16, Florida Statutes, is
1156 reenacted to read:

1157 914.16 Child abuse and sexual abuse of victims under age 16
1158 or who have an intellectual disability; limits on interviews.—
1159 The chief judge of each judicial circuit, after consultation
1160 with the state attorney and the public defender for the judicial

32-01244-17

20171208__

1161 circuit, the appropriate chief law enforcement officer, and any
1162 other person deemed appropriate by the chief judge, shall order
1163 reasonable limits on the number of interviews which a victim of
1164 a violation of s. 794.011, s. 800.04, s. 827.03, or s.
1165 847.0135(5) who is under 16 years of age or a victim of a
1166 violation of s. 794.011, s. 800.02, s. 800.03, or s. 825.102 who
1167 has an intellectual disability as defined in s. 393.063 must
1168 submit to for law enforcement or discovery purposes. To the
1169 extent possible, the order must protect the victim from the
1170 psychological damage of repeated interrogations while preserving
1171 the rights of the public, the victim, and the person charged
1172 with the violation.

1173 Section 36. For the purpose of incorporating the amendment
1174 made by this act to section 794.011, Florida Statutes, in a
1175 reference thereto, paragraph (b) of subsection (1) of section
1176 921.0024, Florida Statutes, is reenacted to read:

1177 921.0024 Criminal Punishment Code; worksheet computations;
1178 scoresheets.—

1179 (1)

1180 (b) WORKSHEET KEY:

1181
1182 Legal status points are assessed when any form of legal status
1183 existed at the time the offender committed an offense before the
1184 court for sentencing. Four (4) sentence points are assessed for
1185 an offender's legal status.

1186
1187 Community sanction violation points are assessed when a
1188 community sanction violation is before the court for sentencing.
1189 Six (6) sentence points are assessed for each community sanction

32-01244-17

20171208__

1190 violation and each successive community sanction violation,
1191 unless any of the following apply:

1192 1. If the community sanction violation includes a new
1193 felony conviction before the sentencing court, twelve (12)
1194 community sanction violation points are assessed for the
1195 violation, and for each successive community sanction violation
1196 involving a new felony conviction.

1197 2. If the community sanction violation is committed by a
1198 violent felony offender of special concern as defined in s.
1199 948.06:

1200 a. Twelve (12) community sanction violation points are
1201 assessed for the violation and for each successive violation of
1202 felony probation or community control where:

1203 I. The violation does not include a new felony conviction;
1204 and

1205 II. The community sanction violation is not based solely on
1206 the probationer or offender's failure to pay costs or fines or
1207 make restitution payments.

1208 b. Twenty-four (24) community sanction violation points are
1209 assessed for the violation and for each successive violation of
1210 felony probation or community control where the violation
1211 includes a new felony conviction.

1212
1213 Multiple counts of community sanction violations before the
1214 sentencing court shall not be a basis for multiplying the
1215 assessment of community sanction violation points.

1216
1217 Prior serious felony points: If the offender has a primary
1218 offense or any additional offense ranked in level 8, level 9, or

32-01244-17

20171208__

1219 level 10, and one or more prior serious felonies, a single
1220 assessment of thirty (30) points shall be added. For purposes of
1221 this section, a prior serious felony is an offense in the
1222 offender's prior record that is ranked in level 8, level 9, or
1223 level 10 under s. 921.0022 or s. 921.0023 and for which the
1224 offender is serving a sentence of confinement, supervision, or
1225 other sanction or for which the offender's date of release from
1226 confinement, supervision, or other sanction, whichever is later,
1227 is within 3 years before the date the primary offense or any
1228 additional offense was committed.

1229
1230 Prior capital felony points: If the offender has one or more
1231 prior capital felonies in the offender's criminal record, points
1232 shall be added to the subtotal sentence points of the offender
1233 equal to twice the number of points the offender receives for
1234 the primary offense and any additional offense. A prior capital
1235 felony in the offender's criminal record is a previous capital
1236 felony offense for which the offender has entered a plea of nolo
1237 contendere or guilty or has been found guilty; or a felony in
1238 another jurisdiction which is a capital felony in that
1239 jurisdiction, or would be a capital felony if the offense were
1240 committed in this state.

1241
1242 Possession of a firearm, semiautomatic firearm, or machine gun:
1243 If the offender is convicted of committing or attempting to
1244 commit any felony other than those enumerated in s. 775.087(2)
1245 while having in his or her possession: a firearm as defined in
1246 s. 790.001(6), an additional eighteen (18) sentence points are
1247 assessed; or if the offender is convicted of committing or

32-01244-17

20171208__

1248 attempting to commit any felony other than those enumerated in
1249 s. 775.087(3) while having in his or her possession a
1250 semiautomatic firearm as defined in s. 775.087(3) or a machine
1251 gun as defined in s. 790.001(9), an additional twenty-five (25)
1252 sentence points are assessed.

1253

1254 Sentencing multipliers:

1255

1256 Drug trafficking: If the primary offense is drug trafficking
1257 under s. 893.135, the subtotal sentence points are multiplied,
1258 at the discretion of the court, for a level 7 or level 8
1259 offense, by 1.5. The state attorney may move the sentencing
1260 court to reduce or suspend the sentence of a person convicted of
1261 a level 7 or level 8 offense, if the offender provides
1262 substantial assistance as described in s. 893.135(4).

1263

1264 Law enforcement protection: If the primary offense is a
1265 violation of the Law Enforcement Protection Act under s.
1266 775.0823(2), (3), or (4), the subtotal sentence points are
1267 multiplied by 2.5. If the primary offense is a violation of s.
1268 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
1269 are multiplied by 2.0. If the primary offense is a violation of
1270 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
1271 Protection Act under s. 775.0823(10) or (11), the subtotal
1272 sentence points are multiplied by 1.5.

1273

1274 Grand theft of a motor vehicle: If the primary offense is grand
1275 theft of the third degree involving a motor vehicle and in the
1276 offender's prior record, there are three or more grand thefts of

32-01244-17

20171208__

1277 the third degree involving a motor vehicle, the subtotal
1278 sentence points are multiplied by 1.5.

1279

1280 Offense related to a criminal gang: If the offender is convicted
1281 of the primary offense and committed that offense for the
1282 purpose of benefiting, promoting, or furthering the interests of
1283 a criminal gang as defined in s. 874.03, the subtotal sentence
1284 points are multiplied by 1.5. If applying the multiplier results
1285 in the lowest permissible sentence exceeding the statutory
1286 maximum sentence for the primary offense under chapter 775, the
1287 court may not apply the multiplier and must sentence the
1288 defendant to the statutory maximum sentence.

1289

1290 Domestic violence in the presence of a child: If the offender is
1291 convicted of the primary offense and the primary offense is a
1292 crime of domestic violence, as defined in s. 741.28, which was
1293 committed in the presence of a child under 16 years of age who
1294 is a family or household member as defined in s. 741.28(3) with
1295 the victim or perpetrator, the subtotal sentence points are
1296 multiplied by 1.5.

1297

1298 Adult-on-minor sex offense: If the offender was 18 years of age
1299 or older and the victim was younger than 18 years of age at the
1300 time the offender committed the primary offense, and if the
1301 primary offense was an offense committed on or after October 1,
1302 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
1303 violation involved a victim who was a minor and, in the course
1304 of committing that violation, the defendant committed a sexual
1305 battery under chapter 794 or a lewd act under s. 800.04 or s.

32-01244-17

20171208__

1306 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
1307 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
1308 800.04; or s. 847.0135(5), the subtotal sentence points are
1309 multiplied by 2.0. If applying the multiplier results in the
1310 lowest permissible sentence exceeding the statutory maximum
1311 sentence for the primary offense under chapter 775, the court
1312 may not apply the multiplier and must sentence the defendant to
1313 the statutory maximum sentence.

1314 Section 37. For the purpose of incorporating the amendment
1315 made by this act to section 794.011, Florida Statutes, in
1316 references thereto, subsections (1) and (3) of section 921.244,
1317 Florida Statutes, are reenacted to read:

1318 921.244 Order of no contact; penalties.—

1319 (1) At the time of sentencing an offender convicted of a
1320 violation of s. 794.011, s. 800.04, s. 847.0135(5), or any
1321 offense in s. 775.084(1)(b)1.a.-o., the court shall order that
1322 the offender be prohibited from having any contact with the
1323 victim, directly or indirectly, including through a third
1324 person, for the duration of the sentence imposed. The court may
1325 reconsider the order upon the request of the victim if the
1326 request is made at any time after the victim has attained 18
1327 years of age. In considering the request, the court shall
1328 conduct an evidentiary hearing to determine whether a change of
1329 circumstances has occurred which warrants a change in the court
1330 order prohibiting contact and whether it is in the best interest
1331 of the victim that the court order be modified or rescinded.

1332 (3) The punishment imposed under this section shall run
1333 consecutive to any former sentence imposed for a conviction for
1334 any offense under s. 794.011, s. 800.04, s. 847.0135(5), or any

32-01244-17

20171208__

1335 offense in s. 775.084(1)(b)1.a.-o.

1336 Section 38. For the purpose of incorporating the amendment
1337 made by this act to section 794.011, Florida Statutes, in a
1338 reference thereto, section 938.08, Florida Statutes, is
1339 reenacted to read:

1340 938.08 Additional cost to fund programs in domestic
1341 violence.—In addition to any sanction imposed for a violation of
1342 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
1343 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
1344 784.083, s. 784.085, s. 794.011, or for any offense of domestic
1345 violence described in s. 741.28, the court shall impose a
1346 surcharge of \$201. Payment of the surcharge shall be a condition
1347 of probation, community control, or any other court-ordered
1348 supervision. The sum of \$85 of the surcharge shall be deposited
1349 into the Domestic Violence Trust Fund established in s. 741.01.
1350 The clerk of the court shall retain \$1 of each surcharge that
1351 the clerk of the court collects as a service charge of the
1352 clerk's office. The remainder of the surcharge shall be provided
1353 to the governing board of the county and must be used only to
1354 defray the costs of incarcerating persons sentenced under s.
1355 741.283 and provide additional training to law enforcement
1356 personnel in combating domestic violence.

1357 Section 39. For the purpose of incorporating the amendment
1358 made by this act to section 794.011, Florida Statutes, in a
1359 reference thereto, section 938.085, Florida Statutes, is
1360 reenacted to read:

1361 938.085 Additional cost to fund rape crisis centers.—In
1362 addition to any sanction imposed when a person pleads guilty or
1363 nolo contendere to, or is found guilty of, regardless of

32-01244-17

20171208__

1364 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1365 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1366 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1367 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1368 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1369 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1370 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1371 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 1372 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 1373 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 1374 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
 1375 \$151. Payment of the surcharge shall be a condition of
 1376 probation, community control, or any other court-ordered
 1377 supervision. The sum of \$150 of the surcharge shall be deposited
 1378 into the Rape Crisis Program Trust Fund established within the
 1379 Department of Health by chapter 2003-140, Laws of Florida. The
 1380 clerk of the court shall retain \$1 of each surcharge that the
 1381 clerk of the court collects as a service charge of the clerk's
 1382 office.

1383 Section 40. For the purpose of incorporating the amendment
 1384 made by this act to section 794.011, Florida Statutes, in
 1385 references thereto, paragraph (h) of subsection (1), paragraph
 1386 (a) of subsection (11), and paragraph (b) of subsection (14) of
 1387 section 943.0435, Florida Statutes, are reenacted to read:

1388 943.0435 Sexual offenders required to register with the
 1389 department; penalty.—

1390 (1) As used in this section, the term:

1391 (h)1. "Sexual offender" means a person who meets the
 1392 criteria in sub-subparagraph a., sub-subparagraph b., sub-

32-01244-17

20171208__

1393 subparagraph c., or sub-subparagraph d., as follows:

1394 a.(I) Has been convicted of committing, or attempting,
1395 soliciting, or conspiring to commit, any of the criminal
1396 offenses proscribed in the following statutes in this state or
1397 similar offenses in another jurisdiction: s. 393.135(2); s.
1398 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1399 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
1400 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
1401 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
1402 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
1403 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1404 s. 895.03, if the court makes a written finding that the
1405 racketeering activity involved at least one sexual offense
1406 listed in this sub-sub-subparagraph or at least one offense
1407 listed in this sub-sub-subparagraph with sexual intent or
1408 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
1409 committed in this state which has been redesignated from a
1410 former statute number to one of those listed in this sub-sub-
1411 subparagraph; and

1412 (II) Has been released on or after October 1, 1997, from
1413 the sanction imposed for any conviction of an offense described
1414 in sub-sub-subparagraph (I). For purposes of sub-sub-
1415 subparagraph (I), a sanction imposed in this state or in any
1416 other jurisdiction includes, but is not limited to, a fine,
1417 probation, community control, parole, conditional release,
1418 control release, or incarceration in a state prison, federal
1419 prison, private correctional facility, or local detention
1420 facility;

1421 b. Establishes or maintains a residence in this state and

32-01244-17

20171208__

1422 who has not been designated as a sexual predator by a court of
1423 this state but who has been designated as a sexual predator, as
1424 a sexually violent predator, or by another sexual offender
1425 designation in another state or jurisdiction and was, as a
1426 result of such designation, subjected to registration or
1427 community or public notification, or both, or would be if the
1428 person were a resident of that state or jurisdiction, without
1429 regard to whether the person otherwise meets the criteria for
1430 registration as a sexual offender;

1431 c. Establishes or maintains a residence in this state who
1432 is in the custody or control of, or under the supervision of,
1433 any other state or jurisdiction as a result of a conviction for
1434 committing, or attempting, soliciting, or conspiring to commit,
1435 any of the criminal offenses proscribed in the following
1436 statutes or similar offense in another jurisdiction: s.
1437 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
1438 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
1439 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
1440 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1441 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
1442 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
1443 s. 847.0145; s. 895.03, if the court makes a written finding
1444 that the racketeering activity involved at least one sexual
1445 offense listed in this sub-subparagraph or at least one offense
1446 listed in this sub-subparagraph with sexual intent or motive; s.
1447 916.1075(2); or s. 985.701(1); or any similar offense committed
1448 in this state which has been redesignated from a former statute
1449 number to one of those listed in this sub-subparagraph; or
1450 d. On or after July 1, 2007, has been adjudicated

32-01244-17

20171208__

1451 delinquent for committing, or attempting, soliciting, or
1452 conspiring to commit, any of the criminal offenses proscribed in
1453 the following statutes in this state or similar offenses in
1454 another jurisdiction when the juvenile was 14 years of age or
1455 older at the time of the offense:

1456 (I) Section 794.011, excluding s. 794.011(10);

1457 (II) Section 800.04(4)(a)2. where the victim is under 12
1458 years of age or where the court finds sexual activity by the use
1459 of force or coercion;

1460 (III) Section 800.04(5)(c)1. where the court finds
1461 molestation involving unclothed genitals;

1462 (IV) Section 800.04(5)(d) where the court finds the use of
1463 force or coercion and unclothed genitals; or

1464 (V) Any similar offense committed in this state which has
1465 been redesignated from a former statute number to one of those
1466 listed in this sub-subparagraph.

1467 2. For all qualifying offenses listed in sub-subparagraph
1468 1.d., the court shall make a written finding of the age of the
1469 offender at the time of the offense.

1470

1471 For each violation of a qualifying offense listed in this
1472 subsection, except for a violation of s. 794.011, the court
1473 shall make a written finding of the age of the victim at the
1474 time of the offense. For a violation of s. 800.04(4), the court
1475 shall also make a written finding indicating whether the offense
1476 involved sexual activity and indicating whether the offense
1477 involved force or coercion. For a violation of s. 800.04(5), the
1478 court shall also make a written finding that the offense did or
1479 did not involve unclothed genitals or genital area and that the

32-01244-17

20171208__

1480 offense did or did not involve the use of force or coercion.

1481 (11) Except as provided in s. 943.04354, a sexual offender
1482 shall maintain registration with the department for the duration
1483 of his or her life unless the sexual offender has received a
1484 full pardon or has had a conviction set aside in a
1485 postconviction proceeding for any offense that meets the
1486 criteria for classifying the person as a sexual offender for
1487 purposes of registration. However, a sexual offender shall be
1488 considered for removal of the requirement to register as a
1489 sexual offender only if the person:

1490 (a)1. Has been lawfully released from confinement,
1491 supervision, or sanction, whichever is later, for at least 25
1492 years and has not been arrested for any felony or misdemeanor
1493 offense since release, provided that the sexual offender's
1494 requirement to register was not based upon an adult conviction:

1495 a. For a violation of s. 787.01 or s. 787.02;

1496 b. For a violation of s. 794.011, excluding s. 794.011(10);

1497 c. For a violation of s. 800.04(4)(a)2. where the court
1498 finds the offense involved a victim under 12 years of age or
1499 sexual activity by the use of force or coercion;

1500 d. For a violation of s. 800.04(5)(b);

1501 e. For a violation of s. 800.04(5)(c)2. where the court
1502 finds the offense involved the use of force or coercion and
1503 unclothed genitals or genital area;

1504 f. For a violation of s. 825.1025(2)(a);

1505 g. For any attempt or conspiracy to commit any such
1506 offense;

1507 h. For a violation of similar law of another jurisdiction;

1508 or

32-01244-17

20171208__

1509 i. For a violation of a similar offense committed in this
1510 state which has been redesignated from a former statute number
1511 to one of those listed in this subparagraph.

1512 2. If the sexual offender meets the criteria in
1513 subparagraph 1., the sexual offender may, for the purpose of
1514 removing the requirement for registration as a sexual offender,
1515 petition the criminal division of the circuit court of the
1516 circuit:

1517 a. Where the conviction or adjudication occurred, for a
1518 conviction in this state;

1519 b. Where the sexual offender resides, for a conviction of a
1520 violation of similar law of another jurisdiction; or

1521 c. Where the sexual offender last resided, for a sexual
1522 offender with a conviction of a violation of similar law of
1523 another jurisdiction who no longer resides in this state.

1524 3. The court may grant or deny relief if the offender
1525 demonstrates to the court that he or she has not been arrested
1526 for any crime since release; the requested relief complies with
1527 the federal Adam Walsh Child Protection and Safety Act of 2006
1528 and any other federal standards applicable to the removal of
1529 registration requirements for a sexual offender or required to
1530 be met as a condition for the receipt of federal funds by the
1531 state; and the court is otherwise satisfied that the offender is
1532 not a current or potential threat to public safety. The state
1533 attorney in the circuit in which the petition is filed must be
1534 given notice of the petition at least 3 weeks before the hearing
1535 on the matter. The state attorney may present evidence in
1536 opposition to the requested relief or may otherwise demonstrate
1537 the reasons why the petition should be denied. If the court

32-01244-17

20171208__

1538 denies the petition, the court may set a future date at which
1539 the sexual offender may again petition the court for relief,
1540 subject to the standards for relief provided in this subsection.

1541 4. The department shall remove an offender from
1542 classification as a sexual offender for purposes of registration
1543 if the offender provides to the department a certified copy of
1544 the court's written findings or order that indicates that the
1545 offender is no longer required to comply with the requirements
1546 for registration as a sexual offender.

1547 (14)

1548 (b) However, a sexual offender who is required to register
1549 as a result of a conviction for:

1550 1. Section 787.01 or s. 787.02 where the victim is a minor;

1551 2. Section 794.011, excluding s. 794.011(10);

1552 3. Section 800.04(4)(a)2. where the court finds the offense
1553 involved a victim under 12 years of age or sexual activity by
1554 the use of force or coercion;

1555 4. Section 800.04(5)(b);

1556 5. Section 800.04(5)(c)1. where the court finds molestation
1557 involving unclothed genitals or genital area;

1558 6. Section 800.04(5)(c)2. where the court finds molestation
1559 involving the use of force or coercion and unclothed genitals or
1560 genital area;

1561 7. Section 800.04(5)(d) where the court finds the use of
1562 force or coercion and unclothed genitals or genital area;

1563 8. Section 825.1025(2)(a);

1564 9. Any attempt or conspiracy to commit such offense;

1565 10. A violation of a similar law of another jurisdiction;

1566 or

32-01244-17

20171208__

1567 11. A violation of a similar offense committed in this
1568 state which has been redesignated from a former statute number
1569 to one of those listed in this paragraph,

1570
1571 must reregister each year during the month of the sexual
1572 offender's birthday and every third month thereafter.

1573 Section 41. For the purpose of incorporating the amendment
1574 made by this act to section 794.011, Florida Statutes, in
1575 references thereto, paragraph (a) of subsection (1) and
1576 subsection (3) of section 943.04354, Florida Statutes, are
1577 reenacted to read:

1578 943.04354 Removal of the requirement to register as a
1579 sexual offender or sexual predator in special circumstances.—

1580 (1) For purposes of this section, a person shall be
1581 considered for removal of the requirement to register as a
1582 sexual offender or sexual predator only if the person:

1583 (a) Was convicted, regardless of adjudication, or
1584 adjudicated delinquent of a violation of s. 800.04, s. 827.071,
1585 or s. 847.0135(5) or of a similar offense in another
1586 jurisdiction and if the person does not have any other
1587 conviction, regardless of adjudication, or adjudication of
1588 delinquency for a violation of s. 794.011, s. 800.04, s.
1589 827.071, or s. 847.0135(5) or for a similar offense in another
1590 jurisdiction;

1591 (3) If a person provides to the Department of Law
1592 Enforcement a certified copy of the court's order removing the
1593 requirement that the person register as a sexual offender or
1594 sexual predator for the violation of s. 794.011, s. 800.04, s.
1595 827.071, or s. 847.0135(5), or a similar offense in another

32-01244-17

20171208__

1596 jurisdiction, the registration requirement will not apply to the
1597 person and the department shall remove all information about the
1598 person from the public registry of sexual offenders and sexual
1599 predators maintained by the department. However, the removal of
1600 this information from the public registry does not mean that the
1601 public is denied access to information about the person's
1602 criminal history or record that is otherwise available as a
1603 public record.

1604 Section 42. For the purpose of incorporating the amendment
1605 made by this act to section 794.011, Florida Statutes, in a
1606 reference thereto, subsection (3) of section 944.033, Florida
1607 Statutes, is reenacted to read:

1608 944.033 Community correctional centers; existence;
1609 location; purpose; restriction.—

1610 (3) No person convicted of sexual battery pursuant to s.
1611 794.011 is eligible for placement in any community correctional
1612 center.

1613 Section 43. For the purpose of incorporating the amendment
1614 made by this act to section 794.011, Florida Statutes, in a
1615 reference thereto, subsection (4) of section 944.053, Florida
1616 Statutes, is reenacted to read:

1617 944.053 Forestry Work Camps.—

1618 (4) Forestry Work Camps shall house minimum custody inmates
1619 and medium custody inmates who are not serving a sentence for,
1620 or who have not been previously convicted of, sexual battery
1621 pursuant to s. 794.011.

1622 Section 44. For the purpose of incorporating the amendment
1623 made by this act to section 794.011, Florida Statutes, in a
1624 reference thereto, paragraph (e) of subsection (4) of section

32-01244-17

20171208__

1625 944.275, Florida Statutes, is reenacted to read:

1626 944.275 Gain-time.—

1627 (4)

1628 (e) Notwithstanding subparagraph (b)3., for sentences
 1629 imposed for offenses committed on or after October 1, 2014, the
 1630 department may not grant incentive gain-time if the offense is a
 1631 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
 1632 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 1633 800.04; s. 825.1025; or s. 847.0135(5).

1634 Section 45. For the purpose of incorporating the amendment
 1635 made by this act to section 794.011, Florida Statutes, in a
 1636 reference thereto, paragraph (f) of subsection (1) of section
 1637 944.606, Florida Statutes, is reenacted to read:

1638 944.606 Sexual offenders; notification upon release.—

1639 (1) As used in this section, the term:

1640 (f) "Sexual offender" means a person who has been convicted
 1641 of committing, or attempting, soliciting, or conspiring to
 1642 commit, any of the criminal offenses proscribed in the following
 1643 statutes in this state or similar offenses in another
 1644 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 1645 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 1646 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 1647 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 1648 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
 1649 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1650 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 1651 makes a written finding that the racketeering activity involved
 1652 at least one sexual offense listed in this paragraph or at least
 1653 one offense listed in this paragraph with sexual intent or

32-01244-17

20171208__

1654 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
1655 committed in this state which has been redesignated from a
1656 former statute number to one of those listed in this subsection,
1657 when the department has received verified information regarding
1658 such conviction; an offender's computerized criminal history
1659 record is not, in and of itself, verified information.

1660 Section 46. For the purpose of incorporating the amendment
1661 made by this act to section 794.011, Florida Statutes, in a
1662 reference thereto, paragraph (f) of subsection (1) of section
1663 944.607, Florida Statutes, is reenacted to read:

1664 944.607 Notification to Department of Law Enforcement of
1665 information on sexual offenders.—

1666 (1) As used in this section, the term:

1667 (f) "Sexual offender" means a person who is in the custody
1668 or control of, or under the supervision of, the department or is
1669 in the custody of a private correctional facility:

1670 1. On or after October 1, 1997, as a result of a conviction
1671 for committing, or attempting, soliciting, or conspiring to
1672 commit, any of the criminal offenses proscribed in the following
1673 statutes in this state or similar offenses in another
1674 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
1675 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1676 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
1677 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
1678 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
1679 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1680 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1681 makes a written finding that the racketeering activity involved
1682 at least one sexual offense listed in this subparagraph or at

32-01244-17

20171208__

1683 least one offense listed in this subparagraph with sexual intent
1684 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
1685 offense committed in this state which has been redesignated from
1686 a former statute number to one of those listed in this
1687 paragraph; or

1688 2. Who establishes or maintains a residence in this state
1689 and who has not been designated as a sexual predator by a court
1690 of this state but who has been designated as a sexual predator,
1691 as a sexually violent predator, or by another sexual offender
1692 designation in another state or jurisdiction and was, as a
1693 result of such designation, subjected to registration or
1694 community or public notification, or both, or would be if the
1695 person were a resident of that state or jurisdiction, without
1696 regard as to whether the person otherwise meets the criteria for
1697 registration as a sexual offender.

1698 Section 47. For the purpose of incorporating the amendment
1699 made by this act to section 794.011, Florida Statutes, in a
1700 reference thereto, subsection (3) of section 945.091, Florida
1701 Statutes, is reenacted to read:

1702 945.091 Extension of the limits of confinement; restitution
1703 by employed inmates.—

1704 (3) The department may adopt regulations as to the
1705 eligibility of inmates for the extension of confinement, the
1706 disbursement of any earnings of these inmates, or the entering
1707 into of agreements between itself and any city or county or
1708 federal agency for the housing of these inmates in a local place
1709 of confinement. However, no person convicted of sexual battery
1710 pursuant to s. 794.011 is eligible for any extension of the
1711 limits of confinement under this section.

32-01244-17

20171208__

1712 Section 48. For the purpose of incorporating the amendment
1713 made by this act to section 794.011, Florida Statutes, in a
1714 reference thereto, subsection (4) of section 946.40, Florida
1715 Statutes, is reenacted to read:

1716 946.40 Use of prisoners in public works.—

1717 (4) No person convicted of sexual battery pursuant to s.
1718 794.011 is eligible for any program under the provisions of this
1719 section.

1720 Section 49. For the purpose of incorporating the amendment
1721 made by this act to section 794.011, Florida Statutes, in a
1722 reference thereto, paragraph (a) of subsection (5) of section
1723 948.012, Florida Statutes, is reenacted to read:

1724 948.012 Split sentence of probation or community control
1725 and imprisonment.—

1726 (5) (a) Effective for offenses committed on or after October
1727 1, 2014, if the court imposes a term of years in accordance with
1728 s. 775.082 which is less than the maximum sentence for the
1729 offense, the court must impose a split sentence pursuant to
1730 subsection (1) for any person who is convicted of a violation
1731 of:

- 1732 1. Section 782.04(1)(a)2.c.;
- 1733 2. Section 787.01(3)(a)2. or 3.;
- 1734 3. Section 787.02(3)(a)2. or 3.;
- 1735 4. Section 794.011, excluding s. 794.011(10);
- 1736 5. Section 800.04;
- 1737 6. Section 825.1025; or
- 1738 7. Section 847.0135(5).

1739 Section 50. For the purpose of incorporating the amendment
1740 made by this act to section 794.011, Florida Statutes, in a

32-01244-17

20171208__

1741 reference thereto, subsection (2) of section 948.03, Florida
1742 Statutes, is reenacted to read:

1743 948.03 Terms and conditions of probation.—

1744 (2) The enumeration of specific kinds of terms and
1745 conditions shall not prevent the court from adding thereto such
1746 other or others as it considers proper. However, the sentencing
1747 court may only impose a condition of supervision allowing an
1748 offender convicted of s. 794.011, s. 800.04, s. 827.071, s.
1749 847.0135(5), or s. 847.0145, to reside in another state, if the
1750 order stipulates that it is contingent upon the approval of the
1751 receiving state interstate compact authority. The court may
1752 rescind or modify at any time the terms and conditions
1753 theretofore imposed by it upon the probationer. However, if the
1754 court withholds adjudication of guilt or imposes a period of
1755 incarceration as a condition of probation, the period shall not
1756 exceed 364 days, and incarceration shall be restricted to either
1757 a county facility, a probation and restitution center under the
1758 jurisdiction of the Department of Corrections, a probation
1759 program drug punishment phase I secure residential treatment
1760 institution, or a community residential facility owned or
1761 operated by any entity providing such services.

1762 Section 51. For the purpose of incorporating the amendment
1763 made by this act to section 794.011, Florida Statutes, in a
1764 reference thereto, paragraph (b) of subsection (1) of section
1765 948.062, Florida Statutes, is reenacted to read:

1766 948.062 Reviewing and reporting serious offenses committed
1767 by offenders placed on probation or community control.—

1768 (1) The department shall review the circumstances related
1769 to an offender placed on probation or community control who has

32-01244-17

20171208__

1770 been arrested while on supervision for the following offenses:

1771 (b) Any sexual battery as provided in s. 794.011 or s.
1772 794.023;

1773 Section 52. For the purpose of incorporating the amendment
1774 made by this act to section 794.011, Florida Statutes, in a
1775 reference thereto, subsection (2) of section 948.101, Florida
1776 Statutes, is reenacted to read:

1777 948.101 Terms and conditions of community control.—

1778 (2) The enumeration of specific kinds of terms and
1779 conditions does not prevent the court from adding any other
1780 terms or conditions that the court considers proper. However,
1781 the sentencing court may only impose a condition of supervision
1782 allowing an offender convicted of s. 794.011, s. 800.04, s.
1783 827.071, s. 847.0135(5), or s. 847.0145 to reside in another
1784 state if the order stipulates that it is contingent upon the
1785 approval of the receiving state interstate compact authority.
1786 The court may rescind or modify at any time the terms and
1787 conditions theretofore imposed by it upon the offender in
1788 community control. However, if the court withholds adjudication
1789 of guilt or imposes a period of incarceration as a condition of
1790 community control, the period may not exceed 364 days, and
1791 incarceration shall be restricted to a county facility, a
1792 probation and restitution center under the jurisdiction of the
1793 Department of Corrections, a probation program drug punishment
1794 phase I secure residential treatment institution, or a community
1795 residential facility owned or operated by any entity providing
1796 such services.

1797 Section 53. For the purpose of incorporating the amendment
1798 made by this act to section 794.011, Florida Statutes, in a

32-01244-17

20171208__

1799 reference thereto, paragraph (c) of subsection (2) of section
1800 951.24, Florida Statutes, is reenacted to read:

1801 951.24 Extend the limits of confinement for county
1802 prisoners.—

1803 (2)

1804 (c) No person convicted of sexual battery pursuant to s.
1805 794.011 is eligible for any work-release program or any other
1806 extension of the limits of confinement under this section.

1807 Section 54. For the purpose of incorporating the amendment
1808 made by this act to section 794.011, Florida Statutes, in a
1809 reference thereto, subsection (2) of section 958.09, Florida
1810 Statutes, is reenacted to read:

1811 958.09 Extension of limits of confinement.—

1812 (2) The department shall adopt rules as to the eligibility
1813 of youthful offenders for such extension of confinement, the
1814 disbursement of any earnings of youthful offenders, or the
1815 entering into of agreements between the department and any
1816 municipal, county, or federal agency for the housing of youthful
1817 offenders in a local place of confinement. However, no youthful
1818 offender convicted of sexual battery pursuant to s. 794.011 is
1819 eligible for any extension of the limits of confinement under
1820 this section.

1821 Section 55. For the purpose of incorporating the amendment
1822 made by this act to section 794.011, Florida Statutes, in a
1823 reference thereto, subsection (1) of section 960.199, Florida
1824 Statutes, is reenacted to read:

1825 960.199 Relocation assistance for victims of sexual
1826 battery.—

1827 (1) The department may award a one-time payment of up to

32-01244-17

20171208__

1828 \$1,500 on any one claim and a lifetime maximum of \$3,000 to a
1829 victim of sexual battery, as defined in s. 794.011, who needs
1830 relocation assistance.

1831 Section 56. For the purpose of incorporating the amendment
1832 made by this act to section 794.011, Florida Statutes, in a
1833 reference thereto, paragraph (p) of subsection (1) of section
1834 1012.315, Florida Statutes, is reenacted to read:

1835 1012.315 Disqualification from employment.—A person is
1836 ineligible for educator certification, and instructional
1837 personnel and school administrators, as defined in s. 1012.01,
1838 are ineligible for employment in any position that requires
1839 direct contact with students in a district school system,
1840 charter school, or private school that accepts scholarship
1841 students under s. 1002.39 or s. 1002.395, if the person,
1842 instructional personnel, or school administrator has been
1843 convicted of:

1844 (1) Any felony offense prohibited under any of the
1845 following statutes:

1846 (p) Section 794.011, relating to sexual battery.

1847 Section 57. For the purpose of incorporating the amendment
1848 made by this act to section 825.1025, Florida Statutes, in a
1849 reference thereto, subsection (2) of section 435.04, Florida
1850 Statutes, is reenacted to read:

1851 435.04 Level 2 screening standards.—

1852 (2) The security background investigations under this
1853 section must ensure that no persons subject to the provisions of
1854 this section have been arrested for and are awaiting final
1855 disposition of, have been found guilty of, regardless of
1856 adjudication, or entered a plea of nolo contendere or guilty to,

32-01244-17

20171208__

1857 or have been adjudicated delinquent and the record has not been
1858 sealed or expunged for, any offense prohibited under any of the
1859 following provisions of state law or similar law of another
1860 jurisdiction:

1861 (a) Section 393.135, relating to sexual misconduct with
1862 certain developmentally disabled clients and reporting of such
1863 sexual misconduct.

1864 (b) Section 394.4593, relating to sexual misconduct with
1865 certain mental health patients and reporting of such sexual
1866 misconduct.

1867 (c) Section 415.111, relating to adult abuse, neglect, or
1868 exploitation of aged persons or disabled adults.

1869 (d) Section 777.04, relating to attempts, solicitation, and
1870 conspiracy to commit an offense listed in this subsection.

1871 (e) Section 782.04, relating to murder.

1872 (f) Section 782.07, relating to manslaughter, aggravated
1873 manslaughter of an elderly person or disabled adult, or
1874 aggravated manslaughter of a child.

1875 (g) Section 782.071, relating to vehicular homicide.

1876 (h) Section 782.09, relating to killing of an unborn child
1877 by injury to the mother.

1878 (i) Chapter 784, relating to assault, battery, and culpable
1879 negligence, if the offense was a felony.

1880 (j) Section 784.011, relating to assault, if the victim of
1881 the offense was a minor.

1882 (k) Section 784.03, relating to battery, if the victim of
1883 the offense was a minor.

1884 (l) Section 787.01, relating to kidnapping.

1885 (m) Section 787.02, relating to false imprisonment.

32-01244-17

20171208__

- 1886 (n) Section 787.025, relating to luring or enticing a
1887 child.
- 1888 (o) Section 787.04(2), relating to taking, enticing, or
1889 removing a child beyond the state limits with criminal intent
1890 pending custody proceedings.
- 1891 (p) Section 787.04(3), relating to carrying a child beyond
1892 the state lines with criminal intent to avoid producing a child
1893 at a custody hearing or delivering the child to the designated
1894 person.
- 1895 (q) Section 790.115(1), relating to exhibiting firearms or
1896 weapons within 1,000 feet of a school.
- 1897 (r) Section 790.115(2)(b), relating to possessing an
1898 electric weapon or device, destructive device, or other weapon
1899 on school property.
- 1900 (s) Section 794.011, relating to sexual battery.
- 1901 (t) Former s. 794.041, relating to prohibited acts of
1902 persons in familial or custodial authority.
- 1903 (u) Section 794.05, relating to unlawful sexual activity
1904 with certain minors.
- 1905 (v) Chapter 796, relating to prostitution.
- 1906 (w) Section 798.02, relating to lewd and lascivious
1907 behavior.
- 1908 (x) Chapter 800, relating to lewdness and indecent
1909 exposure.
- 1910 (y) Section 806.01, relating to arson.
- 1911 (z) Section 810.02, relating to burglary.
- 1912 (aa) Section 810.14, relating to voyeurism, if the offense
1913 is a felony.
- 1914 (bb) Section 810.145, relating to video voyeurism, if the

32-01244-17

20171208__

1915 offense is a felony.

1916 (cc) Chapter 812, relating to theft, robbery, and related

1917 crimes, if the offense is a felony.

1918 (dd) Section 817.563, relating to fraudulent sale of

1919 controlled substances, only if the offense was a felony.

1920 (ee) Section 825.102, relating to abuse, aggravated abuse,

1921 or neglect of an elderly person or disabled adult.

1922 (ff) Section 825.1025, relating to lewd or lascivious

1923 offenses committed upon or in the presence of an elderly person

1924 or disabled adult.

1925 (gg) Section 825.103, relating to exploitation of an

1926 elderly person or disabled adult, if the offense was a felony.

1927 (hh) Section 826.04, relating to incest.

1928 (ii) Section 827.03, relating to child abuse, aggravated

1929 child abuse, or neglect of a child.

1930 (jj) Section 827.04, relating to contributing to the

1931 delinquency or dependency of a child.

1932 (kk) Former s. 827.05, relating to negligent treatment of

1933 children.

1934 (ll) Section 827.071, relating to sexual performance by a

1935 child.

1936 (mm) Section 843.01, relating to resisting arrest with

1937 violence.

1938 (nn) Section 843.025, relating to depriving a law

1939 enforcement, correctional, or correctional probation officer

1940 means of protection or communication.

1941 (oo) Section 843.12, relating to aiding in an escape.

1942 (pp) Section 843.13, relating to aiding in the escape of

1943 juvenile inmates in correctional institutions.

32-01244-17

20171208__

1944 (qq) Chapter 847, relating to obscene literature.

1945 (rr) Section 874.05, relating to encouraging or recruiting
1946 another to join a criminal gang.

1947 (ss) Chapter 893, relating to drug abuse prevention and
1948 control, only if the offense was a felony or if any other person
1949 involved in the offense was a minor.

1950 (tt) Section 916.1075, relating to sexual misconduct with
1951 certain forensic clients and reporting of such sexual
1952 misconduct.

1953 (uu) Section 944.35(3), relating to inflicting cruel or
1954 inhuman treatment on an inmate resulting in great bodily harm.

1955 (vv) Section 944.40, relating to escape.

1956 (ww) Section 944.46, relating to harboring, concealing, or
1957 aiding an escaped prisoner.

1958 (xx) Section 944.47, relating to introduction of contraband
1959 into a correctional facility.

1960 (yy) Section 985.701, relating to sexual misconduct in
1961 juvenile justice programs.

1962 (zz) Section 985.711, relating to contraband introduced
1963 into detention facilities.

1964 Section 58. For the purpose of incorporating the amendment
1965 made by this act to section 825.1025, Florida Statutes, in
1966 references thereto, subsections (15) and (16) of section 775.15,
1967 Florida Statutes, are reenacted to read:

1968 775.15 Time limitations; general time limitations;
1969 exceptions.—

1970 (15) (a) In addition to the time periods prescribed in this
1971 section, a prosecution for any of the following offenses may be
1972 commenced within 1 year after the date on which the identity of

32-01244-17

20171208__

1973 the accused is established, or should have been established by
 1974 the exercise of due diligence, through the analysis of
 1975 deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
 1976 the evidence collected at the time of the original investigation
 1977 and tested for DNA is preserved and available for testing by the
 1978 accused:

1979 1. An offense of sexual battery under chapter 794.

1980 2. A lewd or lascivious offense under s. 800.04 or s.
 1981 825.1025.

1982 (b) This subsection applies to any offense that is not
 1983 otherwise barred from prosecution between July 1, 2004, and June
 1984 30, 2006.

1985 (16) (a) In addition to the time periods prescribed in this
 1986 section, a prosecution for any of the following offenses may be
 1987 commenced at any time after the date on which the identity of
 1988 the accused is established, or should have been established by
 1989 the exercise of due diligence, through the analysis of
 1990 deoxyribonucleic acid (DNA) evidence, if a sufficient portion of
 1991 the evidence collected at the time of the original investigation
 1992 and tested for DNA is preserved and available for testing by the
 1993 accused:

1994 1. Aggravated battery or any felony battery offense under
 1995 chapter 784.

1996 2. Kidnapping under s. 787.01 or false imprisonment under
 1997 s. 787.02.

1998 3. An offense of sexual battery under chapter 794.

1999 4. A lewd or lascivious offense under s. 800.04, s.
 2000 825.1025, or s. 847.0135(5).

2001 5. A burglary offense under s. 810.02.

32-01244-17

20171208__

2002 6. A robbery offense under s. 812.13, s. 812.131, or s.
2003 812.135.

2004 7. Carjacking under s. 812.133.

2005 8. Aggravated child abuse under s. 827.03.

2006 (b) This subsection applies to any offense that is not
2007 otherwise barred from prosecution on or after July 1, 2006.

2008 Section 59. For the purpose of incorporating the amendment
2009 made by this act to section 825.1025, Florida Statutes, in a
2010 reference thereto, subsection (4) of section 775.21, Florida
2011 Statutes, is reenacted to read:

2012 775.21 The Florida Sexual Predators Act.—

2013 (4) SEXUAL PREDATOR CRITERIA.—

2014 (a) For a current offense committed on or after October 1,
2015 1993, upon conviction, an offender shall be designated as a
2016 "sexual predator" under subsection (5), and subject to
2017 registration under subsection (6) and community and public
2018 notification under subsection (7) if:

2019 1. The felony is:

2020 a. A capital, life, or first degree felony violation, or
2021 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
2022 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
2023 violation of a similar law of another jurisdiction; or

2024 b. Any felony violation, or any attempt thereof, of s.
2025 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
2026 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
2027 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
2028 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
2029 s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s.
2030 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 895.03, if

32-01244-17

20171208__

2031 the court makes a written finding that the racketeering activity
2032 involved at least one sexual offense listed in this sub-
2033 subparagraph or at least one offense listed in this sub-
2034 subparagraph with sexual intent or motive; s. 916.1075(2); or s.
2035 985.701(1); or a violation of a similar law of another
2036 jurisdiction, and the offender has previously been convicted of
2037 or found to have committed, or has pled nolo contendere or
2038 guilty to, regardless of adjudication, any violation of s.
2039 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
2040 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
2041 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
2042 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
2043 s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
2044 excluding s. 847.0135(6); s. 847.0145; s. 895.03, if the court
2045 makes a written finding that the racketeering activity involved
2046 at least one sexual offense listed in this sub-subparagraph or
2047 at least one offense listed in this sub-subparagraph with sexual
2048 intent or motive; s. 916.1075(2); or s. 985.701(1); or a
2049 violation of a similar law of another jurisdiction;

2050 2. The offender has not received a pardon for any felony or
2051 similar law of another jurisdiction that is necessary for the
2052 operation of this paragraph; and

2053 3. A conviction of a felony or similar law of another
2054 jurisdiction necessary to the operation of this paragraph has
2055 not been set aside in any postconviction proceeding.

2056 (b) In order to be counted as a prior felony for purposes
2057 of this subsection, the felony must have resulted in a
2058 conviction sentenced separately, or an adjudication of
2059 delinquency entered separately, prior to the current offense and

32-01244-17

20171208__

2060 sentenced or adjudicated separately from any other felony
2061 conviction that is to be counted as a prior felony regardless of
2062 the date of offense of the prior felony.

2063 (c) If an offender has been registered as a sexual predator
2064 by the Department of Corrections, the department, or any other
2065 law enforcement agency and if:

2066 1. The court did not, for whatever reason, make a written
2067 finding at the time of sentencing that the offender was a sexual
2068 predator; or

2069 2. The offender was administratively registered as a sexual
2070 predator because the Department of Corrections, the department,
2071 or any other law enforcement agency obtained information that
2072 indicated that the offender met the criteria for designation as
2073 a sexual predator based on a violation of a similar law in
2074 another jurisdiction,

2075
2076 the department shall remove that offender from the department's
2077 list of sexual predators and, for an offender described under
2078 subparagraph 1., shall notify the state attorney who prosecuted
2079 the offense that met the criteria for administrative designation
2080 as a sexual predator, and, for an offender described under this
2081 paragraph, shall notify the state attorney of the county where
2082 the offender establishes or maintains a permanent, temporary, or
2083 transient residence. The state attorney shall bring the matter
2084 to the court's attention in order to establish that the offender
2085 meets the criteria for designation as a sexual predator. If the
2086 court makes a written finding that the offender is a sexual
2087 predator, the offender must be designated as a sexual predator,
2088 must register or be registered as a sexual predator with the

32-01244-17

20171208__

2089 department as provided in subsection (6), and is subject to the
2090 community and public notification as provided in subsection (7).
2091 If the court does not make a written finding that the offender
2092 is a sexual predator, the offender may not be designated as a
2093 sexual predator with respect to that offense and is not required
2094 to register or be registered as a sexual predator with the
2095 department.

2096 (d) An offender who has been determined to be a sexually
2097 violent predator pursuant to a civil commitment proceeding under
2098 chapter 394 shall be designated as a "sexual predator" under
2099 subsection (5) and subject to registration under subsection (6)
2100 and community and public notification under subsection (7).

2101 Section 60. For the purpose of incorporating the amendment
2102 made by this act to section 825.1025, Florida Statutes, in
2103 references thereto, subsections (4) and (5) of section 794.011,
2104 Florida Statutes, are reenacted to read:

2105 794.011 Sexual battery.—

2106 (4) (a) A person 18 years of age or older who commits sexual
2107 battery upon a person 12 years of age or older but younger than
2108 18 years of age without that person's consent, under any of the
2109 circumstances listed in paragraph (e), commits a felony of the
2110 first degree, punishable by a term of years not exceeding life
2111 or as provided in s. 775.082, s. 775.083, s. 775.084, or s.
2112 794.0115.

2113 (b) A person 18 years of age or older who commits sexual
2114 battery upon a person 18 years of age or older without that
2115 person's consent, under any of the circumstances listed in
2116 paragraph (e), commits a felony of the first degree, punishable
2117 as provided in s. 775.082, s. 775.083, s. 775.084, or s.

32-01244-17

20171208__

2118 794.0115.

2119 (c) A person younger than 18 years of age who commits
2120 sexual battery upon a person 12 years of age or older without
2121 that person's consent, under any of the circumstances listed in
2122 paragraph (e), commits a felony of the first degree, punishable
2123 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
2124 794.0115.

2125 (d) A person commits a felony of the first degree,
2126 punishable by a term of years not exceeding life or as provided
2127 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
2128 person commits sexual battery upon a person 12 years of age or
2129 older without that person's consent, under any of the
2130 circumstances listed in paragraph (e), and such person was
2131 previously convicted of a violation of:

2132 1. Section 787.01(2) or s. 787.02(2) when the violation
2133 involved a victim who was a minor and, in the course of
2134 committing that violation, the defendant committed against the
2135 minor a sexual battery under this chapter or a lewd act under s.
2136 800.04 or s. 847.0135(5);

2137 2. Section 787.01(3)(a)2. or 3.;

2138 3. Section 787.02(3)(a)2. or 3.;

2139 4. Section 800.04;

2140 5. Section 825.1025;

2141 6. Section 847.0135(5); or

2142 7. This chapter, excluding subsection (10) of this section.

2143 (e) The following circumstances apply to paragraphs (a)-

2144 (d):

2145 1. The victim is physically helpless to resist.

2146 2. The offender coerces the victim to submit by threatening

32-01244-17

20171208__

2147 to use force or violence likely to cause serious personal injury
2148 on the victim, and the victim reasonably believes that the
2149 offender has the present ability to execute the threat.

2150 3. The offender coerces the victim to submit by threatening
2151 to retaliate against the victim, or any other person, and the
2152 victim reasonably believes that the offender has the ability to
2153 execute the threat in the future.

2154 4. The offender, without the prior knowledge or consent of
2155 the victim, administers or has knowledge of someone else
2156 administering to the victim any narcotic, anesthetic, or other
2157 intoxicating substance that mentally or physically incapacitates
2158 the victim.

2159 5. The victim is mentally defective, and the offender has
2160 reason to believe this or has actual knowledge of this fact.

2161 6. The victim is physically incapacitated.

2162 7. The offender is a law enforcement officer, correctional
2163 officer, or correctional probation officer as defined in s.
2164 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
2165 under s. 943.1395 or is an elected official exempt from such
2166 certification by virtue of s. 943.253, or any other person in a
2167 position of control or authority in a probation, community
2168 control, controlled release, detention, custodial, or similar
2169 setting, and such officer, official, or person is acting in such
2170 a manner as to lead the victim to reasonably believe that the
2171 offender is in a position of control or authority as an agent or
2172 employee of government.

2173 (5) (a) A person 18 years of age or older who commits sexual
2174 battery upon a person 12 years of age or older but younger than
2175 18 years of age, without that person's consent, and in the

32-01244-17

20171208__

2176 process does not use physical force and violence likely to cause
2177 serious personal injury commits a felony of the first degree,
2178 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
2179 s. 794.0115.

2180 (b) A person 18 years of age or older who commits sexual
2181 battery upon a person 18 years of age or older, without that
2182 person's consent, and in the process does not use physical force
2183 and violence likely to cause serious personal injury commits a
2184 felony of the second degree, punishable as provided in s.
2185 775.082, s. 775.083, s. 775.084, or s. 794.0115.

2186 (c) A person younger than 18 years of age who commits
2187 sexual battery upon a person 12 years of age or older, without
2188 that person's consent, and in the process does not use physical
2189 force and violence likely to cause serious personal injury
2190 commits a felony of the second degree, punishable as provided in
2191 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

2192 (d) A person commits a felony of the first degree,
2193 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
2194 s. 794.0115 if the person commits sexual battery upon a person
2195 12 years of age or older, without that person's consent, and in
2196 the process does not use physical force and violence likely to
2197 cause serious personal injury and the person was previously
2198 convicted of a violation of:

2199 1. Section 787.01(2) or s. 787.02(2) when the violation
2200 involved a victim who was a minor and, in the course of
2201 committing that violation, the defendant committed against the
2202 minor a sexual battery under this chapter or a lewd act under s.
2203 800.04 or s. 847.0135(5);

2204 2. Section 787.01(3)(a)2. or 3.;

32-01244-17

20171208__

2205 3. Section 787.02(3)(a)2. or 3.;

2206 4. Section 800.04;

2207 5. Section 825.1025;

2208 6. Section 847.0135(5); or

2209 7. This chapter, excluding subsection (10) of this section.

2210 Section 61. For the purpose of incorporating the amendment

2211 made by this act to section 825.1025, Florida Statutes, in a

2212 reference thereto, subsection (1) of section 794.056, Florida

2213 Statutes, is reenacted to read:

2214 794.056 Rape Crisis Program Trust Fund.—

2215 (1) The Rape Crisis Program Trust Fund is created within

2216 the Department of Health for the purpose of providing funds for

2217 rape crisis centers in this state. Trust fund moneys shall be

2218 used exclusively for the purpose of providing services for

2219 victims of sexual assault. Funds credited to the trust fund

2220 consist of those funds collected as an additional court

2221 assessment in each case in which a defendant pleads guilty or

2222 nolo contendere to, or is found guilty of, regardless of

2223 adjudication, an offense provided in s. 775.21(6) and (10)(a),

2224 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.

2225 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.

2226 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.

2227 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;

2228 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.

2229 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.

2230 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.

2231 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.

2232 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),

2233 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust

32-01244-17

20171208__

2234 fund also shall include revenues provided by law, moneys
2235 appropriated by the Legislature, and grants from public or
2236 private entities.

2237 Section 62. For the purpose of incorporating the amendment
2238 made by this act to section 825.1025, Florida Statutes, in
2239 references thereto, subsections (4) and (5) of section 800.04,
2240 Florida Statutes, are reenacted to read:

2241 800.04 Lewd or lascivious offenses committed upon or in the
2242 presence of persons less than 16 years of age.—

2243 (4) LEWD OR LASCIVIOUS BATTERY.—

2244 (a) A person commits lewd or lascivious battery by:

2245 1. Engaging in sexual activity with a person 12 years of
2246 age or older but less than 16 years of age; or

2247 2. Encouraging, forcing, or enticing any person less than
2248 16 years of age to engage in sadomasochistic abuse, sexual
2249 bestiality, prostitution, or any other act involving sexual
2250 activity.

2251 (b) Except as provided in paragraph (c), an offender who
2252 commits lewd or lascivious battery commits a felony of the
2253 second degree, punishable as provided in s. 775.082, s. 775.083,
2254 or s. 775.084.

2255 (c) A person commits a felony of the first degree,
2256 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
2257 if the person is an offender 18 years of age or older who
2258 commits lewd or lascivious battery and was previously convicted
2259 of a violation of:

2260 1. Section 787.01(2) or s. 787.02(2) when the violation
2261 involved a victim who was a minor and, in the course of
2262 committing that violation, the defendant committed against the

32-01244-17

20171208__

2263 minor a sexual battery under chapter 794 or a lewd act under
 2264 this section or s. 847.0135(5);

2265 2. Section 787.01(3)(a)2. or 3.;

2266 3. Section 787.02(3)(a)2. or 3.;

2267 4. Chapter 794, excluding s. 794.011(10);

2268 5. Section 825.1025;

2269 6. Section 847.0135(5); or

2270 7. This section.

2271 (5) LEWD OR LASCIVIOUS MOLESTATION.—

2272 (a) A person who intentionally touches in a lewd or
 2273 lascivious manner the breasts, genitals, genital area, or
 2274 buttocks, or the clothing covering them, of a person less than
 2275 16 years of age, or forces or entices a person under 16 years of
 2276 age to so touch the perpetrator, commits lewd or lascivious
 2277 molestation.

2278 (b) An offender 18 years of age or older who commits lewd
 2279 or lascivious molestation against a victim less than 12 years of
 2280 age commits a life felony, punishable as provided in s.
 2281 775.082(3)(a)4.

2282 (c)1. An offender less than 18 years of age who commits
 2283 lewd or lascivious molestation against a victim less than 12
 2284 years of age; or

2285 2. An offender 18 years of age or older who commits lewd or
 2286 lascivious molestation against a victim 12 years of age or older
 2287 but less than 16 years of age

2288

2289 commits a felony of the second degree, punishable as provided in
 2290 s. 775.082, s. 775.083, or s. 775.084.

2291 (d) An offender less than 18 years of age who commits lewd

32-01244-17

20171208__

2292 or lascivious molestation against a victim 12 years of age or
2293 older but less than 16 years of age commits a felony of the
2294 third degree, punishable as provided in s. 775.082, s. 775.083,
2295 or s. 775.084.

2296 (e) A person commits a felony of the first degree,
2297 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
2298 if the person is 18 years of age or older and commits lewd or
2299 lascivious molestation against a victim 12 years of age or older
2300 but less than 16 years of age and the person was previously
2301 convicted of a violation of:

2302 1. Section 787.01(2) or s. 787.02(2) when the violation
2303 involved a victim who was a minor and, in the course of
2304 committing the violation, the defendant committed against the
2305 minor a sexual battery under chapter 794 or a lewd act under
2306 this section or s. 847.0135(5);

2307 2. Section 787.01(3)(a)2. or 3.;

2308 3. Section 787.02(3)(a)2. or 3.;

2309 4. Chapter 794, excluding s. 794.011(10);

2310 5. Section 825.1025;

2311 6. Section 847.0135(5); or

2312 7. This section.

2313 Section 63. For the purpose of incorporating the amendment
2314 made by this act to section 825.1025, Florida Statutes, in a
2315 reference thereto, subsection (1) of section 856.022, Florida
2316 Statutes, is reenacted to read:

2317 856.022 Loitering or prowling by certain offenders in close
2318 proximity to children; penalty.—

2319 (1) Except as provided in subsection (2), this section
2320 applies to a person convicted of committing, or attempting,

32-01244-17

20171208__

2321 soliciting, or conspiring to commit, any of the criminal
 2322 offenses proscribed in the following statutes in this state or
 2323 similar offenses in another jurisdiction against a victim who
 2324 was under 18 years of age at the time of the offense: s. 787.01,
 2325 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2326 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 2327 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s.
 2328 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 2329 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any
 2330 similar offense committed in this state which has been
 2331 redesignated from a former statute number to one of those listed
 2332 in this subsection, if the person has not received a pardon for
 2333 any felony or similar law of another jurisdiction necessary for
 2334 the operation of this subsection and a conviction of a felony or
 2335 similar law of another jurisdiction necessary for the operation
 2336 of this subsection has not been set aside in any postconviction
 2337 proceeding.

2338 Section 64. For the purpose of incorporating the amendment
 2339 made by this act to section 825.1025, Florida Statutes, in a
 2340 reference thereto, section 938.085, Florida Statutes, is
 2341 reenacted to read:

2342 938.085 Additional cost to fund rape crisis centers.—In
 2343 addition to any sanction imposed when a person pleads guilty or
 2344 nolo contendere to, or is found guilty of, regardless of
 2345 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 2346 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 2347 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 2348 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 2349 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.

32-01244-17

20171208__

2350 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
2351 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
2352 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
2353 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
2354 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
2355 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
2356 \$151. Payment of the surcharge shall be a condition of
2357 probation, community control, or any other court-ordered
2358 supervision. The sum of \$150 of the surcharge shall be deposited
2359 into the Rape Crisis Program Trust Fund established within the
2360 Department of Health by chapter 2003-140, Laws of Florida. The
2361 clerk of the court shall retain \$1 of each surcharge that the
2362 clerk of the court collects as a service charge of the clerk's
2363 office.

2364 Section 65. For the purpose of incorporating the amendment
2365 made by this act to section 825.1025, Florida Statutes, in a
2366 reference thereto, subsection (1) of section 943.0435, Florida
2367 Statutes, is reenacted to read:

2368 943.0435 Sexual offenders required to register with the
2369 department; penalty.—

2370 (1) As used in this section, the term:

2371 (a) "Change in status at an institution of higher
2372 education" has the same meaning as provided in s. 775.21.

2373 (b) "Convicted" means that there has been a determination
2374 of guilt as a result of a trial or the entry of a plea of guilty
2375 or nolo contendere, regardless of whether adjudication is
2376 withheld, and includes an adjudication of delinquency of a
2377 juvenile as specified in this section. Conviction of a similar
2378 offense includes, but is not limited to, a conviction by a

32-01244-17

20171208__

2379 federal or military tribunal, including courts-martial conducted
2380 by the Armed Forces of the United States, and includes a
2381 conviction or entry of a plea of guilty or nolo contendere
2382 resulting in a sanction in any state of the United States or
2383 other jurisdiction. A sanction includes, but is not limited to,
2384 a fine, probation, community control, parole, conditional
2385 release, control release, or incarceration in a state prison,
2386 federal prison, private correctional facility, or local
2387 detention facility.

2388 (c) "Electronic mail address" has the same meaning as
2389 provided in s. 668.602.

2390 (d) "Institution of higher education" has the same meaning
2391 as provided in s. 775.21.

2392 (e) "Internet identifier" has the same meaning as provided
2393 in s. 775.21.

2394 (f) "Permanent residence," "temporary residence," and
2395 "transient residence" have the same meaning as provided in s.
2396 775.21.

2397 (g) "Professional license" has the same meaning as provided
2398 in s. 775.21.

2399 (h)1. "Sexual offender" means a person who meets the
2400 criteria in sub-subparagraph a., sub-subparagraph b., sub-
2401 subparagraph c., or sub-subparagraph d., as follows:

2402 a.(I) Has been convicted of committing, or attempting,
2403 soliciting, or conspiring to commit, any of the criminal
2404 offenses proscribed in the following statutes in this state or
2405 similar offenses in another jurisdiction: s. 393.135(2); s.
2406 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
2407 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former

32-01244-17

20171208__

2408 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
2409 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
2410 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135,
2411 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
2412 s. 895.03, if the court makes a written finding that the
2413 racketeering activity involved at least one sexual offense
2414 listed in this sub-sub-subparagraph or at least one offense
2415 listed in this sub-sub-subparagraph with sexual intent or
2416 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
2417 committed in this state which has been redesignated from a
2418 former statute number to one of those listed in this sub-sub-
2419 subparagraph; and

2420 (II) Has been released on or after October 1, 1997, from
2421 the sanction imposed for any conviction of an offense described
2422 in sub-sub-subparagraph (I). For purposes of sub-sub-
2423 subparagraph (I), a sanction imposed in this state or in any
2424 other jurisdiction includes, but is not limited to, a fine,
2425 probation, community control, parole, conditional release,
2426 control release, or incarceration in a state prison, federal
2427 prison, private correctional facility, or local detention
2428 facility;

2429 b. Establishes or maintains a residence in this state and
2430 who has not been designated as a sexual predator by a court of
2431 this state but who has been designated as a sexual predator, as
2432 a sexually violent predator, or by another sexual offender
2433 designation in another state or jurisdiction and was, as a
2434 result of such designation, subjected to registration or
2435 community or public notification, or both, or would be if the
2436 person were a resident of that state or jurisdiction, without

32-01244-17

20171208__

2437 regard to whether the person otherwise meets the criteria for
2438 registration as a sexual offender;

2439 c. Establishes or maintains a residence in this state who
2440 is in the custody or control of, or under the supervision of,
2441 any other state or jurisdiction as a result of a conviction for
2442 committing, or attempting, soliciting, or conspiring to commit,
2443 any of the criminal offenses proscribed in the following
2444 statutes or similar offense in another jurisdiction: s.
2445 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
2446 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
2447 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
2448 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
2449 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133;
2450 s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138;
2451 s. 847.0145; s. 895.03, if the court makes a written finding
2452 that the racketeering activity involved at least one sexual
2453 offense listed in this sub-subparagraph or at least one offense
2454 listed in this sub-subparagraph with sexual intent or motive; s.
2455 916.1075(2); or s. 985.701(1); or any similar offense committed
2456 in this state which has been redesignated from a former statute
2457 number to one of those listed in this sub-subparagraph; or

2458 d. On or after July 1, 2007, has been adjudicated
2459 delinquent for committing, or attempting, soliciting, or
2460 conspiring to commit, any of the criminal offenses proscribed in
2461 the following statutes in this state or similar offenses in
2462 another jurisdiction when the juvenile was 14 years of age or
2463 older at the time of the offense:

2464 (I) Section 794.011, excluding s. 794.011(10);

2465 (II) Section 800.04(4)(a)2. where the victim is under 12

32-01244-17

20171208__

2466 years of age or where the court finds sexual activity by the use
2467 of force or coercion;

2468 (III) Section 800.04(5)(c)1. where the court finds
2469 molestation involving unclothed genitals;

2470 (IV) Section 800.04(5)(d) where the court finds the use of
2471 force or coercion and unclothed genitals; or

2472 (V) Any similar offense committed in this state which has
2473 been redesignated from a former statute number to one of those
2474 listed in this sub-subparagraph.

2475 2. For all qualifying offenses listed in sub-subparagraph
2476 1.d., the court shall make a written finding of the age of the
2477 offender at the time of the offense.

2478
2479 For each violation of a qualifying offense listed in this
2480 subsection, except for a violation of s. 794.011, the court
2481 shall make a written finding of the age of the victim at the
2482 time of the offense. For a violation of s. 800.04(4), the court
2483 shall also make a written finding indicating whether the offense
2484 involved sexual activity and indicating whether the offense
2485 involved force or coercion. For a violation of s. 800.04(5), the
2486 court shall also make a written finding that the offense did or
2487 did not involve unclothed genitals or genital area and that the
2488 offense did or did not involve the use of force or coercion.

2489 (i) "Vehicles owned" has the same meaning as provided in s.
2490 775.21.

2491 Section 66. For the purpose of incorporating the amendment
2492 made by this act to section 825.1025, Florida Statutes, in a
2493 reference thereto, section 943.0585, Florida Statutes, is
2494 reenacted to read:

32-01244-17

20171208__

2495 943.0585 Court-ordered expunction of criminal history
2496 records.—The courts of this state have jurisdiction over their
2497 own procedures, including the maintenance, expunction, and
2498 correction of judicial records containing criminal history
2499 information to the extent such procedures are not inconsistent
2500 with the conditions, responsibilities, and duties established by
2501 this section. Any court of competent jurisdiction may order a
2502 criminal justice agency to expunge the criminal history record
2503 of a minor or an adult who complies with the requirements of
2504 this section. The court shall not order a criminal justice
2505 agency to expunge a criminal history record until the person
2506 seeking to expunge a criminal history record has applied for and
2507 received a certificate of eligibility for expunction pursuant to
2508 subsection (2) or subsection (5). A criminal history record that
2509 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
2510 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
2511 s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
2512 s. 847.0145, s. 893.135, s. 916.1075, a violation enumerated in
2513 s. 907.041, or any violation specified as a predicate offense
2514 for registration as a sexual predator pursuant to s. 775.21,
2515 without regard to whether that offense alone is sufficient to
2516 require such registration, or for registration as a sexual
2517 offender pursuant to s. 943.0435, may not be expunged, without
2518 regard to whether adjudication was withheld, if the defendant
2519 was found guilty of or pled guilty or nolo contendere to the
2520 offense, or if the defendant, as a minor, was found to have
2521 committed, or pled guilty or nolo contendere to committing, the
2522 offense as a delinquent act. The court may only order expunction
2523 of a criminal history record pertaining to one arrest or one

32-01244-17

20171208__

2524 incident of alleged criminal activity, except as provided in
2525 this section. The court may, at its sole discretion, order the
2526 expunction of a criminal history record pertaining to more than
2527 one arrest if the additional arrests directly relate to the
2528 original arrest. If the court intends to order the expunction of
2529 records pertaining to such additional arrests, such intent must
2530 be specified in the order. A criminal justice agency may not
2531 expunge any record pertaining to such additional arrests if the
2532 order to expunge does not articulate the intention of the court
2533 to expunge a record pertaining to more than one arrest. This
2534 section does not prevent the court from ordering the expunction
2535 of only a portion of a criminal history record pertaining to one
2536 arrest or one incident of alleged criminal activity.

2537 Notwithstanding any law to the contrary, a criminal justice
2538 agency may comply with laws, court orders, and official requests
2539 of other jurisdictions relating to expunction, correction, or
2540 confidential handling of criminal history records or information
2541 derived therefrom. This section does not confer any right to the
2542 expunction of any criminal history record, and any request for
2543 expunction of a criminal history record may be denied at the
2544 sole discretion of the court.

2545 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
2546 petition to a court to expunge a criminal history record is
2547 complete only when accompanied by:

2548 (a) A valid certificate of eligibility for expunction
2549 issued by the department pursuant to subsection (2).

2550 (b) The petitioner's sworn statement attesting that the
2551 petitioner:

2552 1. Has never, prior to the date on which the petition is

32-01244-17

20171208__

2553 filed, been adjudicated guilty of a criminal offense or
2554 comparable ordinance violation, or been adjudicated delinquent
2555 for committing any felony or a misdemeanor specified in s.
2556 943.051(3)(b).

2557 2. Has not been adjudicated guilty of, or adjudicated
2558 delinquent for committing, any of the acts stemming from the
2559 arrest or alleged criminal activity to which the petition
2560 pertains.

2561 3. Has never secured a prior sealing or expunction of a
2562 criminal history record under this section, s. 943.059, former
2563 s. 893.14, former s. 901.33, or former s. 943.058, unless
2564 expunction is sought of a criminal history record previously
2565 sealed for 10 years pursuant to paragraph (2)(h) and the record
2566 is otherwise eligible for expunction.

2567 4. Is eligible for such an expunction to the best of his or
2568 her knowledge or belief and does not have any other petition to
2569 expunge or any petition to seal pending before any court.

2570
2571 Any person who knowingly provides false information on such
2572 sworn statement to the court commits a felony of the third
2573 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2574 775.084.

2575 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
2576 petitioning the court to expunge a criminal history record, a
2577 person seeking to expunge a criminal history record shall apply
2578 to the department for a certificate of eligibility for
2579 expunction. The department shall, by rule adopted pursuant to
2580 chapter 120, establish procedures pertaining to the application
2581 for and issuance of certificates of eligibility for expunction.

32-01244-17

20171208__

2582 A certificate of eligibility for expunction is valid for 12
2583 months after the date stamped on the certificate when issued by
2584 the department. After that time, the petitioner must reapply to
2585 the department for a new certificate of eligibility. Eligibility
2586 for a renewed certification of eligibility must be based on the
2587 status of the applicant and the law in effect at the time of the
2588 renewal application. The department shall issue a certificate of
2589 eligibility for expunction to a person who is the subject of a
2590 criminal history record if that person:

2591 (a) Has obtained, and submitted to the department, a
2592 written, certified statement from the appropriate state attorney
2593 or statewide prosecutor which indicates:

2594 1. That an indictment, information, or other charging
2595 document was not filed or issued in the case.

2596 2. That an indictment, information, or other charging
2597 document, if filed or issued in the case, was dismissed or nolle
2598 prosequi by the state attorney or statewide prosecutor, or was
2599 dismissed by a court of competent jurisdiction, and that none of
2600 the charges related to the arrest or alleged criminal activity
2601 to which the petition to expunge pertains resulted in a trial,
2602 without regard to whether the outcome of the trial was other
2603 than an adjudication of guilt.

2604 3. That the criminal history record does not relate to a
2605 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2606 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
2607 s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145,
2608 s. 893.135, s. 916.1075, a violation enumerated in s. 907.041,
2609 or any violation specified as a predicate offense for
2610 registration as a sexual predator pursuant to s. 775.21, without

32-01244-17

20171208__

2611 regard to whether that offense alone is sufficient to require
2612 such registration, or for registration as a sexual offender
2613 pursuant to s. 943.0435, where the defendant was found guilty
2614 of, or pled guilty or nolo contendere to any such offense, or
2615 that the defendant, as a minor, was found to have committed, or
2616 pled guilty or nolo contendere to committing, such an offense as
2617 a delinquent act, without regard to whether adjudication was
2618 withheld.

2619 (b) Remits a \$75 processing fee to the department for
2620 placement in the Department of Law Enforcement Operating Trust
2621 Fund, unless such fee is waived by the executive director.

2622 (c) Has submitted to the department a certified copy of the
2623 disposition of the charge to which the petition to expunge
2624 pertains.

2625 (d) Has never, prior to the date on which the application
2626 for a certificate of eligibility is filed, been adjudicated
2627 guilty of a criminal offense or comparable ordinance violation,
2628 or been adjudicated delinquent for committing any felony or a
2629 misdemeanor specified in s. 943.051(3)(b).

2630 (e) Has not been adjudicated guilty of, or adjudicated
2631 delinquent for committing, any of the acts stemming from the
2632 arrest or alleged criminal activity to which the petition to
2633 expunge pertains.

2634 (f) Has never secured a prior sealing or expunction of a
2635 criminal history record under this section, s. 943.059, former
2636 s. 893.14, former s. 901.33, or former s. 943.058, unless
2637 expunction is sought of a criminal history record previously
2638 sealed for 10 years pursuant to paragraph (h) and the record is
2639 otherwise eligible for expunction.

32-01244-17

20171208__

2640 (g) Is no longer under court supervision applicable to the
2641 disposition of the arrest or alleged criminal activity to which
2642 the petition to expunge pertains.

2643 (h) Has previously obtained a court order sealing the
2644 record under this section, former s. 893.14, former s. 901.33,
2645 or former s. 943.058 for a minimum of 10 years because
2646 adjudication was withheld or because all charges related to the
2647 arrest or alleged criminal activity to which the petition to
2648 expunge pertains were not dismissed prior to trial, without
2649 regard to whether the outcome of the trial was other than an
2650 adjudication of guilt. The requirement for the record to have
2651 previously been sealed for a minimum of 10 years does not apply
2652 when a plea was not entered or all charges related to the arrest
2653 or alleged criminal activity to which the petition to expunge
2654 pertains were dismissed prior to trial.

2655 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2656 (a) In judicial proceedings under this section, a copy of
2657 the completed petition to expunge shall be served upon the
2658 appropriate state attorney or the statewide prosecutor and upon
2659 the arresting agency; however, it is not necessary to make any
2660 agency other than the state a party. The appropriate state
2661 attorney or the statewide prosecutor and the arresting agency
2662 may respond to the court regarding the completed petition to
2663 expunge.

2664 (b) If relief is granted by the court, the clerk of the
2665 court shall certify copies of the order to the appropriate state
2666 attorney or the statewide prosecutor and the arresting agency.
2667 The arresting agency is responsible for forwarding the order to
2668 any other agency to which the arresting agency disseminated the

32-01244-17

20171208__

2669 criminal history record information to which the order pertains.
2670 The department shall forward the order to expunge to the Federal
2671 Bureau of Investigation. The clerk of the court shall certify a
2672 copy of the order to any other agency which the records of the
2673 court reflect has received the criminal history record from the
2674 court.

2675 (c) For an order to expunge entered by a court prior to
2676 July 1, 1992, the department shall notify the appropriate state
2677 attorney or statewide prosecutor of an order to expunge which is
2678 contrary to law because the person who is the subject of the
2679 record has previously been convicted of a crime or comparable
2680 ordinance violation or has had a prior criminal history record
2681 sealed or expunged. Upon receipt of such notice, the appropriate
2682 state attorney or statewide prosecutor shall take action, within
2683 60 days, to correct the record and petition the court to void
2684 the order to expunge. The department shall seal the record until
2685 such time as the order is voided by the court.

2686 (d) On or after July 1, 1992, the department or any other
2687 criminal justice agency is not required to act on an order to
2688 expunge entered by a court when such order does not comply with
2689 the requirements of this section. Upon receipt of such an order,
2690 the department must notify the issuing court, the appropriate
2691 state attorney or statewide prosecutor, the petitioner or the
2692 petitioner's attorney, and the arresting agency of the reason
2693 for noncompliance. The appropriate state attorney or statewide
2694 prosecutor shall take action within 60 days to correct the
2695 record and petition the court to void the order. No cause of
2696 action, including contempt of court, shall arise against any
2697 criminal justice agency for failure to comply with an order to

32-01244-17

20171208__

2698 expunge when the petitioner for such order failed to obtain the
2699 certificate of eligibility as required by this section or such
2700 order does not otherwise comply with the requirements of this
2701 section.

2702 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
2703 criminal history record of a minor or an adult which is ordered
2704 expunged by a court of competent jurisdiction pursuant to this
2705 section must be physically destroyed or obliterated by any
2706 criminal justice agency having custody of such record; except
2707 that any criminal history record in the custody of the
2708 department must be retained in all cases. A criminal history
2709 record ordered expunged that is retained by the department is
2710 confidential and exempt from the provisions of s. 119.07(1) and
2711 s. 24(a), Art. I of the State Constitution and not available to
2712 any person or entity except upon order of a court of competent
2713 jurisdiction. A criminal justice agency may retain a notation
2714 indicating compliance with an order to expunge.

2715 (a) The person who is the subject of a criminal history
2716 record that is expunged under this section or under other
2717 provisions of law, including former s. 893.14, former s. 901.33,
2718 and former s. 943.058, may lawfully deny or fail to acknowledge
2719 the arrests covered by the expunged record, except when the
2720 subject of the record:

- 2721 1. Is a candidate for employment with a criminal justice
2722 agency;
- 2723 2. Is a defendant in a criminal prosecution;
- 2724 3. Concurrently or subsequently petitions for relief under
2725 this section, s. 943.0583, or s. 943.059;
- 2726 4. Is a candidate for admission to The Florida Bar;

32-01244-17

20171208__

2727 5. Is seeking to be employed or licensed by or to contract
2728 with the Department of Children and Families, the Division of
2729 Vocational Rehabilitation within the Department of Education,
2730 the Agency for Health Care Administration, the Agency for
2731 Persons with Disabilities, the Department of Health, the
2732 Department of Elderly Affairs, or the Department of Juvenile
2733 Justice or to be employed or used by such contractor or licensee
2734 in a sensitive position having direct contact with children, the
2735 disabled, or the elderly;

2736 6. Is seeking to be employed or licensed by the Department
2737 of Education, any district school board, any university
2738 laboratory school, any charter school, any private or parochial
2739 school, or any local governmental entity that licenses child
2740 care facilities;

2741 7. Is seeking to be licensed by the Division of Insurance
2742 Agent and Agency Services within the Department of Financial
2743 Services; or

2744 8. Is seeking to be appointed as a guardian pursuant to s.
2745 744.3125.

2746 (b) Subject to the exceptions in paragraph (a), a person
2747 who has been granted an expunction under this section, former s.
2748 893.14, former s. 901.33, or former s. 943.058 may not be held
2749 under any provision of law of this state to commit perjury or to
2750 be otherwise liable for giving a false statement by reason of
2751 such person's failure to recite or acknowledge an expunged
2752 criminal history record.

2753 (c) Information relating to the existence of an expunged
2754 criminal history record which is provided in accordance with
2755 paragraph (a) is confidential and exempt from the provisions of

32-01244-17

20171208__

2756 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2757 except that the department shall disclose the existence of a
2758 criminal history record ordered expunged to the entities set
2759 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
2760 respective licensing, access authorization, and employment
2761 purposes, and to criminal justice agencies for their respective
2762 criminal justice purposes. It is unlawful for any employee of an
2763 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2764 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2765 subparagraph (a)8. to disclose information relating to the
2766 existence of an expunged criminal history record of a person
2767 seeking employment, access authorization, or licensure with such
2768 entity or contractor, except to the person to whom the criminal
2769 history record relates or to persons having direct
2770 responsibility for employment, access authorization, or
2771 licensure decisions. Any person who violates this paragraph
2772 commits a misdemeanor of the first degree, punishable as
2773 provided in s. 775.082 or s. 775.083.

2774 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
2775 eligibility requirements prescribed in paragraph (1)(b) and
2776 subsection (2), the department shall issue a certificate of
2777 eligibility for expunction under this subsection to a person who
2778 is the subject of a criminal history record if that person:

2779 (a) Has obtained, and submitted to the department, on a
2780 form provided by the department, a written, certified statement
2781 from the appropriate state attorney or statewide prosecutor
2782 which states whether an information, indictment, or other
2783 charging document was not filed or was dismissed by the state
2784 attorney, or dismissed by the court, because it was found that

32-01244-17

20171208__

2785 the person acted in lawful self-defense pursuant to the
2786 provisions related to justifiable use of force in chapter 776.

2787 (b) Each petition to a court to expunge a criminal history
2788 record pursuant to this subsection is complete only when
2789 accompanied by:

2790 1. A valid certificate of eligibility for expunction issued
2791 by the department pursuant to this subsection.

2792 2. The petitioner's sworn statement attesting that the
2793 petitioner is eligible for such an expunction to the best of his
2794 or her knowledge or belief.

2795

2796 Any person who knowingly provides false information on such
2797 sworn statement to the court commits a felony of the third
2798 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2799 775.084.

2800 (c) This subsection does not confer any right to the
2801 expunction of a criminal history record, and any request for
2802 expunction of a criminal history record may be denied at the
2803 discretion of the court.

2804 (d) Subsections (3) and (4) shall apply to expunction
2805 ordered under this subsection.

2806 (e) The department shall, by rule adopted pursuant to
2807 chapter 120, establish procedures pertaining to the application
2808 for and issuance of certificates of eligibility for expunction
2809 under this subsection.

2810 (6) STATUTORY REFERENCES.—Any reference to any other
2811 chapter, section, or subdivision of the Florida Statutes in this
2812 section constitutes a general reference under the doctrine of
2813 incorporation by reference.

32-01244-17

20171208__

2814 Section 67. For the purpose of incorporating the amendment
2815 made by this act to section 825.1025, Florida Statutes, in a
2816 reference thereto, section 943.059, Florida Statutes, is
2817 reenacted to read:

2818 943.059 Court-ordered sealing of criminal history records.—
2819 The courts of this state shall continue to have jurisdiction
2820 over their own procedures, including the maintenance, sealing,
2821 and correction of judicial records containing criminal history
2822 information to the extent such procedures are not inconsistent
2823 with the conditions, responsibilities, and duties established by
2824 this section. Any court of competent jurisdiction may order a
2825 criminal justice agency to seal the criminal history record of a
2826 minor or an adult who complies with the requirements of this
2827 section. The court shall not order a criminal justice agency to
2828 seal a criminal history record until the person seeking to seal
2829 a criminal history record has applied for and received a
2830 certificate of eligibility for sealing pursuant to subsection
2831 (2). A criminal history record that relates to a violation of s.
2832 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
2833 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071,
2834 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
2835 s. 916.1075, a violation enumerated in s. 907.041, or any
2836 violation specified as a predicate offense for registration as a
2837 sexual predator pursuant to s. 775.21, without regard to whether
2838 that offense alone is sufficient to require such registration,
2839 or for registration as a sexual offender pursuant to s.
2840 943.0435, may not be sealed, without regard to whether
2841 adjudication was withheld, if the defendant was found guilty of
2842 or pled guilty or nolo contendere to the offense, or if the

32-01244-17

20171208__

2843 defendant, as a minor, was found to have committed or pled
2844 guilty or nolo contendere to committing the offense as a
2845 delinquent act. The court may only order sealing of a criminal
2846 history record pertaining to one arrest or one incident of
2847 alleged criminal activity, except as provided in this section.
2848 The court may, at its sole discretion, order the sealing of a
2849 criminal history record pertaining to more than one arrest if
2850 the additional arrests directly relate to the original arrest.
2851 If the court intends to order the sealing of records pertaining
2852 to such additional arrests, such intent must be specified in the
2853 order. A criminal justice agency may not seal any record
2854 pertaining to such additional arrests if the order to seal does
2855 not articulate the intention of the court to seal records
2856 pertaining to more than one arrest. This section does not
2857 prevent the court from ordering the sealing of only a portion of
2858 a criminal history record pertaining to one arrest or one
2859 incident of alleged criminal activity. Notwithstanding any law
2860 to the contrary, a criminal justice agency may comply with laws,
2861 court orders, and official requests of other jurisdictions
2862 relating to sealing, correction, or confidential handling of
2863 criminal history records or information derived therefrom. This
2864 section does not confer any right to the sealing of any criminal
2865 history record, and any request for sealing a criminal history
2866 record may be denied at the sole discretion of the court.

2867 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
2868 petition to a court to seal a criminal history record is
2869 complete only when accompanied by:

2870 (a) A valid certificate of eligibility for sealing issued
2871 by the department pursuant to subsection (2).

32-01244-17

20171208__

2872 (b) The petitioner's sworn statement attesting that the
2873 petitioner:

2874 1. Has never, prior to the date on which the petition is
2875 filed, been adjudicated guilty of a criminal offense or
2876 comparable ordinance violation, or been adjudicated delinquent
2877 for committing any felony or a misdemeanor specified in s.
2878 943.051(3) (b).

2879 2. Has not been adjudicated guilty of or adjudicated
2880 delinquent for committing any of the acts stemming from the
2881 arrest or alleged criminal activity to which the petition to
2882 seal pertains.

2883 3. Has never secured a prior sealing or expunction of a
2884 criminal history record under this section, s. 943.0585, former
2885 s. 893.14, former s. 901.33, or former s. 943.058.

2886 4. Is eligible for such a sealing to the best of his or her
2887 knowledge or belief and does not have any other petition to seal
2888 or any petition to expunge pending before any court.

2889
2890 Any person who knowingly provides false information on such
2891 sworn statement to the court commits a felony of the third
2892 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2893 775.084.

2894 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2895 petitioning the court to seal a criminal history record, a
2896 person seeking to seal a criminal history record shall apply to
2897 the department for a certificate of eligibility for sealing. The
2898 department shall, by rule adopted pursuant to chapter 120,
2899 establish procedures pertaining to the application for and
2900 issuance of certificates of eligibility for sealing. A

32-01244-17

20171208__

2901 certificate of eligibility for sealing is valid for 12 months
2902 after the date stamped on the certificate when issued by the
2903 department. After that time, the petitioner must reapply to the
2904 department for a new certificate of eligibility. Eligibility for
2905 a renewed certification of eligibility must be based on the
2906 status of the applicant and the law in effect at the time of the
2907 renewal application. The department shall issue a certificate of
2908 eligibility for sealing to a person who is the subject of a
2909 criminal history record provided that such person:

2910 (a) Has submitted to the department a certified copy of the
2911 disposition of the charge to which the petition to seal
2912 pertains.

2913 (b) Remits a \$75 processing fee to the department for
2914 placement in the Department of Law Enforcement Operating Trust
2915 Fund, unless such fee is waived by the executive director.

2916 (c) Has never, prior to the date on which the application
2917 for a certificate of eligibility is filed, been adjudicated
2918 guilty of a criminal offense or comparable ordinance violation,
2919 or been adjudicated delinquent for committing any felony or a
2920 misdemeanor specified in s. 943.051(3)(b).

2921 (d) Has not been adjudicated guilty of or adjudicated
2922 delinquent for committing any of the acts stemming from the
2923 arrest or alleged criminal activity to which the petition to
2924 seal pertains.

2925 (e) Has never secured a prior sealing or expunction of a
2926 criminal history record under this section, s. 943.0585, former
2927 s. 893.14, former s. 901.33, or former s. 943.058.

2928 (f) Is no longer under court supervision applicable to the
2929 disposition of the arrest or alleged criminal activity to which

32-01244-17

20171208__

2930 the petition to seal pertains.

2931 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2932 (a) In judicial proceedings under this section, a copy of
2933 the completed petition to seal shall be served upon the
2934 appropriate state attorney or the statewide prosecutor and upon
2935 the arresting agency; however, it is not necessary to make any
2936 agency other than the state a party. The appropriate state
2937 attorney or the statewide prosecutor and the arresting agency
2938 may respond to the court regarding the completed petition to
2939 seal.

2940 (b) If relief is granted by the court, the clerk of the
2941 court shall certify copies of the order to the appropriate state
2942 attorney or the statewide prosecutor and to the arresting
2943 agency. The arresting agency is responsible for forwarding the
2944 order to any other agency to which the arresting agency
2945 disseminated the criminal history record information to which
2946 the order pertains. The department shall forward the order to
2947 seal to the Federal Bureau of Investigation. The clerk of the
2948 court shall certify a copy of the order to any other agency
2949 which the records of the court reflect has received the criminal
2950 history record from the court.

2951 (c) For an order to seal entered by a court prior to July
2952 1, 1992, the department shall notify the appropriate state
2953 attorney or statewide prosecutor of any order to seal which is
2954 contrary to law because the person who is the subject of the
2955 record has previously been convicted of a crime or comparable
2956 ordinance violation or has had a prior criminal history record
2957 sealed or expunged. Upon receipt of such notice, the appropriate
2958 state attorney or statewide prosecutor shall take action, within

32-01244-17

20171208__

2959 60 days, to correct the record and petition the court to void
2960 the order to seal. The department shall seal the record until
2961 such time as the order is voided by the court.

2962 (d) On or after July 1, 1992, the department or any other
2963 criminal justice agency is not required to act on an order to
2964 seal entered by a court when such order does not comply with the
2965 requirements of this section. Upon receipt of such an order, the
2966 department must notify the issuing court, the appropriate state
2967 attorney or statewide prosecutor, the petitioner or the
2968 petitioner's attorney, and the arresting agency of the reason
2969 for noncompliance. The appropriate state attorney or statewide
2970 prosecutor shall take action within 60 days to correct the
2971 record and petition the court to void the order. No cause of
2972 action, including contempt of court, shall arise against any
2973 criminal justice agency for failure to comply with an order to
2974 seal when the petitioner for such order failed to obtain the
2975 certificate of eligibility as required by this section or when
2976 such order does not comply with the requirements of this
2977 section.

2978 (e) An order sealing a criminal history record pursuant to
2979 this section does not require that such record be surrendered to
2980 the court, and such record shall continue to be maintained by
2981 the department and other criminal justice agencies.

2982 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2983 history record of a minor or an adult which is ordered sealed by
2984 a court pursuant to this section is confidential and exempt from
2985 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2986 Constitution and is available only to the person who is the
2987 subject of the record, to the subject's attorney, to criminal

32-01244-17

20171208__

2988 justice agencies for their respective criminal justice purposes,
2989 which include conducting a criminal history background check for
2990 approval of firearms purchases or transfers as authorized by
2991 state or federal law, to judges in the state courts system for
2992 the purpose of assisting them in their case-related
2993 decisionmaking responsibilities, as set forth in s. 943.053(5),
2994 or to those entities set forth in subparagraphs (a)1., 4., 5.,
2995 6., 8., 9., and 10. for their respective licensing, access
2996 authorization, and employment purposes.

2997 (a) The subject of a criminal history record sealed under
2998 this section or under other provisions of law, including former
2999 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
3000 deny or fail to acknowledge the arrests covered by the sealed
3001 record, except when the subject of the record:

- 3002 1. Is a candidate for employment with a criminal justice
3003 agency;
- 3004 2. Is a defendant in a criminal prosecution;
- 3005 3. Concurrently or subsequently petitions for relief under
3006 this section, s. 943.0583, or s. 943.0585;
- 3007 4. Is a candidate for admission to The Florida Bar;
- 3008 5. Is seeking to be employed or licensed by or to contract
3009 with the Department of Children and Families, the Division of
3010 Vocational Rehabilitation within the Department of Education,
3011 the Agency for Health Care Administration, the Agency for
3012 Persons with Disabilities, the Department of Health, the
3013 Department of Elderly Affairs, or the Department of Juvenile
3014 Justice or to be employed or used by such contractor or licensee
3015 in a sensitive position having direct contact with children, the
3016 disabled, or the elderly;

32-01244-17

20171208__

3017 6. Is seeking to be employed or licensed by the Department
3018 of Education, a district school board, a university laboratory
3019 school, a charter school, a private or parochial school, or a
3020 local governmental entity that licenses child care facilities;

3021 7. Is attempting to purchase a firearm from a licensed
3022 importer, licensed manufacturer, or licensed dealer and is
3023 subject to a criminal history check under state or federal law;

3024 8. Is seeking to be licensed by the Division of Insurance
3025 Agent and Agency Services within the Department of Financial
3026 Services;

3027 9. Is seeking to be appointed as a guardian pursuant to s.
3028 744.3125; or

3029 10. Is seeking to be licensed by the Bureau of License
3030 Issuance of the Division of Licensing within the Department of
3031 Agriculture and Consumer Services to carry a concealed weapon or
3032 concealed firearm. This subparagraph applies only in the
3033 determination of an applicant's eligibility under s. 790.06.

3034 (b) Subject to the exceptions in paragraph (a), a person
3035 who has been granted a sealing under this section, former s.
3036 893.14, former s. 901.33, or former s. 943.058 may not be held
3037 under any provision of law of this state to commit perjury or to
3038 be otherwise liable for giving a false statement by reason of
3039 such person's failure to recite or acknowledge a sealed criminal
3040 history record.

3041 (c) Information relating to the existence of a sealed
3042 criminal record provided in accordance with the provisions of
3043 paragraph (a) is confidential and exempt from the provisions of
3044 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
3045 except that the department shall disclose the sealed criminal

32-01244-17

20171208__

3046 history record to the entities set forth in subparagraphs (a)1.,
3047 4., 5., 6., 8., 9., and 10. for their respective licensing,
3048 access authorization, and employment purposes. An employee of an
3049 entity set forth in subparagraph (a)1., subparagraph (a)4.,
3050 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
3051 subparagraph (a)9., or subparagraph (a)10. may not disclose
3052 information relating to the existence of a sealed criminal
3053 history record of a person seeking employment, access
3054 authorization, or licensure with such entity or contractor,
3055 except to the person to whom the criminal history record relates
3056 or to persons having direct responsibility for employment,
3057 access authorization, or licensure decisions. A person who
3058 violates the provisions of this paragraph commits a misdemeanor
3059 of the first degree, punishable as provided in s. 775.082 or s.
3060 775.083.

3061 (5) STATUTORY REFERENCES.—Any reference to any other
3062 chapter, section, or subdivision of the Florida Statutes in this
3063 section constitutes a general reference under the doctrine of
3064 incorporation by reference.

3065 Section 68. For the purpose of incorporating the amendment
3066 made by this act to section 825.1025, Florida Statutes, in a
3067 reference thereto, subsection (4) of section 944.275, Florida
3068 Statutes, is reenacted to read:

3069 944.275 Gain-time.—

3070 (4) (a) As a means of encouraging satisfactory behavior, the
3071 department shall grant basic gain-time at the rate of 10 days
3072 for each month of each sentence imposed on a prisoner, subject
3073 to the following:

3074 1. Portions of any sentences to be served concurrently

32-01244-17

20171208__

3075 shall be treated as a single sentence when determining basic
3076 gain-time.

3077 2. Basic gain-time for a partial month shall be prorated on
3078 the basis of a 30-day month.

3079 3. When a prisoner receives a new maximum sentence
3080 expiration date because of additional sentences imposed, basic
3081 gain-time shall be granted for the amount of time the maximum
3082 sentence expiration date was extended.

3083 (b) For each month in which an inmate works diligently,
3084 participates in training, uses time constructively, or otherwise
3085 engages in positive activities, the department may grant
3086 incentive gain-time in accordance with this paragraph. The rate
3087 of incentive gain-time in effect on the date the inmate
3088 committed the offense which resulted in his or her incarceration
3089 shall be the inmate's rate of eligibility to earn incentive
3090 gain-time throughout the period of incarceration and shall not
3091 be altered by a subsequent change in the severity level of the
3092 offense for which the inmate was sentenced.

3093 1. For sentences imposed for offenses committed prior to
3094 January 1, 1994, up to 20 days of incentive gain-time may be
3095 granted. If granted, such gain-time shall be credited and
3096 applied monthly.

3097 2. For sentences imposed for offenses committed on or after
3098 January 1, 1994, and before October 1, 1995:

3099 a. For offenses ranked in offense severity levels 1 through
3100 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
3101 of incentive gain-time may be granted. If granted, such gain-
3102 time shall be credited and applied monthly.

3103 b. For offenses ranked in offense severity levels 8, 9, and

32-01244-17

20171208__

3104 10, under former s. 921.0012 or former s. 921.0013, up to 20
3105 days of incentive gain-time may be granted. If granted, such
3106 gain-time shall be credited and applied monthly.

3107 3. For sentences imposed for offenses committed on or after
3108 October 1, 1995, the department may grant up to 10 days per
3109 month of incentive gain-time, except that no prisoner is
3110 eligible to earn any type of gain-time in an amount that would
3111 cause a sentence to expire, end, or terminate, or that would
3112 result in a prisoner's release, prior to serving a minimum of 85
3113 percent of the sentence imposed. For purposes of this
3114 subparagraph, credits awarded by the court for time physically
3115 incarcerated shall be credited toward satisfaction of 85 percent
3116 of the sentence imposed. Except as provided by this section, a
3117 prisoner shall not accumulate further gain-time awards at any
3118 point when the tentative release date is the same as that date
3119 at which the prisoner will have served 85 percent of the
3120 sentence imposed. State prisoners sentenced to life imprisonment
3121 shall be incarcerated for the rest of their natural lives,
3122 unless granted pardon or clemency.

3123 (c) An inmate who performs some outstanding deed, such as
3124 saving a life or assisting in recapturing an escaped inmate, or
3125 who in some manner performs an outstanding service that would
3126 merit the granting of additional deductions from the term of his
3127 or her sentence may be granted meritorious gain-time of from 1
3128 to 60 days.

3129 (d) Notwithstanding subparagraphs (b)1. and 2., the
3130 education program manager shall recommend, and the Department of
3131 Corrections may grant, a one-time award of 60 additional days of
3132 incentive gain-time to an inmate who is otherwise eligible and

32-01244-17

20171208__

3133 who successfully completes requirements for and is awarded a
3134 high school equivalency diploma or vocational certificate. Under
3135 no circumstances may an inmate receive more than 60 days for
3136 educational attainment pursuant to this section.

3137 (e) Notwithstanding subparagraph (b)3., for sentences
3138 imposed for offenses committed on or after October 1, 2014, the
3139 department may not grant incentive gain-time if the offense is a
3140 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
3141 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
3142 800.04; s. 825.1025; or s. 847.0135(5).

3143 Section 69. For the purpose of incorporating the amendment
3144 made by this act to section 825.1025, Florida Statutes, in a
3145 reference thereto, subsection (1) of section 944.606, Florida
3146 Statutes, is reenacted to read:

3147 944.606 Sexual offenders; notification upon release.—

3148 (1) As used in this section, the term:

3149 (a) "Convicted" means there has been a determination of
3150 guilt as a result of a trial or the entry of a plea of guilty or
3151 nolo contendere, regardless of whether adjudication is withheld.
3152 A conviction for a similar offense includes, but is not limited
3153 to, a conviction by a federal or military tribunal, including
3154 courts-martial conducted by the Armed Forces of the United
3155 States, and includes a conviction or entry of a plea of guilty
3156 or nolo contendere resulting in a sanction in any state of the
3157 United States or other jurisdiction. A sanction includes, but is
3158 not limited to, a fine; probation; community control; parole;
3159 conditional release; control release; or incarceration in a
3160 state prison, federal prison, private correctional facility, or
3161 local detention facility.

32-01244-17

20171208__

3162 (b) "Electronic mail address" has the same meaning as
3163 provided in s. 668.602.

3164 (c) "Internet identifier" has the same meaning as provided
3165 in s. 775.21.

3166 (d) "Permanent residence," "temporary residence," and
3167 "transient residence" have the same meaning as provided in s.
3168 775.21.

3169 (e) "Professional license" has the same meaning as provided
3170 in s. 775.21.

3171 (f) "Sexual offender" means a person who has been convicted
3172 of committing, or attempting, soliciting, or conspiring to
3173 commit, any of the criminal offenses proscribed in the following
3174 statutes in this state or similar offenses in another
3175 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
3176 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
3177 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
3178 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
3179 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
3180 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
3181 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
3182 makes a written finding that the racketeering activity involved
3183 at least one sexual offense listed in this paragraph or at least
3184 one offense listed in this paragraph with sexual intent or
3185 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense
3186 committed in this state which has been redesignated from a
3187 former statute number to one of those listed in this subsection,
3188 when the department has received verified information regarding
3189 such conviction; an offender's computerized criminal history
3190 record is not, in and of itself, verified information.

32-01244-17

20171208__

3191 Section 70. For the purpose of incorporating the amendment
3192 made by this act to section 825.1025, Florida Statutes, in a
3193 reference thereto, subsection (1) of section 944.607, Florida
3194 Statutes, is reenacted to read:

3195 944.607 Notification to Department of Law Enforcement of
3196 information on sexual offenders.—

3197 (1) As used in this section, the term:

3198 (a) "Change in status at an institution of higher
3199 education" has the same meaning as provided in s. 775.21.

3200 (b) "Conviction" means a determination of guilt which is
3201 the result of a trial or the entry of a plea of guilty or nolo
3202 contendere, regardless of whether adjudication is withheld.
3203 Conviction of a similar offense includes, but is not limited to,
3204 a conviction by a federal or military tribunal, including
3205 courts-martial conducted by the Armed Forces of the United
3206 States, and includes a conviction or entry of a plea of guilty
3207 or nolo contendere resulting in a sanction in any state of the
3208 United States or other jurisdiction. A sanction includes, but is
3209 not limited to, a fine; probation; community control; parole;
3210 conditional release; control release; or incarceration in a
3211 state prison, federal prison, private correctional facility, or
3212 local detention facility.

3213 (c) "Electronic mail address" has the same meaning as
3214 provided in s. 668.602.

3215 (d) "Institution of higher education" has the same meaning
3216 as provided in s. 775.21.

3217 (e) "Internet identifier" has the same meaning as provided
3218 in s. 775.21.

3219 (f) "Sexual offender" means a person who is in the custody

32-01244-17

20171208__

3220 or control of, or under the supervision of, the department or is
3221 in the custody of a private correctional facility:

3222 1. On or after October 1, 1997, as a result of a conviction
3223 for committing, or attempting, soliciting, or conspiring to
3224 commit, any of the criminal offenses proscribed in the following
3225 statutes in this state or similar offenses in another
3226 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
3227 787.02, or s. 787.025(2) (c), where the victim is a minor; s.
3228 787.06(3) (b), (d), (f), or (g); former s. 787.06(3) (h); s.
3229 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
3230 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.
3231 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
3232 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
3233 makes a written finding that the racketeering activity involved
3234 at least one sexual offense listed in this subparagraph or at
3235 least one offense listed in this subparagraph with sexual intent
3236 or motive; s. 916.1075(2); or s. 985.701(1); or any similar
3237 offense committed in this state which has been redesignated from
3238 a former statute number to one of those listed in this
3239 paragraph; or

3240 2. Who establishes or maintains a residence in this state
3241 and who has not been designated as a sexual predator by a court
3242 of this state but who has been designated as a sexual predator,
3243 as a sexually violent predator, or by another sexual offender
3244 designation in another state or jurisdiction and was, as a
3245 result of such designation, subjected to registration or
3246 community or public notification, or both, or would be if the
3247 person were a resident of that state or jurisdiction, without
3248 regard as to whether the person otherwise meets the criteria for

32-01244-17

20171208__

3249 registration as a sexual offender.

3250 (g) "Vehicles owned" has the same meaning as provided in s.
3251 775.21.

3252 Section 71. For the purpose of incorporating the amendment
3253 made by this act to section 825.1025, Florida Statutes, in a
3254 reference thereto, subsection (5) of section 948.012, Florida
3255 Statutes, is reenacted to read:

3256 948.012 Split sentence of probation or community control
3257 and imprisonment.—

3258 (5) (a) Effective for offenses committed on or after October
3259 1, 2014, if the court imposes a term of years in accordance with
3260 s. 775.082 which is less than the maximum sentence for the
3261 offense, the court must impose a split sentence pursuant to
3262 subsection (1) for any person who is convicted of a violation
3263 of:

- 3264 1. Section 782.04(1)(a)2.c.;
- 3265 2. Section 787.01(3)(a)2. or 3.;
- 3266 3. Section 787.02(3)(a)2. or 3.;
- 3267 4. Section 794.011, excluding s. 794.011(10);
- 3268 5. Section 800.04;
- 3269 6. Section 825.1025; or
- 3270 7. Section 847.0135(5).

3271 (b) The probation or community control portion of the split
3272 sentence imposed by the court must extend for at least 2 years.
3273 However, if the term of years imposed by the court extends to
3274 within 2 years of the maximum sentence for the offense, the
3275 probation or community control portion of the split sentence
3276 must extend for the remainder of the maximum sentence.

3277 Section 72. For the purpose of incorporating the amendment

32-01244-17

20171208__

3278 made by this act to section 825.1025, Florida Statutes, in a
3279 reference thereto, subsection (8) of section 948.06, Florida
3280 Statutes, is reenacted to read:

3281 948.06 Violation of probation or community control;
3282 revocation; modification; continuance; failure to pay
3283 restitution or cost of supervision.—

3284 (8) (a) In addition to complying with the provisions of
3285 subsections (1)-(7), this subsection provides further
3286 requirements regarding a probationer or offender in community
3287 control who is a violent felony offender of special concern. The
3288 provisions of this subsection shall control over any conflicting
3289 provisions in subsections (1)-(7). For purposes of this
3290 subsection, the term "convicted" means a determination of guilt
3291 which is the result of a trial or the entry of a plea of guilty
3292 or nolo contendere, regardless of whether adjudication is
3293 withheld.

3294 (b) For purposes of this section and ss. 903.0351, 948.064,
3295 and 921.0024, the term "violent felony offender of special
3296 concern" means a person who is on:

3297 1. Felony probation or community control related to the
3298 commission of a qualifying offense committed on or after the
3299 effective date of this act;

3300 2. Felony probation or community control for any offense
3301 committed on or after the effective date of this act, and has
3302 previously been convicted of a qualifying offense;

3303 3. Felony probation or community control for any offense
3304 committed on or after the effective date of this act, and is
3305 found to have violated that probation or community control by
3306 committing a qualifying offense;

32-01244-17

20171208__

3307 4. Felony probation or community control and has previously
3308 been found by a court to be a habitual violent felony offender
3309 as defined in s. 775.084(1)(b) and has committed a qualifying
3310 offense on or after the effective date of this act;

3311 5. Felony probation or community control and has previously
3312 been found by a court to be a three-time violent felony offender
3313 as defined in s. 775.084(1)(c) and has committed a qualifying
3314 offense on or after the effective date of this act; or

3315 6. Felony probation or community control and has previously
3316 been found by a court to be a sexual predator under s. 775.21
3317 and has committed a qualifying offense on or after the effective
3318 date of this act.

3319 (c) For purposes of this section, the term "qualifying
3320 offense" means any of the following:

3321 1. Kidnapping or attempted kidnapping under s. 787.01,
3322 false imprisonment of a child under the age of 13 under s.
3323 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
3324 or (c).

3325 2. Murder or attempted murder under s. 782.04, attempted
3326 felony murder under s. 782.051, or manslaughter under s. 782.07.

3327 3. Aggravated battery or attempted aggravated battery under
3328 s. 784.045.

3329 4. Sexual battery or attempted sexual battery under s.
3330 794.011(2), (3), (4), or (8)(b) or (c).

3331 5. Lewd or lascivious battery or attempted lewd or
3332 lascivious battery under s. 800.04(4), lewd or lascivious
3333 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
3334 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
3335 under s. 800.04(7)(b), or lewd or lascivious exhibition on

32-01244-17

20171208__

- 3336 computer under s. 847.0135(5) (b).
- 3337 6. Robbery or attempted robbery under s. 812.13, carjacking
3338 or attempted carjacking under s. 812.133, or home invasion
3339 robbery or attempted home invasion robbery under s. 812.135.
- 3340 7. Lewd or lascivious offense upon or in the presence of an
3341 elderly or disabled person or attempted lewd or lascivious
3342 offense upon or in the presence of an elderly or disabled person
3343 under s. 825.1025.
- 3344 8. Sexual performance by a child or attempted sexual
3345 performance by a child under s. 827.071.
- 3346 9. Computer pornography under s. 847.0135(2) or (3),
3347 transmission of child pornography under s. 847.0137, or selling
3348 or buying of minors under s. 847.0145.
- 3349 10. Poisoning food or water under s. 859.01.
- 3350 11. Abuse of a dead human body under s. 872.06.
- 3351 12. Any burglary offense or attempted burglary offense that
3352 is either a first degree felony or second degree felony under s.
3353 810.02(2) or (3).
- 3354 13. Arson or attempted arson under s. 806.01(1).
- 3355 14. Aggravated assault under s. 784.021.
- 3356 15. Aggravated stalking under s. 784.048(3), (4), (5), or
3357 (7).
- 3358 16. Aircraft piracy under s. 860.16.
- 3359 17. Unlawful throwing, placing, or discharging of a
3360 destructive device or bomb under s. 790.161(2), (3), or (4).
- 3361 18. Treason under s. 876.32.
- 3362 19. Any offense committed in another jurisdiction which
3363 would be an offense listed in this paragraph if that offense had
3364 been committed in this state.

32-01244-17

20171208__

3365 (d) In the case of an alleged violation of probation or
3366 community control other than a failure to pay costs, fines, or
3367 restitution, the following individuals shall remain in custody
3368 pending the resolution of the probation or community control
3369 violation:

3370 1. A violent felony offender of special concern, as defined
3371 in this section;

3372 2. A person who is on felony probation or community control
3373 for any offense committed on or after the effective date of this
3374 act and who is arrested for a qualifying offense as defined in
3375 this section; or

3376 3. A person who is on felony probation or community control
3377 and has previously been found by a court to be a habitual
3378 violent felony offender as defined in s. 775.084(1)(b), a three-
3379 time violent felony offender as defined in s. 775.084(1)(c), or
3380 a sexual predator under s. 775.21, and who is arrested for
3381 committing a qualifying offense as defined in this section on or
3382 after the effective date of this act.

3383
3384 The court shall not dismiss the probation or community control
3385 violation warrant pending against an offender enumerated in this
3386 paragraph without holding a recorded violation-of-probation
3387 hearing at which both the state and the offender are
3388 represented.

3389 (e) If the court, after conducting the hearing required by
3390 paragraph (d), determines that a violent felony offender of
3391 special concern has committed a violation of probation or
3392 community control other than a failure to pay costs, fines, or
3393 restitution, the court shall:

32-01244-17

20171208__

3394 1. Make written findings as to whether or not the violent
3395 felony offender of special concern poses a danger to the
3396 community. In determining the danger to the community posed by
3397 the offender's release, the court shall base its findings on one
3398 or more of the following:

3399 a. The nature and circumstances of the violation and any
3400 new offenses charged.

3401 b. The offender's present conduct, including criminal
3402 convictions.

3403 c. The offender's amenability to nonincarcerative sanctions
3404 based on his or her history and conduct during the probation or
3405 community control supervision from which the violation hearing
3406 arises and any other previous supervisions, including
3407 disciplinary records of previous incarcerations.

3408 d. The weight of the evidence against the offender.

3409 e. Any other facts the court considers relevant.

3410 2. Decide whether to revoke the probation or community
3411 control.

3412 a. If the court has found that a violent felony offender of
3413 special concern poses a danger to the community, the court shall
3414 revoke probation and shall sentence the offender up to the
3415 statutory maximum, or longer if permitted by law.

3416 b. If the court has found that a violent felony offender of
3417 special concern does not pose a danger to the community, the
3418 court may revoke, modify, or continue the probation or community
3419 control or may place the probationer into community control as
3420 provided in this section.

3421 Section 73. For the purpose of incorporating the amendment
3422 made by this act to section 825.1025, Florida Statutes, in

32-01244-17

20171208__

3423 references thereto, subsections (2) and (3) of section 960.003,
3424 Florida Statutes, are reenacted to read:

3425 960.003 Hepatitis and HIV testing for persons charged with
3426 or alleged by petition for delinquency to have committed certain
3427 offenses; disclosure of results to victims.—

3428 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
3429 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

3430 (a) In any case in which a person has been charged by
3431 information or indictment with or alleged by petition for
3432 delinquency to have committed any offense enumerated in s.
3433 775.0877(1)(a)-(n), which involves the transmission of body
3434 fluids from one person to another, upon request of the victim or
3435 the victim's legal guardian, or of the parent or legal guardian
3436 of the victim if the victim is a minor, the court shall order
3437 such person to undergo hepatitis and HIV testing within 48 hours
3438 after the information, indictment, or petition for delinquency
3439 is filed. In the event the victim or, if the victim is a minor,
3440 the victim's parent or legal guardian requests hepatitis and HIV
3441 testing after 48 hours have elapsed from the filing of the
3442 indictment, information, or petition for delinquency, the
3443 testing shall be done within 48 hours after the request.

3444 (b) However, when a victim of any sexual offense enumerated
3445 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the
3446 offense was committed or when a victim of any sexual offense
3447 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled
3448 adult or elderly person as defined in s. 825.1025 regardless of
3449 whether the offense involves the transmission of bodily fluids
3450 from one person to another, then upon the request of the victim
3451 or the victim's legal guardian, or of the parent or legal

32-01244-17

20171208__

3452 guardian, the court shall order such person to undergo hepatitis
3453 and HIV testing within 48 hours after the information,
3454 indictment, or petition for delinquency is filed. In the event
3455 the victim or, if the victim is a minor, the victim's parent or
3456 legal guardian requests hepatitis and HIV testing after 48 hours
3457 have elapsed from the filing of the indictment, information, or
3458 petition for delinquency, the testing shall be done within 48
3459 hours after the request. The testing shall be performed under
3460 the direction of the Department of Health in accordance with s.
3461 381.004. The results of a hepatitis and HIV test performed on a
3462 defendant or juvenile offender pursuant to this subsection shall
3463 not be admissible in any criminal or juvenile proceeding arising
3464 out of the alleged offense.

3465 (c) If medically appropriate, followup HIV testing shall be
3466 provided when testing has been ordered under paragraph (a) or
3467 paragraph (b). The medical propriety of followup HIV testing
3468 shall be based upon a determination by a physician and does not
3469 require an additional court order. Notification to the victim,
3470 or to the victim's parent or legal guardian, and to the
3471 defendant of the results of each followup test shall be made as
3472 soon as practicable in accordance with this section.

3473 (3) DISCLOSURE OF RESULTS.—

3474 (a) The results of the test shall be disclosed no later
3475 than 2 weeks after the court receives such results, under the
3476 direction of the Department of Health, to the person charged
3477 with or alleged by petition for delinquency to have committed or
3478 to the person convicted of or adjudicated delinquent for any
3479 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
3480 transmission of body fluids from one person to another, and,

32-01244-17

20171208__

3481 upon request, to the victim or the victim's legal guardian, or
3482 the parent or legal guardian of the victim if the victim is a
3483 minor, and to public health agencies pursuant to s. 775.0877. If
3484 the alleged offender is a juvenile, the test results shall also
3485 be disclosed to the parent or guardian. When the victim is a
3486 victim as described in paragraph (2)(b), the test results must
3487 also be disclosed no later than 2 weeks after the court receives
3488 such results, to the person charged with or alleged by petition
3489 for delinquency to have committed or to the person convicted of
3490 or adjudicated delinquent for any offense enumerated in s.
3491 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
3492 offense involves the transmission of bodily fluids from one
3493 person to another, and, upon request, to the victim or the
3494 victim's legal guardian, or the parent or legal guardian of the
3495 victim, and to public health agencies pursuant to s. 775.0877.
3496 Otherwise, hepatitis and HIV test results obtained pursuant to
3497 this section are confidential and exempt from the provisions of
3498 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
3499 shall not be disclosed to any other person except as expressly
3500 authorized by law or court order.

3501 (b) At the time that the results are disclosed to the
3502 victim or the victim's legal guardian, or to the parent or legal
3503 guardian of a victim if the victim is a minor, the same
3504 immediate opportunity for face-to-face counseling which must be
3505 made available under s. 381.004 to those who undergo hepatitis
3506 and HIV testing shall also be afforded to the victim or the
3507 victim's legal guardian, or to the parent or legal guardian of
3508 the victim if the victim is a minor.

3509 Section 74. For the purpose of incorporating the amendment

32-01244-17

20171208__

3510 made by this act to section 825.1025, Florida Statutes, in a
3511 reference thereto, subsection (1) of section 1012.315, Florida
3512 Statutes, is reenacted to read:

3513 1012.315 Disqualification from employment.—A person is
3514 ineligible for educator certification, and instructional
3515 personnel and school administrators, as defined in s. 1012.01,
3516 are ineligible for employment in any position that requires
3517 direct contact with students in a district school system,
3518 charter school, or private school that accepts scholarship
3519 students under s. 1002.39 or s. 1002.395, if the person,
3520 instructional personnel, or school administrator has been
3521 convicted of:

3522 (1) Any felony offense prohibited under any of the
3523 following statutes:

3524 (a) Section 393.135, relating to sexual misconduct with
3525 certain developmentally disabled clients and reporting of such
3526 sexual misconduct.

3527 (b) Section 394.4593, relating to sexual misconduct with
3528 certain mental health patients and reporting of such sexual
3529 misconduct.

3530 (c) Section 415.111, relating to adult abuse, neglect, or
3531 exploitation of aged persons or disabled adults.

3532 (d) Section 782.04, relating to murder.

3533 (e) Section 782.07, relating to manslaughter, aggravated
3534 manslaughter of an elderly person or disabled adult, aggravated
3535 manslaughter of a child, or aggravated manslaughter of an
3536 officer, a firefighter, an emergency medical technician, or a
3537 paramedic.

3538 (f) Section 784.021, relating to aggravated assault.

32-01244-17

20171208__

- 3539 (g) Section 784.045, relating to aggravated battery.
- 3540 (h) Section 784.075, relating to battery on a detention or
3541 commitment facility staff member or a juvenile probation
3542 officer.
- 3543 (i) Section 787.01, relating to kidnapping.
- 3544 (j) Section 787.02, relating to false imprisonment.
- 3545 (k) Section 787.025, relating to luring or enticing a
3546 child.
- 3547 (l) Section 787.04(2), relating to leading, taking,
3548 enticing, or removing a minor beyond the state limits, or
3549 concealing the location of a minor, with criminal intent pending
3550 custody proceedings.
- 3551 (m) Section 787.04(3), relating to leading, taking,
3552 enticing, or removing a minor beyond the state limits, or
3553 concealing the location of a minor, with criminal intent pending
3554 dependency proceedings or proceedings concerning alleged abuse
3555 or neglect of a minor.
- 3556 (n) Section 790.115(1), relating to exhibiting firearms or
3557 weapons at a school-sponsored event, on school property, or
3558 within 1,000 feet of a school.
- 3559 (o) Section 790.115(2)(b), relating to possessing an
3560 electric weapon or device, destructive device, or other weapon
3561 at a school-sponsored event or on school property.
- 3562 (p) Section 794.011, relating to sexual battery.
- 3563 (q) Former s. 794.041, relating to sexual activity with or
3564 solicitation of a child by a person in familial or custodial
3565 authority.
- 3566 (r) Section 794.05, relating to unlawful sexual activity
3567 with certain minors.

32-01244-17

20171208__

- 3568 (s) Section 794.08, relating to female genital mutilation.
- 3569 (t) Chapter 796, relating to prostitution.
- 3570 (u) Chapter 800, relating to lewdness and indecent
3571 exposure.
- 3572 (v) Section 806.01, relating to arson.
- 3573 (w) Section 810.14, relating to voyeurism.
- 3574 (x) Section 810.145, relating to video voyeurism.
- 3575 (y) Section 812.014(6), relating to coordinating the
3576 commission of theft in excess of \$3,000.
- 3577 (z) Section 812.0145, relating to theft from persons 65
3578 years of age or older.
- 3579 (aa) Section 812.019, relating to dealing in stolen
3580 property.
- 3581 (bb) Section 812.13, relating to robbery.
- 3582 (cc) Section 812.131, relating to robbery by sudden
3583 snatching.
- 3584 (dd) Section 812.133, relating to carjacking.
- 3585 (ee) Section 812.135, relating to home-invasion robbery.
- 3586 (ff) Section 817.563, relating to fraudulent sale of
3587 controlled substances.
- 3588 (gg) Section 825.102, relating to abuse, aggravated abuse,
3589 or neglect of an elderly person or disabled adult.
- 3590 (hh) Section 825.103, relating to exploitation of an
3591 elderly person or disabled adult.
- 3592 (ii) Section 825.1025, relating to lewd or lascivious
3593 offenses committed upon or in the presence of an elderly person
3594 or disabled person.
- 3595 (jj) Section 826.04, relating to incest.
- 3596 (kk) Section 827.03, relating to child abuse, aggravated

32-01244-17

20171208__

3597 child abuse, or neglect of a child.

3598 (ll) Section 827.04, relating to contributing to the
3599 delinquency or dependency of a child.

3600 (mm) Section 827.071, relating to sexual performance by a
3601 child.

3602 (nn) Section 843.01, relating to resisting arrest with
3603 violence.

3604 (oo) Chapter 847, relating to obscenity.

3605 (pp) Section 874.05, relating to causing, encouraging,
3606 soliciting, or recruiting another to join a criminal street
3607 gang.

3608 (qq) Chapter 893, relating to drug abuse prevention and
3609 control, if the offense was a felony of the second degree or
3610 greater severity.

3611 (rr) Section 916.1075, relating to sexual misconduct with
3612 certain forensic clients and reporting of such sexual
3613 misconduct.

3614 (ss) Section 944.47, relating to introduction, removal, or
3615 possession of contraband at a correctional facility.

3616 (tt) Section 985.701, relating to sexual misconduct in
3617 juvenile justice programs.

3618 (uu) Section 985.711, relating to introduction, removal, or
3619 possession of contraband at a juvenile detention facility or
3620 commitment program.

3621 Section 75. For the purpose of incorporating the amendment
3622 made by this act to section 960.199, Florida Statutes, in a
3623 reference thereto, subsection (3) of section 960.196, Florida
3624 Statutes, is reenacted to read:

3625 960.196 Relocation assistance for victims of human

32-01244-17

20171208__

3626 trafficking.—

3627 (3) Relocation payments for a human trafficking claim shall
3628 be denied if the department has previously approved or paid out
3629 a domestic violence or sexual battery relocation claim under s.
3630 960.198 or s. 960.199 to the same victim regarding the same
3631 incident.

3632 Section 76. For the purpose of incorporating the amendment
3633 made by this act to section 960.199, Florida Statutes, in a
3634 reference thereto, subsection (3) of section 960.198, Florida
3635 Statutes, is reenacted to read:

3636 960.198 Relocation assistance for victims of domestic
3637 violence.—

3638 (3) Relocation payments for a domestic violence claim shall
3639 be denied if the department has previously approved or paid out
3640 a human trafficking or sexual battery relocation claim under s.
3641 960.196 or s. 960.199 to the same victim regarding the same
3642 incident.

3643 Section 77. For the purpose of incorporating the amendment
3644 made by this act to section 960.28, Florida Statutes, in a
3645 reference thereto, subsection (5) of section 39.304, Florida
3646 Statutes, is reenacted to read:

3647 39.304 Photographs, medical examinations, X rays, and
3648 medical treatment of abused, abandoned, or neglected child.—

3649 (5) The county in which the child is a resident shall bear
3650 the initial costs of the examination of the allegedly abused,
3651 abandoned, or neglected child; however, the parents or legal
3652 custodian of the child shall be required to reimburse the county
3653 for the costs of such examination, other than an initial
3654 forensic physical examination as provided in s. 960.28, and to

32-01244-17

20171208__

3655 reimburse the department for the cost of the photographs taken
3656 pursuant to this section. A medical provider may not bill a
3657 child victim, directly or indirectly, for the cost of an initial
3658 forensic physical examination.

3659 Section 78. For the purpose of incorporating the amendment
3660 made by this act to section 960.28, Florida Statutes, in a
3661 reference thereto, section 624.128, Florida Statutes, is
3662 reenacted to read:

3663 624.128 Crime victims exemption.—Any other provision of the
3664 Florida Statutes to the contrary notwithstanding, the deductible
3665 or copayment provision of any insurance policy shall not be
3666 applicable to a person determined eligible pursuant to the
3667 Florida Crimes Compensation Act, excluding s. 960.28.

3668 Section 79. For the purpose of incorporating the amendment
3669 made by this act to section 960.28, Florida Statutes, in a
3670 reference thereto, subsection (6) of section 960.13, Florida
3671 Statutes, is reenacted to read:

3672 960.13 Awards.—

3673 (6) Any award made pursuant to this chapter, except an
3674 award for loss of support or catastrophic injury, shall be
3675 reduced by the amount of any payments or services received or to
3676 be received by the claimant as a result of the injury or death:

3677 (a) From or on behalf of the person who committed the
3678 crime; provided, however, that a restitution award ordered by a
3679 court to be paid to the claimant by the person who committed the
3680 crime shall not reduce any award made pursuant to this chapter
3681 unless it appears to the department that the claimant will be
3682 unjustly enriched thereby.

3683 (b) From any other public or private source or provider,

32-01244-17

20171208__

3684 including, but not limited to, an award of workers' compensation
3685 pursuant to chapter 440.

3686 (c) From agencies mandated by other Florida statutes to
3687 provide or pay for services, except as provided in s. 960.28.

3688 (d) From an emergency award under s. 960.12.

3689 Section 80. This act shall take effect October 1, 2017.