

1 A bill to be entitled
2 An act relating to child exploitation; amending s.
3 16.56, F.S.; revising the offenses that may be
4 investigated and prosecuted by the Office of Statewide
5 Prosecution; amending s. 39.01, F.S.; conforming
6 provisions to changes made by the act; amending s.
7 39.0132, F.S.; revising the types of offenses
8 committed by a child in the custody of the Department
9 of Children and Families that require the department
10 to provide notice to the school superintendent;
11 conforming provisions to changes made by the act;
12 amending s. 39.0139, F.S.; revising the type of
13 offenses that create a rebuttable presumption of
14 detriment for judicial determinations related to
15 contact between a parent or caregiver and certain
16 child victims; conforming provisions to changes made
17 by the act; amending s. 39.301, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 39.509, F.S.; revising the offenses that may be
20 considered in determining whether grandparental
21 visitation is in the child's best interest; conforming
22 provisions to changes made by the act; amending s.
23 90.404, F.S.; conforming provisions to changes made by
24 the act; amending s. 92.56, F.S.; revising the
25 offenses for which a criminal defendant may seek an

26 | order of disclosure for certain confidential and
27 | exempt court records, for which the state may use a
28 | pseudonym instead of the victim's name, and for which
29 | a publication or broadcast of trial testimony may not
30 | include certain victim identifying information;
31 | conforming provisions to changes made by the act;
32 | amending ss. 92.561, 92.565, and 435.04, F.S.;
33 | conforming provisions to changes made by the act;
34 | amending s. 435.07, F.S.; revising the offenses that
35 | disqualify certain child care personnel from specified
36 | employment; conforming provisions to changes made by
37 | the act; amending s. 456.074, F.S.; revising the
38 | offenses for which the licenses of massage therapists
39 | and massage establishments must be suspended;
40 | conforming provisions to changes made by the act;
41 | amending ss. 480.041 and 480.043, F.S.; revising the
42 | offenses for which applications for licensure as a
43 | massage therapist or massage establishment must be
44 | denied; conforming provisions to changes made by the
45 | act; amending s. 743.067, F.S.; revising the offenses
46 | for which an unaccompanied homeless youth may consent
47 | to specified treatment, care, and examination;
48 | conforming provisions to changes made by the act;
49 | amending ss. 772.102 and 775.082, F.S.; conforming
50 | provisions to changes made by the act; amending s.

51 775.0847, F.S.; revising definitions; conforming
52 provisions to changes made by the act; amending ss.
53 775.0877, 775.21, 775.215, 784.046, and 794.0115,
54 F.S.; conforming provisions to changes made by the
55 act; amending s. 794.024, F.S.; revising the offenses
56 for which certain victim information may not be
57 disclosed by public employees or officers; providing
58 penalties; conforming provisions to changes made by
59 the act; amending s. 794.056, F.S.; conforming
60 provisions to changes made by the act; creating s.
61 794.10, F.S.; providing definitions; authorizing
62 subpoenas in certain investigations of sexual offenses
63 involving child victims and specifying requirements
64 therefor; providing for specified reimbursement of
65 witnesses; authorizing certain motions; requiring
66 nondisclosure of specified information in certain
67 circumstances; providing exceptions to such
68 nondisclosure requirement; providing for judicial
69 review and extension of such nondisclosure requirement
70 and specifying requirements therefor; exempting
71 certain records, objects, and other information from
72 production; providing for the return of records,
73 objects, and other information produced; specifying
74 time periods within which records, objects, and other
75 information must be returned; providing for service

76 | and enforcement of subpoenas; providing immunity for
77 | certain persons complying with subpoenas in certain
78 | circumstances; amending s. 796.001, F.S.; conforming
79 | provisions to changes made by the act; repealing s.
80 | 827.071, F.S., relating to sexual performance by a
81 | child; amending s. 847.001, F.S.; revising
82 | definitions; creating s. 847.003, F.S.; providing
83 | definitions; prohibiting a person from using a child
84 | in a sexual performance or promoting a sexual
85 | performance by a child; providing penalties; amending
86 | s. 847.0135, F.S.; providing for separate offenses of
87 | computer pornography and child exploitation under
88 | certain circumstances; conforming provisions to
89 | changes made by the act; amending s. 847.01357, F.S.;
90 | conforming provisions to changes made by the act;
91 | amending s. 847.0137, F.S.; revising and providing
92 | definitions; prohibiting a person from possessing,
93 | with the intent to promote, child pornography;
94 | prohibiting a person from knowingly possessing,
95 | controlling, or intentionally viewing child
96 | pornography; providing penalties; providing
97 | application and construction; providing for separate
98 | offenses of transmission of child pornography under
99 | certain circumstances; amending ss. 856.022, 895.02,
100 | 905.34, and 934.07, F.S.; conforming provisions to

101 changes made by the act; amending s. 938.085, F.S.;

102 revising the offenses for which a surcharge to be

103 deposited into the Rape Crisis Program Trust Fund

104 shall be imposed; conforming provisions to changes

105 made by the act; amending s. 938.10, F.S.; revising

106 the offenses for which an additional court cost shall

107 be imposed; conforming provisions to changes made by

108 the act; amending ss. 943.0435, 943.04354, 943.0585,

109 943.059, 944.606, 944.607, and 947.1405, F.S.;

110 conforming provisions to changes made by the act;

111 amending s. 948.013, F.S.; revising the list of

112 offenses that make an offender ineligible for

113 placement on administrative probation during specified

114 time periods; amending ss. 948.03, and 948.04, F.S.;

115 conforming provisions to changes made by the act;

116 amending s. 948.06, F.S.; revising the offenses that

117 constitute a qualifying offense for purposes relating

118 to a violation of probation or community control;

119 conforming provisions to changes made by the act;

120 amending ss. 948.062, 948.101, 948.30, 948.32, 960.03,

121 and 960.197, F.S.; conforming provisions to changes

122 made by the act; amending s. 985.04, F.S.; revising

123 the types of offenses committed by a child in certain

124 custody or supervision of the Department of Juvenile

125 Justice which require the department to provide notice

126 to the school superintendent; conforming provisions to
 127 changes made by the act; amending ss. 985.475 and
 128 1012.315, F.S.; conforming provisions to changes made
 129 by the act; amending s. 921.0022, F.S.; ranking the
 130 offense of solicitation of a child via a computer
 131 service while misrepresenting one's age on the offense
 132 severity rank chart; conforming provisions to changes
 133 made by the act; providing a directive to the Division
 134 of Law Revision and Information; reenacting ss.
 135 39.402(9) (a), 39.506(6), 39.509(6) (b), 39.521(3) (d),
 136 39.524(1), 39.806(1) (d) and (n), 63.089(4) (b),
 137 63.092(3), 68.07(3) (i) and (6), 92.55(1) (b),
 138 92.605(1) (b), 322.141(3), 381.004(2) (h), 384.29(1) (c)
 139 and (3), 390.01114(2) (b) and (e), 393.067(4) (h), (7),
 140 and (9), 394.495(4) (p), 394.9125(2) (a), 397.4872(2) (a)
 141 and (c), 409.1678 (1) (c) and (6) (a) and (b),
 142 435.07(4) (b), 655.50(3) (g), 741.313(1) (e),
 143 775.084(4) (j), 775.0862(2), 775.13(4) (e),
 144 775.21(3) (b), (5) (d), (6) (f), and (10) (c), 775.24(2),
 145 775.25, 775.261(3) (b), 784.049(2) (d), 794.011(2) (a),
 146 (3), (4), and (5), 794.03, 794.075(1), 847.002(1) (b),
 147 (2), and (3), 847.012(3) (b), 847.01357(3), 847.0138(2)
 148 and (3), 896.101(2) (g) and (10), 903.0351(1) (b) and
 149 (c), 903.046(2) (m), 905.34(3), 921.0022(3) (g),
 150 921.141(6) (o), 921.187(1) (n), 943.0435(3), (4) (a), and

151 (5), 943.0436(2), 943.325(2)(g), 944.11(2),
 152 944.607(4)(a) and (9), 944.608(7), 944.609(4),
 153 944.70(1), 947.13(1)(f), 947.1405(2)(c) and (12),
 154 947.141(1), (2), and (7), 948.06(8)(b) and (d),
 155 948.063, 948.064(4), 948.08(7)(a), 948.12(3),
 156 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)
 157 and (b) and (3)(a), 960.065(5), 984.03(2),
 158 985.0301(5)(c), 985.04(6)(b), 985.441(1)(c),
 159 985.4815(9), and 1012.467(2)(g), relating to placement
 160 in a shelter, arraignment hearings, grandparents
 161 rights, disposition hearings, safe-harbor placement,
 162 grounds for termination of parental rights,
 163 proceedings to terminate parental rights pending
 164 adoption, report to the court of intended placement by
 165 an adoption entity, change of name, proceedings
 166 involving certain victims or witnesses, production of
 167 certain records, color or markings of certain licenses
 168 or identification cards, HIV testing, confidentiality,
 169 the Parental Notice of Abortion Act, facility
 170 licensure, the child and adolescent mental health
 171 system of care, authority of a State Attorney to refer
 172 a person for civil commitment, exemption from
 173 disqualification, specialized residential options for
 174 children who are victims of sexual exploitation,
 175 exemptions from disqualification, Florida Control of

176 Money Laundering and Terrorist Financing in Financial
177 Institutions Act, unlawful action against employees
178 seeking protection, violent career criminals, habitual
179 felony offenders, and habitual violent felony
180 offenders, sexual offenses against students by
181 authority figures, registration of convicted felons,
182 the Florida Sexual Predators Act, duty of the court
183 to uphold laws governing sexual predators and sexual
184 offenders, prosecutions for acts or omissions, career
185 offender registration, sexual cyberharassment, sexual
186 battery, publishing or broadcasting information
187 identifying sexual offense victims, sexual predators
188 and erectile dysfunction drugs, child pornography
189 prosecutions, sale or distribution of harmful
190 materials to minors or using minors in production,
191 civil remedies for exploited children, transmission of
192 material harmful to minors to a minor by electronic
193 devices, the Florida Money Laundering Act,
194 restrictions on pretrial release pending probation-
195 violation hearings or community-control-violation
196 hearings, purposes of and criteria for bail
197 determination, the powers and duties of a statewide
198 grand jury, the offense severity ranking chart of the
199 Criminal Punishment Code, sentence of death or life
200 imprisonment for capital felonies, disposition and

201 sentencing alternatives, sexual offenders required to
202 register with the Department of Law Enforcement, duty
203 of the court to uphold laws governing sexual predators
204 and sexual offenders, DNA database, regulation by the
205 Department of Corrections of the admission of books,
206 notification to the Department of Law Enforcement of
207 information on sexual offenders, notification to the
208 Department of Law Enforcement concerning career
209 offenders, career offenders and notification upon
210 release, conditions for release from incarceration,
211 powers and duties of commission, conditional release
212 program, violations of conditional release, control
213 release, or conditional medical release or addiction-
214 recovery supervision, violation of probation or
215 community control, violations of probation or
216 community control by designated sexual offenders and
217 predators, notification of status as a violent felony
218 offender of special concern, pretrial intervention
219 program, intensive supervision for postprison release
220 of violent offenders, additional terms and conditions
221 of probation or community control for certain sex
222 offenses, evaluation and treatment of sexual predators
223 and offenders on probation or community control, blood
224 tests of inmates, hepatitis and HIV testing for
225 persons charged with or alleged by petition for

226 delinquency to have committed certain offenses,
 227 eligibility for victim assistance awards, definitions
 228 relating to children and families in need of services,
 229 jurisdiction, oaths, records, and confidential
 230 information, commitment, notification to Department of
 231 Law Enforcement of information on juvenile sexual
 232 offenders, and contractors permitted access to school
 233 grounds, respectively, to incorporate the amendments
 234 made by the act in cross-references to amended
 235 provisions; providing an effective date.

236

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

238

239 Section 1. Paragraph (a) of subsection (1) of section
 240 16.56, Florida Statutes, is amended to read:

241 16.56 Office of Statewide Prosecution.—

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

246 (a) Investigate and prosecute the offenses of:

247 1. Bribery, burglary, criminal usury, extortion, gambling,
 248 kidnapping, larceny, murder, prostitution, perjury, robbery,
 249 carjacking, and home-invasion robbery;

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

251 3. Any violation of the Florida RICO (Racketeer Influenced
252 and Corrupt Organization) Act, including any offense listed in
253 the definition of racketeering activity in s. 895.02(8)(a),
254 providing such listed offense is investigated in connection with
255 a violation of s. 895.03 and is charged in a separate count of
256 an information or indictment containing a count charging a
257 violation of s. 895.03, the prosecution of which listed offense
258 may continue independently if the prosecution of the violation
259 of s. 895.03 is terminated for any reason;

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

261 5. Any violation of the Florida Antitrust Act of 1980, as
262 amended;

263 6. Any crime involving, or resulting in, fraud or deceit
264 upon any person;

265 7. Any violation of s. 847.0135, relating to computer
266 pornography and child exploitation ~~prevention~~, or any offense
267 related to a violation of former s. 827.071, s. 847.003, s.
268 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
269 crime is facilitated by or connected to the use of the Internet
270 or any device capable of electronic data storage or
271 transmission;

272 8. Any violation of chapter 815;

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

274 10. Any violation of the Florida Motor Fuel Tax Relief Act
275 of 2004;

276 11. Any criminal violation of s. 409.920 or s. 409.9201;
 277 12. Any crime involving voter registration, voting, or
 278 candidate or issue petition activities;
 279 13. Any criminal violation of the Florida Money Laundering
 280 Act;
 281 14. Any criminal violation of the Florida Securities and
 282 Investor Protection Act; or
 283 15. Any violation of chapter 787, as well as any and all
 284 offenses related to a violation of chapter 787;
 285
 286 or any attempt, solicitation, or conspiracy to commit any of the
 287 crimes specifically enumerated above. The office shall have such
 288 power only when any such offense is occurring, or has occurred,
 289 in two or more judicial circuits as part of a related
 290 transaction, or when any such offense is connected with an
 291 organized criminal conspiracy affecting two or more judicial
 292 circuits. Informations or indictments charging such offenses
 293 shall contain general allegations stating the judicial circuits
 294 and counties in which crimes are alleged to have occurred or the
 295 judicial circuits and counties in which crimes affecting such
 296 circuits or counties are alleged to have been connected with an
 297 organized criminal conspiracy.
 298 Section 2. Paragraph (c) of subsection (30) and paragraph
 299 (g) of subsection (70) of section 39.01, Florida Statutes, are
 300 amended to read:

301 39.01 Definitions.—When used in this chapter, unless the
 302 context otherwise requires:

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

305 (c) Allows, encourages, or forces the sexual exploitation
 306 of a child, which includes allowing, encouraging, or forcing a
 307 child to:

- 308 1. Solicit for or engage in prostitution; or
- 309 2. Engage in a sexual performance, as defined by former s.
 310 827.071 or s. 847.003 ~~chapter 827~~.

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

313 (g) The sexual exploitation of a child, which includes the
 314 act of a child offering to engage in or engaging in
 315 prostitution, or the act of allowing, encouraging, or forcing a
 316 child to:

- 317 1. Solicit for or engage in prostitution;
- 318 2. Engage in a sexual performance, as defined by former s.
 319 827.071 or s. 847.003 ~~chapter 827~~; or
- 320 3. Participate in the trade of human trafficking as
 321 provided in s. 787.06(3)(g).

322 Section 3. Paragraph (b) of subsection (4) of section
 323 39.0132, Florida Statutes, is amended to read:

324 39.0132 Oaths, records, and confidential information.—
 325 (4)

326 (b) The department shall disclose to the school
 327 superintendent the presence of a ~~any~~ child in the care and
 328 custody or under the jurisdiction or supervision of the
 329 department who has a known history of criminal sexual behavior
 330 with other juveniles; is an alleged juvenile sex offender, as
 331 defined in s. 39.01; or has pled guilty or nolo contendere to,
 332 or has been found to have committed, a violation of chapter 794,
 333 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 334 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 335 adjudication. An ~~Any~~ employee of a district school board who
 336 knowingly and willfully discloses such information to an
 337 unauthorized person commits a misdemeanor of the second degree,
 338 punishable as provided in s. 775.082 or s. 775.083.

339 Section 4. Paragraph (a) of subsection (3) of section
 340 39.0139, Florida Statutes, is amended to read:

341 39.0139 Visitation or other contact; restrictions.—

342 (3) PRESUMPTION OF DETRIMENT.—

343 (a) A rebuttable presumption of detriment to a child is
 344 created when:

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

348 2. A parent or caregiver has been found guilty of,
 349 regardless of adjudication, or has entered a plea of guilty or
 350 nolo contendere to, charges under the following statutes or

351 substantially similar statutes of other jurisdictions:

352 a. Section 787.04, relating to removing minors from the

353 state or concealing minors contrary to court order;

354 b. Section 794.011, relating to sexual battery;

355 c. Section 798.02, relating to lewd and lascivious

356 behavior;

357 d. Chapter 800, relating to lewdness and indecent

358 exposure;

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

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

361 g. Section 847.003, relating to sexual performance by a

362 child;

363 h. Section 847.0135, excluding s. 847.0135(6), relating to

364 computer pornography and child exploitation; or

365 i. Section 847.0137, relating to child pornography; or

366 3. A court of competent jurisdiction has determined a

367 parent or caregiver to be a sexual predator as defined in s.

368 775.21 or a parent or caregiver has received a substantially

369 similar designation under laws of another jurisdiction.

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

371 39.301, Florida Statutes, is amended to read:

372 39.301 Initiation of protective investigations.—

373 (2)

374 (b) As used in this subsection, the term "criminal

375 conduct" means:

376 1. A child is known or suspected to be the victim of child
 377 abuse, as defined in s. 827.03, or of neglect of a child, as
 378 defined in s. 827.03.

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

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

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

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

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

391 Section 6. Paragraph (a) of subsection (6) of section
 392 39.509, Florida Statutes, is amended to read:

393 39.509 Grandparents rights.—Notwithstanding any other
 394 provision of law, a maternal or paternal grandparent as well as
 395 a stepgrandparent is entitled to reasonable visitation with his
 396 or her grandchild who has been adjudicated a dependent child and
 397 taken from the physical custody of the parent unless the court
 398 finds that such visitation is not in the best interest of the
 399 child or that such visitation would interfere with the goals of
 400 the case plan. Reasonable visitation may be unsupervised and,

401 where appropriate and feasible, may be frequent and continuing.
 402 Any order for visitation or other contact must conform to the
 403 provisions of s. 39.0139.

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

407 (a) The finding of guilt, regardless of adjudication, or
 408 entry or plea of guilty or nolo contendere to charges under the
 409 following statutes, or similar statutes of other jurisdictions:
 410 s. 787.04, relating to removing minors from the state or
 411 concealing minors contrary to court order; s. 794.011, relating
 412 to sexual battery; s. 798.02, relating to lewd and lascivious
 413 behavior; chapter 800, relating to lewdness and indecent
 414 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
 415 relating to the abuse of children; s. 847.003, relating to
 416 sexual performance by a child; s. 847.0135, excluding s.
 417 847.0135(6), relating to computer pornography and child
 418 exploitation; or s. 847.0137, relating to child pornography.

419 Section 7. Paragraphs (b) and (c) of subsection (2) of
 420 section 90.404, Florida Statutes, are amended 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, former s. 827.071, s. 847.003, s. 847.0135(5), s.
433 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
434 against a person 16 years of age or younger.

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

440 2. For the purposes of this paragraph, the term "sexual
441 offense" means conduct proscribed by s. 787.025(2)(c), s.
442 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
443 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
444 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
445 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
446 985.701(1).

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

449 92.56 Judicial proceedings and court records involving
450 sexual offenses and human trafficking.—

451 (2) A defendant charged with a crime described in s.
 452 787.06(3)(a)1., (c)1., or (e)1.;s. 787.06(3)(b), (d), (f), or
 453 (g); chapter 794; ~~or chapter 800;~~ ~~or~~ with child abuse or ~~or~~
 454 aggravated child abuse, ~~or sexual performance by a child as~~ as
 455 described in chapter 827; with sexual performance by a child as
 456 described in former s. 827.071; or with a sexual offense
 457 described in chapter 847; may apply to the trial court for an
 458 order of disclosure of information in court records held
 459 confidential and exempt pursuant to s. 119.0714(1)(h) or
 460 maintained as confidential and exempt pursuant to court order
 461 under this section. Such identifying information concerning the
 462 victim may be released to the defendant or his or her attorney
 463 in order to prepare the defense. The confidential and exempt
 464 status of this information may not be construed to prevent the
 465 disclosure of the victim's identity to the defendant; however,
 466 the defendant may not disclose the victim's identity to any
 467 person other than the defendant's attorney or any other person
 468 directly involved in the preparation of the defense. A willful
 469 and knowing disclosure of the identity of the victim to any
 470 other person by the defendant constitutes contempt.

471 (3) The state may use a pseudonym instead of the victim's
 472 name to designate the victim of a crime described in s.
 473 787.06(3)(a)1., (c)1., or (e)1.; in ~~in~~ s. 787.06(3)(b), (d), (f),
 474 or (g); or in ~~or in~~ chapter 794; or ~~or~~ chapter 800; ~~or~~
 475 or ~~or~~ aggravated child abuse, ~~or sexual performance by a child as~~

476 | described in chapter 827; of sexual performance by a child as
477 | described in former s. 827.071; ~~or of a sexual offense any~~
478 | ~~crime involving the production, possession, or promotion of~~
479 | ~~child pornography as~~ described in chapter 847, in all court
480 | records and records of court proceedings, both civil and
481 | criminal.

482 | (5) This section does not prohibit the publication or
483 | broadcast of the substance of trial testimony in a prosecution
484 | for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; ~~or~~
485 | s. 787.06(3)(b), (d), (f), or (g); ~~or~~ chapter 794; ~~or~~ chapter
486 | 800; for ~~or~~ a crime of child abuse or ~~or~~ aggravated child abuse ~~or~~
487 | ~~sexual performance by a child,~~ as described in chapter 827;
488 | for sexual performance by a child as described in former s.
489 | 827.071; or of a sexual offense described in chapter 847, but
490 | the publication or broadcast may not include an identifying
491 | photograph, an identifiable voice, or the name or address of the
492 | victim, unless the victim has consented in writing to the
493 | publication and filed such consent with the court or unless the
494 | court has declared such records not confidential and exempt as
495 | provided for in subsection (1).

496 | Section 9. Subsection (1) of section 92.561, Florida
497 | Statutes, is amended to read:

498 | 92.561 Prohibition on reproduction of child pornography.—

499 | (1) In a criminal proceeding, any property or material
500 | that portrays sexual performance by a child as defined in former

501 s. 827.071 or s. 847.003, or constitutes child pornography as
 502 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in
 503 the care, custody, and control of a law enforcement agency, the
 504 state attorney, or the court.

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

507 92.565 Admissibility of confession in sexual abuse cases.—

508 (2) In any criminal action in which the defendant is
 509 charged with a crime against a victim under s. 794.011; s.
 510 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
 511 s. 827.04, involving sexual abuse; former s. 827.071; s.
 512 847.003; ~~or~~ s. 847.0135(5); ~~or~~ s. 847.0137(2), or any other
 513 crime involving sexual abuse of another, or with any attempt,
 514 solicitation, or conspiracy to commit any of these crimes, the
 515 defendant's memorialized confession or admission is admissible
 516 during trial without the state having to prove a corpus delicti
 517 of the crime if the court finds in a hearing conducted outside
 518 the presence of the jury that the state is unable to show the
 519 existence of each element of the crime, and having so found,
 520 further finds that the defendant's confession or admission is
 521 trustworthy. Factors which may be relevant in determining
 522 whether the state is unable to show the existence of each
 523 element of the crime include, but are not limited to, the fact
 524 that, at the time the crime was committed, the victim was:

525 (a) Physically helpless, mentally incapacitated, or

526 | mentally defective, as those terms are defined in s. 794.011;

527 | (b) Physically incapacitated due to age, infirmity, or any
528 | other cause; or

529 | (c) Less than 12 years of age.

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

532 | 435.04 Level 2 screening standards.—

533 | (2) The security background investigations under this
534 | section must ensure that no persons subject to the provisions of
535 | this section have been arrested for and are awaiting final
536 | disposition of, have been found guilty of, regardless of
537 | adjudication, or entered a plea of nolo contendere or guilty to,
538 | or have been adjudicated delinquent and the record has not been
539 | sealed or expunged for, any offense prohibited under any of the
540 | following provisions of state law or similar law of another
541 | jurisdiction:

542 | (11) Former s. Section 827.071, relating to sexual
543 | performance by a child.

544 | (qq) Chapter 847, relating to obscenity and child
545 | exploitation ~~obscene literature~~.

546 | Section 12. Paragraph (c) of subsection (4) of section
547 | 435.07, Florida Statutes, is amended to read:

548 | 435.07 Exemptions from disqualification.—Unless otherwise
549 | provided by law, the provisions of this section apply to
550 | exemptions from disqualification for disqualifying offenses

551 revealed pursuant to background screenings required under this
552 chapter, regardless of whether those disqualifying offenses are
553 listed in this chapter or other laws.

554 (4)

555 (c) Disqualification from employment under this chapter
556 may not be removed from, and an exemption may not be granted to,
557 any current or prospective child care personnel, as defined in
558 s. 402.302(3), and such a person is disqualified from employment
559 as child care personnel, regardless of any previous exemptions
560 from disqualification, if the person has been registered as a
561 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
562 been arrested for and is awaiting final disposition of, has been
563 convicted or found guilty of, or entered a plea of guilty or
564 nolo contendere to, regardless of adjudication, or has been
565 adjudicated delinquent and the record has not been sealed or
566 expunged for, any offense prohibited under any of the following
567 provisions of state law or a similar law of another
568 jurisdiction:

569 1. A felony offense prohibited under any of the following
570 statutes:

571 a. Chapter 741, relating to domestic violence.

572 b. Section 782.04, relating to murder.

573 c. Section 782.07, relating to manslaughter, aggravated
574 manslaughter of an elderly person or disabled adult, aggravated
575 manslaughter of a child, or aggravated manslaughter of an

576 officer, a firefighter, an emergency medical technician, or a
 577 paramedic.

578 d. Section 784.021, relating to aggravated assault.

579 e. Section 784.045, relating to aggravated battery.

580 f. Section 787.01, relating to kidnapping.

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

583 h. Section 787.04(2), relating to leading, taking,
 584 enticing, or removing a minor beyond the state limits, or
 585 concealing the location of a minor, with criminal intent pending
 586 custody proceedings.

587 i. Section 787.04(3), relating to leading, taking,
 588 enticing, or removing a minor beyond the state limits, or
 589 concealing the location of a minor, with criminal intent pending
 590 dependency proceedings or proceedings concerning alleged abuse
 591 or neglect of a minor.

592 j. Section 794.011, relating to sexual battery.

593 k. Former s. 794.041, relating to sexual activity with or
 594 solicitation of a child by a person in familial or custodial
 595 authority.

596 l. Section 794.05, relating to unlawful sexual activity
 597 with certain minors.

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

599 n. Section 806.01, relating to arson.

600 o. Section 826.04, relating to incest.

601 p. Section 827.03, relating to child abuse, aggravated
602 child abuse, or neglect of a child.

603 q. Section 827.04, relating to contributing to the
604 delinquency or dependency of a child.

605 r. Former s. Section 827.071 or s. 847.003, relating to
606 sexual performance by a child.

607 s. Chapter 847, relating to obscenity and child
608 exploitation ~~pornography~~.

609 t. Section 985.701, relating to sexual misconduct in
610 juvenile justice programs.

611 2. A misdemeanor offense prohibited under any of the
612 following statutes:

613 a. Section 784.03, relating to battery, if the victim of
614 the offense was a minor.

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

617 c. Chapter 847, relating to obscenity and child
618 exploitation ~~pornography~~.

619 3. A criminal act committed in another state or under
620 federal law which, if committed in this state, constitutes an
621 offense prohibited under any statute listed in subparagraph 1.
622 or subparagraph 2.

623 Section 13. Paragraphs (o) and (q) of subsection (5) of
624 section 456.074, Florida Statutes, are amended, paragraphs (r)
625 and (s) of that subsection are redesignated as paragraphs (s)

626 and (t), respectively, and a new paragraph (r) is added to that
627 subsection, to read:

628 456.074 Certain health care practitioners; immediate
629 suspension of license.—

630 (5) The department shall issue an emergency order
631 suspending the license of a massage therapist or establishment
632 as defined in chapter 480 upon receipt of information that the
633 massage therapist, a person with an ownership interest in the
634 establishment, or, for a corporation that has more than \$250,000
635 of business assets in this state, the owner, officer, or
636 individual directly involved in the management of the
637 establishment has been convicted or found guilty of, or has
638 entered a plea of guilty or nolo contendere to, regardless of
639 adjudication, a violation of s. 796.07(2)(a) which is
640 reclassified under s. 796.07(7) or a felony offense under any of
641 the following provisions of state law or a similar provision in
642 another jurisdiction:

643 (o) Former s. ~~Section~~ 827.071 or s. 847.003, relating to
644 sexual performance by a child.

645 (q) Section 847.0135, relating to computer pornography and
646 child exploitation.

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

648 Section 14. Paragraphs (o) and (q) of subsection (7) of
649 section 480.041, Florida Statutes, are amended, paragraphs (r)
650 and (s) of that subsection are redesignated as paragraphs (s)

651 and (t), respectively, and a new paragraph (r) is added to that
652 subsection, to read:

653 480.041 Massage therapists; qualifications; licensure;
654 endorsement.—

655 (7) The board shall deny an application for a new or
656 renewal license if an applicant has been convicted or found
657 guilty of, or enters a plea of guilty or nolo contendere to,
658 regardless of adjudication, a violation of s. 796.07(2)(a) which
659 is reclassified under s. 796.07(7) or a felony offense under any
660 of the following provisions of state law or a similar provision
661 in another jurisdiction:

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

664 (q) Section 847.0135, relating to computer pornography and
665 child exploitation.

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

667 Section 15. Paragraph (o) of subsection (8) of section
668 480.043, Florida Statutes, is amended, paragraphs (r) and (s) of
669 that subsection are redesignated as paragraphs (s) and (t),
670 respectively, and a new paragraph (r) is added to that
671 subsection, to read:

672 480.043 Massage establishments; requisites; licensure;
673 inspection.—

674 (8) The department shall deny an application for a new or
675 renewal license if a person with an ownership interest in the

676 establishment or, for a corporation that has more than \$250,000
 677 of business assets in this state, the owner, officer, or
 678 individual directly involved in the management of the
 679 establishment has been convicted or found guilty of, or entered
 680 a plea of guilty or nolo contendere to, regardless of
 681 adjudication, a violation of s. 796.07(2)(a) which is
 682 reclassified under s. 796.07(7) or a felony offense under any of
 683 the following provisions of state law or a similar provision in
 684 another jurisdiction:

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

687 (q) Section 847.0135, relating to computer pornography and
 688 child exploitation.

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

690 Section 16. Paragraph (b) of subsection (3) of section
 691 743.067, Florida Statutes, is amended to read:

692 743.067 Unaccompanied homeless youths.—

693 (3) An unaccompanied homeless youth may:

694 (b) Notwithstanding s. 394.4625(1), consent to medical,
 695 dental, psychological, substance abuse, and surgical diagnosis
 696 and treatment, including preventative care and care by a
 697 facility licensed under chapter 394, chapter 395, or chapter 397
 698 and any forensic medical examination for the purpose of
 699 investigating any felony offense under chapter 784, chapter 787,
 700 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.

701 847.0137, for:

- 702 1. Himself or herself; or
- 703 2. His or her child, if the unaccompanied homeless youth
- 704 is unmarried, is the parent of the child, and has actual custody
- 705 of the child.

706 Section 17. Paragraph (a) of subsection (1) of section
707 772.102, Florida Statutes, is amended to read:

708 772.102 Definitions.—As used in this chapter, the term:

709 (1) "Criminal activity" means to commit, to attempt to
710 commit, to conspire to commit, or to solicit, coerce, or
711 intimidate another person to commit:

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

714 1. Section 210.18, relating to evasion of payment of
715 cigarette taxes.

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

717 3. Section 440.105 or s. 440.106, relating to workers'
718 compensation.

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

720 5. Chapter 517, relating to securities transactions.

721 6. Section 550.235 or s. 550.3551, relating to dogracing
722 and horseracing.

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

724 8. Chapter 552, relating to the manufacture, distribution,
725 and use of explosives.

- 726 9. Chapter 562, relating to beverage law enforcement.
- 727 10. Section 624.401, relating to transacting insurance
- 728 without a certificate of authority, s. 624.437(4)(c)1., relating
- 729 to operating an unauthorized multiple-employer welfare
- 730 arrangement, or s. 626.902(1)(b), relating to representing or
- 731 aiding an unauthorized insurer.
- 732 11. Chapter 687, relating to interest and usurious
- 733 practices.
- 734 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 735 real estate timeshare plans.
- 736 13. Chapter 782, relating to homicide.
- 737 14. Chapter 784, relating to assault and battery.
- 738 15. Chapter 787, relating to kidnapping or human
- 739 trafficking.
- 740 16. Chapter 790, relating to weapons and firearms.
- 741 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 742 relating to prostitution.
- 743 18. Chapter 806, relating to arson.
- 744 19. Section 810.02(2)(c), relating to specified burglary
- 745 of a dwelling or structure.
- 746 20. Chapter 812, relating to theft, robbery, and related
- 747 crimes.
- 748 21. Chapter 815, relating to computer-related crimes.
- 749 22. Chapter 817, relating to fraudulent practices, false
- 750 pretenses, fraud generally, and credit card crimes.

751 23. Former s. Section 827.071, relating to commercial
 752 sexual exploitation of children.

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

754 25. Chapter 832, relating to issuance of worthless checks
 755 and drafts.

756 26. Section 836.05, relating to extortion.

757 27. Chapter 837, relating to perjury.

758 28. Chapter 838, relating to bribery and misuse of public
 759 office.

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

761 30. Section 847.003, relating to sexual performance by a
 762 child.

763 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 764 or s. 847.07, relating to obscene literature and profanity.

765 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 766 s. 849.25, relating to gambling.

767 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and
 768 control.

769 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
 770 victims, or informants.

771 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering
 772 with jurors and evidence.

773 Section 18. Paragraph (a) of subsection (9) of section
 774 775.082, Florida Statutes, is amended to read:
 775 775.082 Penalties; applicability of sentencing structures;

776 | mandatory minimum sentences for certain reoffenders previously
 777 | released from prison.—

778 | (9) (a) 1. "Prison releasee reoffender" means any defendant
 779 | who commits, or attempts to commit:

- 780 | a. Treason;
- 781 | b. Murder;
- 782 | c. Manslaughter;
- 783 | d. Sexual battery;
- 784 | e. Carjacking;
- 785 | f. Home-invasion robbery;
- 786 | g. Robbery;
- 787 | h. Arson;
- 788 | i. Kidnapping;
- 789 | j. Aggravated assault with a deadly weapon;
- 790 | k. Aggravated battery;
- 791 | l. Aggravated stalking;
- 792 | m. Aircraft piracy;
- 793 | n. Unlawful throwing, placing, or discharging of a
 794 | destructive device or bomb;
- 795 | o. Any felony that involves the use or threat of physical
 796 | force or violence against an individual;
- 797 | p. Armed burglary;
- 798 | q. Burglary of a dwelling or burglary of an occupied
 799 | structure; or
- 800 | r. Any felony violation of s. 790.07, s. 800.04, s.

801 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 802 847.0137(2);

803
 804 within 3 years after being released from a state correctional
 805 facility operated by the Department of Corrections or a private
 806 vendor or within 3 years after being released from a
 807 correctional institution of another state, the District of
 808 Columbia, the United States, any possession or territory of the
 809 United States, or any foreign jurisdiction, following
 810 incarceration for an offense for which the sentence is
 811 punishable by more than 1 year in this state.

812 2. "Prison releasee reoffender" also means any defendant
 813 who commits or attempts to commit any offense listed in sub-
 814 subparagraphs (a)1.a.-r. while the defendant was serving a
 815 prison sentence or on escape status from a state correctional
 816 facility operated by the Department of Corrections or a private
 817 vendor or while the defendant was on escape status from a
 818 correctional institution of another state, the District of
 819 Columbia, the United States, any possession or territory of the
 820 United States, or any foreign jurisdiction, following
 821 incarceration for an offense for which the sentence is
 822 punishable by more than 1 year in this state.

823 3. If the state attorney determines that a defendant is a
 824 prison releasee reoffender as defined in subparagraph 1., the
 825 state attorney may seek to have the court sentence the defendant

826 as a prison releasee reoffender. Upon proof from the state
 827 attorney that establishes by a preponderance of the evidence
 828 that a defendant is a prison releasee reoffender as defined in
 829 this section, such defendant is not eligible for sentencing
 830 under the sentencing guidelines and must be sentenced as
 831 follows:

832 a. For a felony punishable by life, by a term of
 833 imprisonment for life;

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

836 c. For a felony of the second degree, by a term of
 837 imprisonment of 15 years; and

838 d. For a felony of the third degree, by a term of
 839 imprisonment of 5 years.

840 Section 19. Paragraphs (b) and (f) of subsection (1) and
 841 subsection (2) of section 775.0847, Florida Statutes, are
 842 amended, and paragraph (g) is added to that subsection, to read:

843 775.0847 Possession or promotion of certain visual
 844 depictions ~~images~~ of child pornography; reclassification.-

845 (1) For purposes of this section:

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

849 (f) "Sexual conduct" means actual or simulated sexual
 850 intercourse, deviate sexual intercourse, sexual bestiality,

851 | masturbation, or sadomasochistic abuse; actual or simulated lewd
852 | exhibition of the genitals; actual physical contact with a
853 | person's clothed or unclothed genitals, pubic area, buttocks,
854 | or, if such person is a female, breast with the intent to arouse
855 | or gratify the sexual desire of either party; or any act or
856 | conduct which constitutes sexual battery or simulates that
857 | sexual battery is being or will be committed. A mother's
858 | breastfeeding of her baby does not under any circumstance
859 | constitute "sexual conduct."

860 | (g) "Visual depiction" has the same meaning provided in s.
861 | 847.0137.

862 | (2) A violation of former s. 827.071, s. 847.003, s.
863 | 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
864 | the next higher degree as provided in subsection (3) if:

865 | (a) The offender possesses 10 or more visual depictions
866 | ~~images~~ of any form of child pornography regardless of content;
867 | and

868 | (b) The content of at least one visual depiction ~~image~~
869 | contains one or more of the following:

- 870 | 1. A child who is younger than the age of 5.
- 871 | 2. Sadomasochistic abuse involving a child.
- 872 | 3. Sexual battery involving a child.
- 873 | 4. Sexual bestiality involving a child.
- 874 | 5. Any movie involving a child, regardless of length and
875 | regardless of whether the movie contains sound.

876 Section 20. Paragraph (1) of subsection (1) of section
 877 775.0877, Florida Statutes, is amended to read:

878 775.0877 Criminal transmission of HIV; procedures;
 879 penalties.—

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

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

887
 888 the court shall order the offender to undergo HIV testing, to be
 889 performed under the direction of the Department of Health in
 890 accordance with s. 381.004, unless the offender has undergone
 891 HIV testing voluntarily or pursuant to procedures established in
 892 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 893 rule providing for HIV testing of criminal offenders or inmates,
 894 subsequent to her or his arrest for an offense enumerated in
 895 paragraphs (a)-(n) for which she or he was convicted or to which
 896 she or he pled nolo contendere or guilty. The results of an HIV
 897 test performed on an offender pursuant to this subsection are
 898 not admissible in any criminal proceeding arising out of the
 899 alleged offense.

900 Section 21. Paragraph (a) of subsection (4) and paragraph

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

903 775.21 The Florida Sexual Predators Act.—

904 (4) SEXUAL PREDATOR CRITERIA.—

905 (a) For a current offense committed on or after October 1,
906 1993, upon conviction, an offender shall be designated as a
907 "sexual predator" under subsection (5), and subject to
908 registration under subsection (6) and community and public
909 notification under subsection (7) if:

910 1. The felony is:

911 a. A capital, life, or first degree felony violation, or
912 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
913 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
914 violation of a similar law of another jurisdiction; or

915 b. Any felony violation, or any attempt thereof, of s.
916 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
917 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
918 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
919 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
920 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
921 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
922 s. 847.0145; s. 895.03, if the court makes a written finding
923 that the racketeering activity involved at least one sexual
924 offense listed in this sub-subparagraph or at least one offense
925 listed in this sub-subparagraph with sexual intent or motive; s.

926 916.1075(2); or s. 985.701(1); or a violation of a similar law
927 of another jurisdiction, and the offender has previously been
928 convicted of or found to have committed, or has pled nolo
929 contendere or guilty to, regardless of adjudication, any
930 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
931 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
932 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
933 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
934 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
935 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
936 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
937 written finding that the racketeering activity involved at least
938 one sexual offense listed in this sub-subparagraph or at least
939 one offense listed in this sub-subparagraph with sexual intent
940 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
941 similar law of another jurisdiction;

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

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

948 (10) PENALTIES.—

949 (b) A sexual predator who has been convicted of or found
950 to have committed, or has pled nolo contendere or guilty to,

951 regardless of adjudication, any violation, or attempted
952 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
953 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
954 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
955 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
956 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a
957 similar law of another jurisdiction when the victim of the
958 offense was a minor, and who works, whether for compensation or
959 as a volunteer, at any business, school, child care facility,
960 park, playground, or other place where children regularly
961 congregate, commits a felony of the third degree, punishable as
962 provided in s. 775.082, s. 775.083, or s. 775.084.

963 Section 22. Subsection (2) and paragraphs (a) and (c) of
964 subsection (3) of section 775.215, Florida Statutes, are amended
965 to read:

966 775.215 Residency restriction for persons convicted of
967 certain sex offenses.—

968 (2) (a) A person who has been convicted of a violation of
969 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
970 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
971 whether adjudication has been withheld, in which the victim of
972 the offense was less than 16 years of age, may not reside within
973 1,000 feet of any school, child care facility, park, or
974 playground. However, a person does not violate this subsection
975 and may not be forced to relocate if he or she is living in a

976 residence that meets the requirements of this subsection and a
977 school, child care facility, park, or playground is subsequently
978 established within 1,000 feet of his or her residence.

979 (b) A person who violates this subsection and whose
980 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
981 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
982 classified as a felony of the first degree or higher commits a
983 felony of the third degree, punishable as provided in s. 775.082
984 or s. 775.083. A person who violates this subsection and whose
985 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
986 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
987 classified as a felony of the second or third degree commits a
988 misdemeanor of the first degree, punishable as provided in s.
989 775.082 or s. 775.083.

990 (c) This subsection applies to any person convicted of a
991 violation of s. 794.011, s. 800.04, former s. 827.071, s.
992 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
993 offenses that occur on or after October 1, 2004, excluding
994 persons who have been removed from the requirement to register
995 as a sexual offender or sexual predator pursuant to s.
996 943.04354.

997 (3) (a) A person who has been convicted of an offense in
998 another jurisdiction that is similar to a violation of s.
999 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1000 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of

1001 whether adjudication has been withheld, in which the victim of
1002 the offense was less than 16 years of age, may not reside within
1003 1,000 feet of any school, child care facility, park, or
1004 playground. However, a person does not violate this subsection
1005 and may not be forced to relocate if he or she is living in a
1006 residence that meets the requirements of this subsection and a
1007 school, child care facility, park, or playground is subsequently
1008 established within 1,000 feet of his or her residence.

1009 (c) This subsection applies to any person convicted of an
1010 offense in another jurisdiction that is similar to a violation
1011 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1012 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
1013 occurred on or after May 26, 2010, excluding persons who have
1014 been removed from the requirement to register as a sexual
1015 offender or sexual predator pursuant to s. 943.04354.

1016 Section 23. Paragraph (c) of subsection (1) of section
1017 784.046, Florida Statutes, is amended to read:

1018 784.046 Action by victim of repeat violence, sexual
1019 violence, or dating violence for protective injunction; dating
1020 violence investigations, notice to victims, and reporting;
1021 pretrial release violations; public records exemption.—

1022 (1) As used in this section, the term:

1023 (c) "Sexual violence" means any one incident of:

- 1024 1. Sexual battery, as defined in chapter 794;
1025 2. A lewd or lascivious act, as defined in chapter 800,

1026 committed upon or in the presence of a person younger than 16
 1027 years of age;

1028 3. Luring or enticing a child, as described in chapter
 1029 787;

1030 4. Sexual performance by a child, as described in former
 1031 s. 827.071 or s. 847.003 ~~chapter 827~~; or

1032 5. Any other forcible felony wherein a sexual act is
 1033 committed or attempted,

1034
 1035 regardless of whether criminal charges based on the incident
 1036 were filed, reduced, or dismissed by the state attorney.

1037 Section 24. Subsection (2) of section 794.0115, Florida
 1038 Statutes, is amended to read:

1039 794.0115 Dangerous sexual felony offender; mandatory
 1040 sentencing.—

1041 (2) Any person who is convicted of a violation of s.
 1042 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 1043 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
 1044 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
 1045 of any similar offense under a former designation, which offense
 1046 the person committed when he or she was 18 years of age or
 1047 older, and the person:

1048 (a) Caused serious personal injury to the victim as a
 1049 result of the commission of the offense;

1050 (b) Used or threatened to use a deadly weapon during the

1051 | commission of the offense;

1052 | (c) Victimized more than one person during the course of
1053 | the criminal episode applicable to the offense;

1054 | (d) Committed the offense while under the jurisdiction of
1055 | a court for a felony offense under the laws of this state, for
1056 | an offense that is a felony in another jurisdiction, or for an
1057 | offense that would be a felony if that offense were committed in
1058 | this state; or

1059 | (e) Has previously been convicted of a violation of s.
1060 | 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1061 | 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1062 | (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of
1063 | any offense under a former statutory designation which is
1064 | similar in elements to an offense described in this paragraph;
1065 | or of any offense that is a felony in another jurisdiction, or
1066 | would be a felony if that offense were committed in this state,
1067 | and which is similar in elements to an offense described in this
1068 | paragraph,

1069 |
1070 | is a dangerous sexual felony offender, who must be sentenced to
1071 | a mandatory minimum term of 25 years imprisonment up to, and
1072 | including, life imprisonment. If the offense described in this
1073 | subsection was committed on or after October 1, 2014, a person
1074 | who qualifies as a dangerous sexual felony offender pursuant to
1075 | this subsection must be sentenced to a mandatory minimum term of

1076 50 years imprisonment up to, and including, life imprisonment.

1077 Section 25. Subsection (1) of section 794.024, Florida
 1078 Statutes, is amended to read:

1079 794.024 Unlawful to disclose identifying information.—

1080 (1) A public employee or officer who has access to the
 1081 photograph, name, or address of a person who is alleged to be
 1082 the victim of an offense described in this chapter, chapter 800,
 1083 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual
 1084 offense described in chapter 847 may not willfully and knowingly
 1085 disclose it to a person who is not assisting in the
 1086 investigation or prosecution of the alleged offense or to any
 1087 person other than the defendant, the defendant's attorney, a
 1088 person specified in an order entered by the court having
 1089 jurisdiction of the alleged offense, or organizations authorized
 1090 to receive such information made exempt by s. 119.071(2)(h), or
 1091 to a rape crisis center or sexual assault counselor, as defined
 1092 in s. 90.5035(1)(b), who will be offering services to the
 1093 victim.

1094 Section 26. Subsection (1) of section 794.056, Florida
 1095 Statutes, is amended to read:

1096 794.056 Rape Crisis Program Trust Fund.—

1097 (1) The Rape Crisis Program Trust Fund is created within
 1098 the Department of Health for the purpose of providing funds for
 1099 rape crisis centers in this state. Trust fund moneys shall be
 1100 used exclusively for the purpose of providing services for

1101 victims of sexual assault. Funds credited to the trust fund
 1102 consist of those funds collected as an additional court
 1103 assessment in each case in which a defendant pleads guilty or
 1104 nolo contendere to, or is found guilty of, regardless of
 1105 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1106 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1107 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1108 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1109 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1110 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1111 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 1112 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1113 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 1114 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 1115 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 1116 credited to the trust fund also shall include revenues provided
 1117 by law, moneys appropriated by the Legislature, and grants from
 1118 public or private entities.

1119 Section 27. Section 794.10, Florida Statutes, is created
 1120 to read:

1121 794.10 Investigative subpoenas in certain cases involving
 1122 child victims.-

1123 (1) DEFINITIONS.-As used in this section, the term:

1124 (a) "Child" means a person who is less than 18 years of
 1125 age.

1126 (b) "Criminal justice agency" means a law enforcement
 1127 agency, court, or prosecutor in this state.

1128 (c) "Sexual exploitation or abuse of a child" means a
 1129 criminal offense based on any conduct described in s. 39.01(70).

1130 (d) "Sexual offender" means a person who meets the
 1131 criteria provided in s. 943.0435(1)(h)1.a.(I) and was convicted
 1132 of at least one qualifying offense that involved a victim who
 1133 was a child at the time of the offense.

1134 (2)(a) AUTHORIZATION.—In any investigation of:

1135 1. An offense involving the sexual exploitation or abuse
 1136 of a child;

1137 2. A sexual offense allegedly committed by a sexual
 1138 offender who has not registered as required under s. 775.21; or

1139 3. An offense under chapter 847 involving a child victim
 1140 that is not otherwise included in subparagraph 1. or
 1141 subparagraph 2.,

1142
 1143 a criminal justice agency may issue in writing and cause to be
 1144 served a subpoena requiring the production of any record,
 1145 object, or other information or testimony described in paragraph
 1146 (b).

1147 (b) A subpoena issued under this section may require:

1148 1. The production of any record, object, or other
 1149 information relevant to the investigation.

1150 2. Testimony by the custodian of the record, object, or

1151 other information concerning its production and authenticity.

1152 (c) A subpoena issued under this section with respect to a
1153 provider of electronic communications services or remote
1154 computing services shall not extend beyond:

1155 1. Requiring the provider to disclose any record, object,
1156 or other information that may be relevant to the investigation;
1157 or

1158 2. Requiring a custodian of the record, object, or other
1159 information of such provider to testify concerning its
1160 production and authenticity.

1161 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this
1162 section shall describe any record, object, or other information
1163 required to be produced and prescribe a reasonable return date
1164 within which the record, object, or other information can be
1165 assembled and made available.

1166 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this
1167 section shall be reimbursed for fees and mileage at the same
1168 rate at which witnesses in the courts of this state are
1169 reimbursed.

1170 (5) PETITIONS BEFORE RETURN DATE.—At any time before the
1171 return date specified in the subpoena, the person or entity
1172 summoned may, in the circuit court of the county in which that
1173 person or entity conducts business or resides, petition for an
1174 order modifying or setting aside the subpoena or the requirement
1175 for nondisclosure of certain information under subsection (6).

1176 (6) NONDISCLOSURE.—
 1177 (a)1. If a subpoena issued under this section is
 1178 accompanied by a written certification under subparagraph 2. and
 1179 notice under paragraph (c), the recipient of the subpoena shall
 1180 not disclose, for a period of 180 days, to any person the
 1181 existence or contents of the subpoena.
 1182 2. The requirement in subparagraph 1. applies if the
 1183 criminal justice agency that issued the subpoena certifies in
 1184 writing that the disclosure may result in one or more of the
 1185 following circumstances:
 1186 a. Endangering a person's life or physical safety;
 1187 b. Encouraging a person's flight from prosecution;
 1188 c. Destruction of or tampering with evidence;
 1189 d. Intimidation of potential witnesses; or
 1190 e. Otherwise seriously jeopardizing an investigation or
 1191 unduly delaying a trial.
 1192 (b)1. A recipient of a subpoena may disclose information
 1193 subject to the nondisclosure requirement in subparagraph (a)1.
 1194 to:
 1195 a. A person to whom disclosure is necessary in order to
 1196 comply with the subpoena;
 1197 b. An attorney in order to obtain legal advice or
 1198 assistance regarding the subpoena; or
 1199 c. Any other person as authorized by the criminal justice
 1200 agency that issued the subpoena.

1201 2. A recipient of a subpoena who discloses to a person
1202 described in subparagraph 1. information subject to the
1203 nondisclosure requirement shall notify such person of the
1204 nondisclosure requirement by providing the person with a copy of
1205 the subpoena. A person to whom information is disclosed under
1206 subparagraph 1. is subject to the nondisclosure requirement in
1207 subparagraph (a)1.

1208 3. At the request of the criminal justice agency that
1209 issued the subpoena, a recipient of a subpoena who discloses or
1210 intends to disclose to a person described in sub-subparagraph
1211 1.a. or sub-subparagraph 1.b. information subject to the
1212 nondisclosure requirement shall provide to the criminal justice
1213 agency the identity of the person to whom such disclosure was or
1214 will be made.

1215 (c)1. The nondisclosure requirement imposed under
1216 paragraph (a) is subject to judicial review under subsection
1217 (13).

1218 2. A subpoena issued under this section, in connection
1219 with which a nondisclosure requirement under paragraph (a) is
1220 imposed, shall include:

1221 a. Notice of the nondisclosure requirement and the
1222 availability of judicial review.

1223 b. Notice that the nondisclosure requirement may subject
1224 the recipient or any person to whom the subpoena is disclosed
1225 under subparagraph (b)1. to contempt of court under subsection

1226 (11) for a violation of the requirement.

1227 (d) The nondisclosure requirement in paragraph (a) may be
1228 extended under subsection (13).

1229 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this
1230 section shall not require the production of anything that is
1231 protected from production under the standards applicable to a
1232 subpoena duces tecum issued by a court of this state.

1233 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding
1234 resulting from the production of any record, object, or other
1235 information under this section does not arise within a
1236 reasonable period of time after such production, the criminal
1237 justice agency to which it was delivered shall, upon written
1238 demand made by the person producing it, return the record,
1239 object, or other information to such person, unless the record
1240 was a copy and not an original.

1241 (9) TIME OF PRODUCTION.—A subpoena issued under this
1242 section may require production of any record, object, or other
1243 information as soon as possible, but the recipient of the
1244 subpoena must have at least 24 hours after he or she is served
1245 to produce the record, object, or other information.

1246 (10) SERVICE.—A subpoena issued under this section may be
1247 served as provided in chapter 48.

1248 (11) ENFORCEMENT.—

1249 (a) If a recipient of a subpoena under this section
1250 refuses to comply with the subpoena, the criminal justice agency

1251 may invoke the aid of any circuit court described in subsection
1252 (5) or of the circuit court of the county in which the
1253 authorized investigation is being conducted. Such court may
1254 issue an order requiring the recipient of a subpoena to appear
1255 before the criminal justice agency that issued the subpoena to
1256 produce any record, object, or other information or to testify
1257 concerning the production and authenticity of the record,
1258 object, or other information.

1259 (b) Any failure to comply with an order under paragraph
1260 (a) or with a nondisclosure requirement under subsection (6) may
1261 be punished by the court as a contempt of court. All process in
1262 any such case may be served in any county in which such person
1263 may be found.

1264 (12) IMMUNITY.—Notwithstanding any other law, any person,
1265 including any officer, agent, or employee, receiving a subpoena
1266 under this section who complies in good faith with the subpoena
1267 and produces or discloses any record, object, or other
1268 information sought is not liable in any court in this state to
1269 any customer or other person for such production or disclosure.

1270 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1271 (a)1.a. If a recipient of a subpoena under this section
1272 wishes to have a court review a nondisclosure requirement under
1273 subsection (6), the recipient may notify the criminal justice
1274 agency issuing the subpoena or file a petition for judicial
1275 review in the circuit court described in subsection (5).

1276 b. Within 30 days after the date on which the criminal
1277 justice agency receives the notification under sub-subparagraph
1278 a., the criminal justice agency shall apply for an order
1279 prohibiting the disclosure of the existence or contents of the
1280 subpoena. An application under this sub-subparagraph may be
1281 filed in the circuit court described in subsection (5) or in the
1282 circuit court of the county in which the authorized
1283 investigation is being conducted.

1284 c. The nondisclosure requirement shall remain in effect
1285 during the pendency of proceedings relating to the requirement.

1286 d. A circuit court that receives a petition under sub-
1287 subparagraph a. or an application under sub-subparagraph b.
1288 shall rule on such petition or application as expeditiously as
1289 possible.

1290 2. An application for a nondisclosure order or extension
1291 thereof or a response to a petition filed under this paragraph
1292 must include a certification from the criminal justice agency
1293 that issued the subpoena indicating that the disclosure of such
1294 information may result in one or more of the circumstances
1295 described in subparagraph (6) (a)2.

1296 3. A circuit court shall issue a nondisclosure order or
1297 extension thereof under this paragraph if it determines that
1298 there is reason to believe that disclosure of such information
1299 may result in one or more of the circumstances described in
1300 subparagraph (6) (a)2.

1301 4. Upon a showing that any of the circumstances described
1302 in subparagraph (6)(a)2. continue to exist, a circuit court may
1303 issue an ex parte order extending a nondisclosure order imposed
1304 under this section for an additional 180 days. There is no limit
1305 on the number of nondisclosure extensions that may be granted
1306 under this subparagraph.

1307 (b) In all proceedings under this subsection, subject to
1308 any right to an open hearing in a contempt proceeding, a circuit
1309 court must close any hearing to the extent necessary to prevent
1310 the unauthorized disclosure of a request for records, objects,
1311 or other information made to any person or entity under this
1312 section. Petitions, filings, records, orders, certifications,
1313 and subpoenas must also be kept under seal to the extent and as
1314 long as necessary to prevent the unauthorized disclosure of any
1315 information under this section.

1316 Section 28. Section 796.001, Florida Statutes, is amended
1317 to read:

1318 796.001 Offenses by adults involving minors; intent.—It is
1319 the intent of the Legislature that adults who involve minors in
1320 any behavior prohibited under this chapter be prosecuted under
1321 other laws of this state, such as, but not limited to, s.
1322 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
1323 ~~chapter 827~~, and chapter 847. The Legislature finds that
1324 prosecution of such adults under this chapter is inappropriate
1325 since a minor is unable to consent to such behavior.

1326 Section 29. Section 827.071, Florida Statutes, is
 1327 repealed.

1328 Section 30. Subsections (3), (8), and (16) of section
 1329 847.001, Florida Statutes, are amended to read:

1330 847.001 Definitions.—As used in this chapter, the term:

1331 (3) "Child pornography" has the same meaning as provided
 1332 in s. 847.0137 ~~means any image depicting a minor engaged in~~
 1333 ~~sexual conduct.~~

1334 (8) "Minor" or "child" means a ~~any~~ person under the age of
 1335 18 years.

1336 (16) "Sexual conduct" means actual or simulated sexual
 1337 intercourse, deviate sexual intercourse, sexual bestiality,
 1338 masturbation, or sadomasochistic abuse; actual or simulated lewd
 1339 exhibition of the genitals; actual physical contact with a
 1340 person's clothed or unclothed genitals, pubic area, buttocks,
 1341 or, if such person is a female, breast with the intent to arouse
 1342 or gratify the sexual desire of either party; or any act or
 1343 conduct which constitutes sexual battery or simulates that
 1344 sexual battery is being or will be committed. A mother's
 1345 breastfeeding of her baby does not under any circumstance
 1346 constitute "sexual conduct."

1347 Section 31. Section 847.003, Florida Statutes, is created
 1348 to read:

1349 847.003 Sexual performance by a child; penalties.—

1350 (1) As used in this section, the term:

1351 (a) "Performance" means a play, motion picture,
1352 photograph, or dance or other visual representation exhibited
1353 before an audience.

1354 (b) "Promote" means to procure, manufacture, issue, sell,
1355 give, provide, lend, mail, deliver, transfer, transmute,
1356 publish, distribute, circulate, disseminate, present, exhibit,
1357 or advertise or to offer or agree to do the same.

1358 (c) "Sexual performance" means a performance or part
1359 thereof which includes sexual conduct by a child.

1360 (2) A person who, knowing the character and content
1361 thereof, employs, authorizes, or induces a child to engage in a
1362 sexual performance or, being a parent, legal guardian, or
1363 custodian of such child, consents to the participation by such
1364 child in a sexual performance commits the offense of use of a
1365 child in a sexual performance, a felony of the second degree,
1366 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1367 (3) A person who, knowing the character and content
1368 thereof, produces, directs, or promotes a performance that
1369 includes sexual conduct by a child commits the offense of
1370 promoting a sexual performance by a child, a felony of the
1371 second degree, punishable as provided in s. 775.082, s. 775.083,
1372 or s. 775.084.

1373 Section 32. Subsections (2), (3), and (4) of section
1374 847.0135, Florida Statutes, are amended to read:

1375 847.0135 Computer pornography; child exploitation

1376 ~~prohibited computer usage; traveling to meet minor; penalties.-~~
 1377 (2) COMPUTER PORNOGRAPHY.—A person who:
 1378 (a) Knowingly compiles, enters into, or transmits by use
 1379 of computer;
 1380 (b) Makes, prints, publishes, or reproduces by other
 1381 computerized means;
 1382 (c) Knowingly causes or allows to be entered into or
 1383 transmitted by use of computer; or
 1384 (d) Buys, sells, receives, exchanges, or disseminates,
 1385
 1386 a ~~any~~ notice, statement, or advertisement of a ~~any~~ minor's name,
 1387 telephone number, place of residence, physical characteristics,
 1388 or other descriptive or identifying information for purposes of
 1389 facilitating, encouraging, offering, or soliciting sexual
 1390 conduct of or with a ~~any~~ minor, or the visual depiction of such
 1391 conduct, commits a felony of the third degree, punishable as
 1392 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 1393 an undercover operative or law enforcement officer was involved
 1394 in the detection and investigation of an offense under this
 1395 section shall not constitute a defense to a prosecution under
 1396 this section.
 1397 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 1398 PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online
 1399 service, Internet service, local bulletin board service, or ~~any~~
 1400 other device capable of electronic data storage or transmission

1401 to:

1402 (a) Seduce, solicit, lure, or entice, or attempt to
 1403 seduce, solicit, lure, or entice, a child or another person
 1404 believed by the person to be a child, to commit an ~~any~~ illegal
 1405 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1406 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1407 in ~~any~~ unlawful sexual conduct with a child or with another
 1408 person believed by the person to be a child; or

1409 (b) Solicit, lure, or entice, or attempt to solicit, lure,
 1410 or entice a parent, legal guardian, or custodian of a child or a
 1411 person believed to be a parent, legal guardian, or custodian of
 1412 a child to consent to the participation of such child in an ~~any~~
 1413 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1414 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1415 in ~~any~~ sexual conduct,

1416
 1417 commits a felony of the third degree, punishable as provided in
 1418 s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in
 1419 violating this subsection, misrepresents his or her age, commits
 1420 a felony of the second degree, punishable as provided in s.
 1421 775.082, s. 775.083, or s. 775.084. Each separate use of a
 1422 computer online service, Internet service, local bulletin board
 1423 service, or ~~any~~ other device capable of electronic data storage
 1424 or transmission wherein an offense described in this section is
 1425 committed may be charged as a separate offense.

1426 (4) TRAVELING TO MEET A MINOR.—~~A~~ Any person who travels
 1427 any distance either within this state, to this state, or from
 1428 this state by any means, who attempts to do so, or who causes
 1429 another to do so or to attempt to do so for the purpose of
 1430 engaging in an ~~any~~ illegal act described in chapter 794, chapter
 1431 800, former s. 827.071 or chapter 827, s. 847.003, or s.
 1432 847.0137, or to otherwise engage in other unlawful sexual
 1433 conduct with a child or with another person believed by the
 1434 person to be a child after using a computer online service,
 1435 Internet service, local bulletin board service, or ~~any~~ other
 1436 device capable of electronic data storage or transmission to:

1437 (a) Seduce, solicit, lure, or entice or attempt to seduce,
 1438 solicit, lure, or entice a child or another person believed by
 1439 the person to be a child, to engage in an ~~any~~ illegal act
 1440 described in chapter 794, chapter 800, former s. 827.071 or
 1441 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
 1442 in other unlawful sexual conduct with a child; or

1443 (b) Solicit, lure, or entice or attempt to solicit, lure,
 1444 or entice a parent, legal guardian, or custodian of a child or a
 1445 person believed to be a parent, legal guardian, or custodian of
 1446 a child to consent to the participation of such child in an ~~any~~
 1447 act described in chapter 794, chapter 800, former s. 827.071 or
 1448 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
 1449 in ~~any~~ sexual conduct,
 1450

1451 commits a felony of the second degree, punishable as provided in
1452 s. 775.082, s. 775.083, or s. 775.084.

1453 Section 33. Subsection (1) of section 847.01357, Florida
1454 Statutes, is amended to read:

1455 847.01357 Exploited children's civil remedy.—

1456 (1) A ~~Any~~ person who, while under the age of 18, was a
1457 victim of a sexual abuse crime listed in chapter 794, chapter
1458 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
1459 portion of such abuse was used in the production of child
1460 pornography, and who suffers personal or psychological injury as
1461 a result of the production, promotion, or possession of such
1462 images or movies, may bring an action in an appropriate state
1463 court against the producer, promoter, or possessor of such
1464 images or movies, regardless of whether the victim is now an
1465 adult. In any action brought under this section, a prevailing
1466 plaintiff shall recover the actual damages such person sustained
1467 and the cost of the suit, including reasonable attorney
1468 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this
1469 section shall be deemed to have sustained damages of at least
1470 \$150,000.

1471 Section 34. Section 847.0137, Florida Statutes, is amended
1472 to read:

1473 847.0137 Child pornography; Transmission of pornography by
1474 ~~electronic device or equipment~~ prohibited acts; penalties.—

1475 (1) For purposes of this section, the term:

1476 (a) ~~"Minor" means any person less than 18 years of age.~~
1477 "Child pornography" means a visual depiction of sexual conduct,
1478 where:

1479 1. The production of such visual depiction involves the
1480 use of a minor engaging in sexual conduct; or

1481 2. Such visual depiction has been created, adapted, or
1482 modified to appear that an identifiable minor is engaging in
1483 sexual conduct.

1484 (b) "Identifiable minor" means a person who is
1485 recognizable as an actual person by the person's face, likeness,
1486 or other distinguishing characteristic, such as a unique
1487 birthmark, or other recognizable feature and:

1488 1. Who was a minor at the time the visual depiction was
1489 created, adapted, or modified; or

1490 2. Whose image as a minor was used in creating, adapting,
1491 or modifying the visual depiction.

1492
1493 This paragraph does not require proof of the actual identity of
1494 the identifiable minor.

1495 (c) "Intentionally view" means to deliberately,
1496 purposefully, and voluntarily view. Proof of intentional viewing
1497 requires establishing that a person deliberately, purposefully,
1498 and voluntarily viewed more than one visual depiction over any
1499 period of time.

1500 (d) "Promote" means to procure, manufacture, issue, sell,

1501 give, provide, lend, mail, deliver, transfer, transmute,
1502 publish, distribute, circulate, disseminate, present, exhibit,
1503 or advertise or to offer or agree to do the same.

1504 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
1505 be delivered, including the act of providing access for
1506 receiving and causing to be delivered, a visual depiction ~~any~~
1507 image, information, or data ~~from one or more persons or places~~
1508 ~~to one or more other persons or places~~ over or through any
1509 medium, including the Internet or an interconnected network, by
1510 use of ~~any~~ electronic equipment or other device.

1511 (f) "Visual depiction" includes, but is not limited to, a
1512 photograph, picture, image, motion picture, film, video,
1513 representation, or computer or computer-generated image or
1514 picture, whether made or produced by electronic, mechanical, or
1515 other means. The term also includes undeveloped film and
1516 videotape, data stored on computer disk or by electronic means
1517 which is capable of conversion into a visual image, and data
1518 that is capable of conversion into a visual image that has been
1519 transmitted by any means, whether stored in a permanent or
1520 nonpermanent format.

1521 (2) (a) It is unlawful for a person to possess, with the
1522 intent to promote, child pornography. The possession of three or
1523 more visual depictions of child pornography is prima facie
1524 evidence of an intent to promote. A person who violates this
1525 paragraph commits a felony of the second degree, punishable as

1526 provided in s. 775.082, s. 775.083, or s. 775.084.

1527 (b) It is unlawful for a person to knowingly possess,
1528 control, or intentionally view child pornography. The
1529 possession, control, or intentional viewing of each visual
1530 depiction of child pornography is a separate offense. If the
1531 visual depiction includes sexual conduct by more than one minor,
1532 each minor in each visual depiction that is knowingly possessed,
1533 controlled, or intentionally viewed is a separate offense. A
1534 person who violates this paragraph commits a felony of the third
1535 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1536 775.084.

1537 (c) This subsection does not apply to child pornography
1538 possessed, controlled, or intentionally viewed as part of a law
1539 enforcement investigation.

1540 (d) Prosecution of a person for an offense under this
1541 subsection does not prohibit prosecution of that person in this
1542 state for a violation of any law of this state, including a law
1543 providing for greater penalties than prescribed in this section
1544 or any other crime punishing the sexual performance or sexual
1545 exploitation of children.

1546 (3) (a) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
1547 person in this state who knew or reasonably should have known
1548 that he or she was transmitting child pornography, ~~as defined in~~
1549 ~~s. 847.001,~~ to another person in this state or in another
1550 jurisdiction commits a felony of the third degree, punishable as

1551 provided in s. 775.082, s. 775.083, or s. 775.084.

1552 (b)~~(3)~~ Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
1553 person in any jurisdiction other than this state who knew or
1554 reasonably should have known that he or she was transmitting
1555 child pornography, ~~as defined in s. 847.001,~~ to another ~~any~~
1556 person in this state commits a felony of the third degree,
1557 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1558 (c)~~(4)~~ This subsection does ~~section shall~~ not be construed
1559 ~~to~~ prohibit prosecution of a person in this state or another
1560 jurisdiction for a violation of any law of this state, including
1561 a law providing for greater penalties than prescribed in this
1562 subsection ~~section~~, for the transmission of child pornography,
1563 ~~as defined in s. 847.001,~~ to another ~~any~~ person in this state.

1564 (d)~~(5)~~ A person is subject to prosecution in this state
1565 pursuant to chapter 910 for any act or conduct proscribed by
1566 this subsection ~~section~~, including a person in a jurisdiction
1567 other than this state, if the act or conduct violates paragraph
1568 (b) ~~subsection (3)~~.

1569 (e) This subsection does ~~The provisions of this section do~~
1570 not apply to subscription-based transmissions such as list
1571 servers.

1572 Section 35. Subsection (1) of section 856.022, Florida
1573 Statutes, is amended to read:

1574 856.022 Loitering or prowling by certain offenders in
1575 close proximity to children; penalty.-

1576 (1) Except as provided in subsection (2), this section
 1577 applies to a person convicted of committing, or attempting,
 1578 soliciting, or conspiring to commit, any of the criminal
 1579 offenses proscribed in the following statutes in this state or
 1580 similar offenses in another jurisdiction against a victim who
 1581 was under 18 years of age at the time of the offense: s. 787.01,
 1582 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 1583 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1584 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1585 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
 1586 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1587 s. 985.701(1); or any similar offense committed in this state
 1588 which has been redesignated from a former statute number to one
 1589 of those listed in this subsection, if the person has not
 1590 received a pardon for any felony or similar law of another
 1591 jurisdiction necessary for the operation of this subsection and
 1592 a conviction of a felony or similar law of another jurisdiction
 1593 necessary for the operation of this subsection has not been set
 1594 aside in any postconviction proceeding.

1595 Section 36. Paragraph (a) of subsection (8) of section
 1596 895.02, Florida Statutes, is amended to read:

1597 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1598 term:

1599 (8) "Racketeering activity" means to commit, to attempt to
 1600 commit, to conspire to commit, or to solicit, coerce, or

1601 intimidate another person to commit:

1602 (a) Any crime that is chargeable by petition, indictment,
1603 or information under the following provisions of the Florida
1604 Statutes:

1605 1. Section 210.18, relating to evasion of payment of
1606 cigarette taxes.

1607 2. Section 316.1935, relating to fleeing or attempting to
1608 elude a law enforcement officer and aggravated fleeing or
1609 eluding.

1610 3. Section 403.727(3)(b), relating to environmental
1611 control.

1612 4. Section 409.920 or s. 409.9201, relating to Medicaid
1613 fraud.

1614 5. Section 414.39, relating to public assistance fraud.

1615 6. Section 440.105 or s. 440.106, relating to workers'
1616 compensation.

1617 7. Section 443.071(4), relating to creation of a
1618 fictitious employer scheme to commit reemployment assistance
1619 fraud.

1620 8. Section 465.0161, relating to distribution of medicinal
1621 drugs without a permit as an Internet pharmacy.

1622 9. Section 499.0051, relating to crimes involving
1623 contraband, adulterated, or misbranded drugs.

1624 10. Part IV of chapter 501, relating to telemarketing.

1625 11. Chapter 517, relating to sale of securities and

1626 investor protection.

1627 12. Section 550.235 or s. 550.3551, relating to dogracing

1628 and horseracing.

1629 13. Chapter 550, relating to jai alai frontons.

1630 14. Section 551.109, relating to slot machine gaming.

1631 15. Chapter 552, relating to the manufacture,

1632 distribution, and use of explosives.

1633 16. Chapter 560, relating to money transmitters, if the

1634 violation is punishable as a felony.

1635 17. Chapter 562, relating to beverage law enforcement.

1636 18. Section 624.401, relating to transacting insurance

1637 without a certificate of authority, s. 624.437(4)(c)1., relating

1638 to operating an unauthorized multiple-employer welfare

1639 arrangement, or s. 626.902(1)(b), relating to representing or

1640 aiding an unauthorized insurer.

1641 19. Section 655.50, relating to reports of currency

1642 transactions, when such violation is punishable as a felony.

1643 20. Chapter 687, relating to interest and usurious

1644 practices.

1645 21. Section 721.08, s. 721.09, or s. 721.13, relating to

1646 real estate timeshare plans.

1647 22. Section 775.13(5)(b), relating to registration of

1648 persons found to have committed any offense for the purpose of

1649 benefiting, promoting, or furthering the interests of a criminal

1650 gang.

- 1651 23. Section 777.03, relating to commission of crimes by
 1652 accessories after the fact.
- 1653 24. Chapter 782, relating to homicide.
- 1654 25. Chapter 784, relating to assault and battery.
- 1655 26. Chapter 787, relating to kidnapping or human
 1656 trafficking.
- 1657 27. Chapter 790, relating to weapons and firearms.
- 1658 28. Chapter 794, relating to sexual battery, but only if
 1659 such crime was committed with the intent to benefit, promote, or
 1660 further the interests of a criminal gang, or for the purpose of
 1661 increasing a criminal gang member's own standing or position
 1662 within a criminal gang.
- 1663 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 1664 796.05, or s. 796.07, relating to prostitution.
- 1665 30. Chapter 806, relating to arson and criminal mischief.
- 1666 31. Chapter 810, relating to burglary and trespass.
- 1667 32. Chapter 812, relating to theft, robbery, and related
 1668 crimes.
- 1669 33. Chapter 815, relating to computer-related crimes.
- 1670 34. Chapter 817, relating to fraudulent practices, false
 1671 pretenses, fraud generally, and credit card crimes.
- 1672 35. Chapter 825, relating to abuse, neglect, or
 1673 exploitation of an elderly person or disabled adult.
- 1674 36. Former s. Section 827.071, relating to commercial
 1675 sexual exploitation of children.

- 1676 37. Section 828.122, relating to fighting or baiting
 1677 animals.
- 1678 38. Chapter 831, relating to forgery and counterfeiting.
- 1679 39. Chapter 832, relating to issuance of worthless checks
 1680 and drafts.
- 1681 40. Section 836.05, relating to extortion.
- 1682 41. Chapter 837, relating to perjury.
- 1683 42. Chapter 838, relating to bribery and misuse of public
 1684 office.
- 1685 43. Chapter 843, relating to obstruction of justice.
- 1686 44. Section 847.003, relating to sexual performance by a
 1687 child.
- 1688 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1689 or s. 847.07, relating to obscene literature and profanity.
- 1690 ~~46.45.~~ Chapter 849, relating to gambling, lottery,
 1691 gambling or gaming devices, slot machines, or any of the
 1692 provisions within that chapter.
- 1693 ~~47.46.~~ Chapter 874, relating to criminal gangs.
- 1694 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
 1695 control.
- 1696 ~~49.48.~~ Chapter 896, relating to offenses related to
 1697 financial transactions.
- 1698 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
 1699 with or harassing a witness, victim, or informant, and
 1700 retaliation against a witness, victim, or informant.

1701 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
1702 with jurors and evidence.

1703 Section 37. Subsection (8) of section 905.34, Florida
1704 Statutes, is amended to read:

1705 905.34 Powers and duties; law applicable.—The jurisdiction
1706 of a statewide grand jury impaneled under this chapter shall
1707 extend throughout the state. The subject matter jurisdiction of
1708 the statewide grand jury shall be limited to the offenses of:

1709 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
1710 or s. 847.0138 relating to computer pornography and child
1711 exploitation prevention, or any offense related to a violation
1712 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
1713 violation of former s. 827.071 ~~chapter 827~~ where the crime is
1714 facilitated by or connected to the use of the Internet or any
1715 device capable of electronic data storage or transmission;

1716
1717 or any attempt, solicitation, or conspiracy to commit any
1718 violation of the crimes specifically enumerated above, when any
1719 such offense is occurring, or has occurred, in two or more
1720 judicial circuits as part of a related transaction or when any
1721 such offense is connected with an organized criminal conspiracy
1722 affecting two or more judicial circuits. The statewide grand
1723 jury may return indictments and presentments irrespective of the
1724 county or judicial circuit where the offense is committed or
1725 triable. If an indictment is returned, it shall be certified and

1726 transferred for trial to the county where the offense was
 1727 committed. The powers and duties of, and law applicable to,
 1728 county grand juries shall apply to a statewide grand jury except
 1729 when such powers, duties, and law are inconsistent with the
 1730 provisions of ss. 905.31-905.40.

1731 Section 38. Paragraph (a) of subsection (1) of section
 1732 934.07, Florida Statutes, is amended to read:

1733 934.07 Authorization for interception of wire, oral, or
 1734 electronic communications.—

1735 (1) The Governor, the Attorney General, the statewide
 1736 prosecutor, or any state attorney may authorize an application
 1737 to a judge of competent jurisdiction for, and such judge may
 1738 grant in conformity with ss. 934.03-934.09 an order authorizing
 1739 or approving the interception of, wire, oral, or electronic
 1740 communications by:

1741 (a) The Department of Law Enforcement or any law
 1742 enforcement agency as defined in s. 934.02 having responsibility
 1743 for the investigation of the offense as to which the application
 1744 is made when such interception may provide or has provided
 1745 evidence of the commission of the offense of murder, kidnapping,
 1746 aircraft piracy, arson, gambling, robbery, burglary, theft,
 1747 dealing in stolen property, criminal usury, bribery, or
 1748 extortion; any felony violation of ss. 790.161-790.166,
 1749 inclusive; any violation of s. 787.06; any violation of chapter
 1750 893; any violation of the provisions of the Florida Anti-Fencing

1751 Act; any violation of chapter 895; any violation of chapter 896;
 1752 any violation of chapter 815; any violation of chapter 847; any
 1753 violation of former s. 827.071; any violation of s. 944.40; or
 1754 any conspiracy or solicitation to commit any violation of the
 1755 laws of this state relating to the crimes specifically
 1756 enumerated in this paragraph.

1757 Section 39. Section 938.085, Florida Statutes, is amended
 1758 to read:

1759 938.085 Additional cost to fund rape crisis centers.—In
 1760 addition to any sanction imposed when a person pleads guilty or
 1761 nolo contendere to, or is found guilty of, regardless of
 1762 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1763 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1764 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1765 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1766 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1767 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1768 796.07(2)(a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1769 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1770 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
 1771 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1772 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1773 shall impose a surcharge of \$151. Payment of the surcharge shall
 1774 be a condition of probation, community control, or any other
 1775 court-ordered supervision. The sum of \$150 of the surcharge

1776 shall be deposited into the Rape Crisis Program Trust Fund
 1777 established within the Department of Health by chapter 2003-140,
 1778 Laws of Florida. The clerk of the court shall retain \$1 of each
 1779 surcharge that the clerk of the court collects as a service
 1780 charge of the clerk's office.

1781 Section 40. Subsection (1) of section 938.10, Florida
 1782 Statutes, is amended to read:

1783 938.10 Additional court cost imposed in cases of certain
 1784 crimes.—

1785 (1) If a person pleads guilty or nolo contendere to, or is
 1786 found guilty of, regardless of adjudication, any offense against
 1787 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1788 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
 1789 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
 1790 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
 1791 893.147(3), or s. 985.701, or any offense in violation of s.
 1792 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1793 court shall impose a court cost of \$151 against the offender in
 1794 addition to any other cost or penalty required by law.

1795 Section 41. Paragraph (h) of subsection (1) of section
 1796 943.0435, Florida Statutes, is amended to read:

1797 943.0435 Sexual offenders required to register with the
 1798 department; penalty.—

1799 (1) As used in this section, the term:

1800 (h)1. "Sexual offender" means a person who meets the

1801 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1802 subparagraph c., or sub-subparagraph d., as follows:

1803 a.(I) Has been convicted of committing, or attempting,
 1804 soliciting, or conspiring to commit, any of the criminal
 1805 offenses proscribed in the following statutes in this state or
 1806 similar offenses in another jurisdiction: s. 393.135(2); s.
 1807 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1808 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1809 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1810 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1811 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
 1812 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 1813 847.0138; s. 847.0145; s. 895.03, if the court makes a written
 1814 finding that the racketeering activity involved at least one
 1815 sexual offense listed in this sub-sub-subparagraph or at least
 1816 one offense listed in this sub-sub-subparagraph with sexual
 1817 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1818 similar offense committed in this state which has been
 1819 redesignated from a former statute number to one of those listed
 1820 in this sub-sub-subparagraph; and

1821 (II) Has been released on or after October 1, 1997, from
 1822 the sanction imposed for any conviction of an offense described
 1823 in sub-sub-subparagraph (I). For purposes of sub-sub-
 1824 subparagraph (I), a sanction imposed in this state or in any
 1825 other jurisdiction includes, but is not limited to, a fine,

1826 | probation, community control, parole, conditional release,
1827 | control release, or incarceration in a state prison, federal
1828 | prison, private correctional facility, or local detention
1829 | facility;

1830 | b. Establishes or maintains a residence in this state and
1831 | who has not been designated as a sexual predator by a court of
1832 | this state but who has been designated as a sexual predator, as
1833 | a sexually violent predator, or by another sexual offender
1834 | designation in another state or jurisdiction and was, as a
1835 | result of such designation, subjected to registration or
1836 | community or public notification, or both, or would be if the
1837 | person were a resident of that state or jurisdiction, without
1838 | regard to whether the person otherwise meets the criteria for
1839 | registration as a sexual offender;

1840 | c. Establishes or maintains a residence in this state who
1841 | is in the custody or control of, or under the supervision of,
1842 | any other state or jurisdiction as a result of a conviction for
1843 | committing, or attempting, soliciting, or conspiring to commit,
1844 | any of the criminal offenses proscribed in the following
1845 | statutes or similar offense in another jurisdiction: s.
1846 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
1847 | 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
1848 | (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
1849 | s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1850 | s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.

1851 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1852 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 1853 makes a written finding that the racketeering activity involved
 1854 at least one sexual offense listed in this sub-subparagraph or
 1855 at least one offense listed in this sub-subparagraph with sexual
 1856 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1857 similar offense committed in this state which has been
 1858 redesignated from a former statute number to one of those listed
 1859 in this sub-subparagraph; or

1860 d. On or after July 1, 2007, has been adjudicated
 1861 delinquent for committing, or attempting, soliciting, or
 1862 conspiring to commit, any of the criminal offenses proscribed in
 1863 the following statutes in this state or similar offenses in
 1864 another jurisdiction when the juvenile was 14 years of age or
 1865 older at the time of the offense:

1866 (I) Section 794.011, excluding s. 794.011(10);

1867 (II) Section 800.04(4)(a)2. where the victim is under 12
 1868 years of age or where the court finds sexual activity by the use
 1869 of force or coercion;

1870 (III) Section 800.04(5)(c)1. where the court finds
 1871 molestation involving unclothed genitals;

1872 (IV) Section 800.04(5)(d) where the court finds the use of
 1873 force or coercion and unclothed genitals; or

1874 (V) Any similar offense committed in this state which has
 1875 been redesignated from a former statute number to one of those

1876 listed in this sub-subparagraph.

1877 2. For all qualifying offenses listed in sub-subparagraph
 1878 1.d., the court shall make a written finding of the age of the
 1879 offender at the time of the offense.

1880
 1881 For each violation of a qualifying offense listed in this
 1882 subsection, except for a violation of s. 794.011, the court
 1883 shall make a written finding of the age of the victim at the
 1884 time of the offense. For a violation of s. 800.04(4), the court
 1885 shall also make a written finding indicating whether the offense
 1886 involved sexual activity and indicating whether the offense
 1887 involved force or coercion. For a violation of s. 800.04(5), the
 1888 court shall also make a written finding that the offense did or
 1889 did not involve unclothed genitals or genital area and that the
 1890 offense did or did not involve the use of force or coercion.

1891 Section 42. Paragraph (a) of subsection (1) and subsection
 1892 (3) of section 943.04354, Florida Statutes, are amended to read:

1893 943.04354 Removal of the requirement to register as a
 1894 sexual offender or sexual predator in special circumstances.—

1895 (1) For purposes of this section, a person shall be
 1896 considered for removal of the requirement to register as a
 1897 sexual offender or sexual predator only if the person:

1898 (a) Was convicted, regardless of adjudication, or
 1899 adjudicated delinquent of a violation of s. 800.04, former s.
 1900 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of

1901 a similar offense in another jurisdiction and if the person does
 1902 not have any other conviction, regardless of adjudication, or
 1903 adjudication of delinquency for a violation of s. 794.011, s.
 1904 800.04, former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 1905 847.0137(2) or for a similar offense in another jurisdiction;

1906 (3) If a person provides to the Department of Law
 1907 Enforcement a certified copy of the court's order removing the
 1908 requirement that the person register as a sexual offender or
 1909 sexual predator for the violation of s. 794.011, s. 800.04,
 1910 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 1911 847.0137(2) or a similar offense in another jurisdiction, the
 1912 registration requirement will not apply to the person and the
 1913 department shall remove all information about the person from
 1914 the public registry of sexual offenders and sexual predators
 1915 maintained by the department. However, the removal of this
 1916 information from the public registry does not mean that the
 1917 public is denied access to information about the person's
 1918 criminal history or record that is otherwise available as a
 1919 public record.

1920 Section 43. Section 943.0585, Florida Statutes, is amended
 1921 to read:

1922 943.0585 Court-ordered expunction of criminal history
 1923 records.—The courts of this state have jurisdiction over their
 1924 own procedures, including the maintenance, expunction, and
 1925 correction of judicial records containing criminal history

1926 information to the extent such procedures are not inconsistent
1927 with the conditions, responsibilities, and duties established by
1928 this section. Any court of competent jurisdiction may order a
1929 criminal justice agency to expunge the criminal history record
1930 of a minor or an adult who complies with the requirements of
1931 this section. The court shall not order a criminal justice
1932 agency to expunge a criminal history record until the person
1933 seeking to expunge a criminal history record has applied for and
1934 received a certificate of eligibility for expunction pursuant to
1935 subsection (2) or subsection (5). A criminal history record that
1936 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1937 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1938 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1939 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
1940 s. 916.1075, a violation enumerated in s. 907.041, or any
1941 violation specified as a predicate offense for registration as a
1942 sexual predator pursuant to s. 775.21, without regard to whether
1943 that offense alone is sufficient to require such registration,
1944 or for registration as a sexual offender pursuant to s.
1945 943.0435, may not be expunged, without regard to whether
1946 adjudication was withheld, if the defendant was found guilty of
1947 or pled guilty or nolo contendere to the offense, or if the
1948 defendant, as a minor, was found to have committed, or pled
1949 guilty or nolo contendere to committing, the offense as a
1950 delinquent act. The court may only order expunction of a

1951 criminal history record pertaining to one arrest or one incident
1952 of alleged criminal activity, except as provided in this
1953 section. The court may, at its sole discretion, order the
1954 expunction of a criminal history record pertaining to more than
1955 one arrest if the additional arrests directly relate to the
1956 original arrest. If the court intends to order the expunction of
1957 records pertaining to such additional arrests, such intent must
1958 be specified in the order. A criminal justice agency may not
1959 expunge any record pertaining to such additional arrests if the
1960 order to expunge does not articulate the intention of the court
1961 to expunge a record pertaining to more than one arrest. This
1962 section does not prevent the court from ordering the expunction
1963 of only a portion of a criminal history record pertaining to one
1964 arrest or one incident of alleged criminal activity.

1965 Notwithstanding any law to the contrary, a criminal justice
1966 agency may comply with laws, court orders, and official requests
1967 of other jurisdictions relating to expunction, correction, or
1968 confidential handling of criminal history records or information
1969 derived therefrom. This section does not confer any right to the
1970 expunction of any criminal history record, and any request for
1971 expunction of a criminal history record may be denied at the
1972 sole discretion of the court.

1973 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1974 petition to a court to expunge a criminal history record is
1975 complete only when accompanied by:

1976 (a) A valid certificate of eligibility for expunction
 1977 issued by the department pursuant to subsection (2).

1978 (b) The petitioner's sworn statement attesting that the
 1979 petitioner:

1980 1. Has never, prior to the date on which the petition is
 1981 filed, been adjudicated guilty of a criminal offense or
 1982 comparable ordinance violation, or been adjudicated delinquent
 1983 for committing any felony or a misdemeanor specified in s.
 1984 943.051(3)(b).

1985 2. Has not been adjudicated guilty of, or adjudicated
 1986 delinquent for committing, any of the acts stemming from the
 1987 arrest or alleged criminal activity to which the petition
 1988 pertains.

1989 3. Has never secured a prior sealing or expunction of a
 1990 criminal history record under this section, s. 943.059, former
 1991 s. 893.14, former s. 901.33, or former s. 943.058, unless
 1992 expunction is sought of a criminal history record previously
 1993 sealed for 10 years pursuant to paragraph (2)(h) and the record
 1994 is otherwise eligible for expunction.

1995 4. Is eligible for such an expunction to the best of his
 1996 or her knowledge or belief and does not have any other petition
 1997 to expunge or any petition to seal pending before any court.

1998
 1999 Any person who knowingly provides false information on such
 2000 sworn statement to the court commits a felony of the third

2001 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2002 775.084.

2003 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 2004 petitioning the court to expunge a criminal history record, a
 2005 person seeking to expunge a criminal history record shall apply
 2006 to the department for a certificate of eligibility for
 2007 expunction. The department shall, by rule adopted pursuant to
 2008 chapter 120, establish procedures pertaining to the application
 2009 for and issuance of certificates of eligibility for expunction.
 2010 A certificate of eligibility for expunction is valid for 12
 2011 months after the date stamped on the certificate when issued by
 2012 the department. After that time, the petitioner must reapply to
 2013 the department for a new certificate of eligibility. Eligibility
 2014 for a renewed certification of eligibility must be based on the
 2015 status of the applicant and the law in effect at the time of the
 2016 renewal application. The department shall issue a certificate of
 2017 eligibility for expunction to a person who is the subject of a
 2018 criminal history record if that person:

2019 (a) Has obtained, and submitted to the department, a
 2020 written, certified statement from the appropriate state attorney
 2021 or statewide prosecutor which indicates:

2022 1. That an indictment, information, or other charging
 2023 document was not filed or issued in the case.

2024 2. That an indictment, information, or other charging
 2025 document, if filed or issued in the case, was dismissed or nolle

2026 | prosequi by the state attorney or statewide prosecutor, or was
2027 | dismissed by a court of competent jurisdiction, and that none of
2028 | the charges related to the arrest or alleged criminal activity
2029 | to which the petition to expunge pertains resulted in a trial,
2030 | without regard to whether the outcome of the trial was other
2031 | than an adjudication of guilt.

2032 | 3. That the criminal history record does not relate to a
2033 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2034 | former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
2035 | former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
2036 | 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
2037 | a violation enumerated in s. 907.041, or any violation specified
2038 | as a predicate offense for registration as a sexual predator
2039 | pursuant to s. 775.21, without regard to whether that offense
2040 | alone is sufficient to require such registration, or for
2041 | registration as a sexual offender pursuant to s. 943.0435, where
2042 | the defendant was found guilty of, or pled guilty or nolo
2043 | contendere to any such offense, or that the defendant, as a
2044 | minor, was found to have committed, or pled guilty or nolo
2045 | contendere to committing, such an offense as a delinquent act,
2046 | without regard to whether adjudication was withheld.

2047 | (b) Remits a \$75 processing fee to the department for
2048 | placement in the Department of Law Enforcement Operating Trust
2049 | Fund, unless such fee is waived by the executive director.

2050 | (c) Has submitted to the department a certified copy of

2051 the disposition of the charge to which the petition to expunge
2052 pertains.

2053 (d) Has never, prior to the date on which the application
2054 for a certificate of eligibility is filed, been adjudicated
2055 guilty of a criminal offense or comparable ordinance violation,
2056 or been adjudicated delinquent for committing any felony or a
2057 misdemeanor specified in s. 943.051(3)(b).

2058 (e) Has not been adjudicated guilty of, or adjudicated
2059 delinquent for committing, any of the acts stemming from the
2060 arrest or alleged criminal activity to which the petition to
2061 expunge pertains.

2062 (f) Has never secured a prior sealing or expunction of a
2063 criminal history record under this section, s. 943.059, former
2064 s. 893.14, former s. 901.33, or former s. 943.058, unless
2065 expunction is sought of a criminal history record previously
2066 sealed for 10 years pursuant to paragraph (h) and the record is
2067 otherwise eligible for expunction.

2068 (g) Is no longer under court supervision applicable to the
2069 disposition of the arrest or alleged criminal activity to which
2070 the petition to expunge pertains.

2071 (h) Has previously obtained a court order sealing the
2072 record under this section, former s. 893.14, former s. 901.33,
2073 or former s. 943.058 for a minimum of 10 years because
2074 adjudication was withheld or because all charges related to the
2075 arrest or alleged criminal activity to which the petition to

2076 expunge pertains were not dismissed prior to trial, without
2077 regard to whether the outcome of the trial was other than an
2078 adjudication of guilt. The requirement for the record to have
2079 previously been sealed for a minimum of 10 years does not apply
2080 when a plea was not entered or all charges related to the arrest
2081 or alleged criminal activity to which the petition to expunge
2082 pertains were dismissed prior to trial.

2083 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2084 (a) In judicial proceedings under this section, a copy of
2085 the completed petition to expunge shall be served upon the
2086 appropriate state attorney or the statewide prosecutor and upon
2087 the arresting agency; however, it is not necessary to make any
2088 agency other than the state a party. The appropriate state
2089 attorney or the statewide prosecutor and the arresting agency
2090 may respond to the court regarding the completed petition to
2091 expunge.

2092 (b) If relief is granted by the court, the clerk of the
2093 court shall certify copies of the order to the appropriate state
2094 attorney or the statewide prosecutor and the arresting agency.
2095 The arresting agency is responsible for forwarding the order to
2096 any other agency to which the arresting agency disseminated the
2097 criminal history record information to which the order pertains.
2098 The department shall forward the order to expunge to the Federal
2099 Bureau of Investigation. The clerk of the court shall certify a
2100 copy of the order to any other agency which the records of the

2101 court reflect has received the criminal history record from the
2102 court.

2103 (c) For an order to expunge entered by a court prior to
2104 July 1, 1992, the department shall notify the appropriate state
2105 attorney or statewide prosecutor of an order to expunge which is
2106 contrary to law because the person who is the subject of the
2107 record has previously been convicted of a crime or comparable
2108 ordinance violation or has had a prior criminal history record
2109 sealed or expunged. Upon receipt of such notice, the appropriate
2110 state attorney or statewide prosecutor shall take action, within
2111 60 days, to correct the record and petition the court to void
2112 the order to expunge. The department shall seal the record until
2113 such time as the order is voided by the court.

2114 (d) On or after July 1, 1992, the department or any other
2115 criminal justice agency is not required to act on an order to
2116 expunge entered by a court when such order does not comply with
2117 the requirements of this section. Upon receipt of such an order,
2118 the department must notify the issuing court, the appropriate
2119 state attorney or statewide prosecutor, the petitioner or the
2120 petitioner's attorney, and the arresting agency of the reason
2121 for noncompliance. The appropriate state attorney or statewide
2122 prosecutor shall take action within 60 days to correct the
2123 record and petition the court to void the order. No cause of
2124 action, including contempt of court, shall arise against any
2125 criminal justice agency for failure to comply with an order to

2126 | expunge when the petitioner for such order failed to obtain the
 2127 | certificate of eligibility as required by this section or such
 2128 | order does not otherwise comply with the requirements of this
 2129 | section.

2130 | (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 2131 | criminal history record of a minor or an adult which is ordered
 2132 | expunged by a court of competent jurisdiction pursuant to this
 2133 | section must be physically destroyed or obliterated by any
 2134 | criminal justice agency having custody of such record; except
 2135 | that any criminal history record in the custody of the
 2136 | department must be retained in all cases. A criminal history
 2137 | record ordered expunged that is retained by the department is
 2138 | confidential and exempt from the provisions of s. 119.07(1) and
 2139 | s. 24(a), Art. I of the State Constitution and not available to
 2140 | any person or entity except upon order of a court of competent
 2141 | jurisdiction. A criminal justice agency may retain a notation
 2142 | indicating compliance with an order to expunge.

2143 | (a) The person who is the subject of a criminal history
 2144 | record that is expunged under this section or under other
 2145 | provisions of law, including former s. 893.14, former s. 901.33,
 2146 | and former s. 943.058, may lawfully deny or fail to acknowledge
 2147 | the arrests covered by the expunged record, except when the
 2148 | subject of the record:

- 2149 | 1. Is a candidate for employment with a criminal justice
 2150 | agency;

- 2151 2. Is a defendant in a criminal prosecution;
- 2152 3. Concurrently or subsequently petitions for relief under
2153 this section, s. 943.0583, or s. 943.059;
- 2154 4. Is a candidate for admission to The Florida Bar;
- 2155 5. Is seeking to be employed or licensed by or to contract
2156 with the Department of Children and Families, the Division of
2157 Vocational Rehabilitation within the Department of Education,
2158 the Agency for Health Care Administration, the Agency for
2159 Persons with Disabilities, the Department of Health, the
2160 Department of Elderly Affairs, or the Department of Juvenile
2161 Justice or to be employed or used by such contractor or licensee
2162 in a sensitive position having direct contact with children, the
2163 disabled, or the elderly;
- 2164 6. Is seeking to be employed or licensed by the Department
2165 of Education, any district school board, any university
2166 laboratory school, any charter school, any private or parochial
2167 school, or any local governmental entity that licenses child
2168 care facilities;
- 2169 7. Is seeking to be licensed by the Division of Insurance
2170 Agent and Agency Services within the Department of Financial
2171 Services; or
- 2172 8. Is seeking to be appointed as a guardian pursuant to s.
2173 744.3125.
- 2174 (b) Subject to the exceptions in paragraph (a), a person
2175 who has been granted an expunction under this section, former s.

2176 893.14, former s. 901.33, or former s. 943.058 may not be held
2177 under any provision of law of this state to commit perjury or to
2178 be otherwise liable for giving a false statement by reason of
2179 such person's failure to recite or acknowledge an expunged
2180 criminal history record.

2181 (c) Information relating to the existence of an expunged
2182 criminal history record which is provided in accordance with
2183 paragraph (a) is confidential and exempt from the provisions of
2184 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2185 except that the department shall disclose the existence of a
2186 criminal history record ordered expunged to the entities set
2187 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
2188 respective licensing, access authorization, and employment
2189 purposes, and to criminal justice agencies for their respective
2190 criminal justice purposes. It is unlawful for any employee of an
2191 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2192 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2193 subparagraph (a)8. to disclose information relating to the
2194 existence of an expunged criminal history record of a person
2195 seeking employment, access authorization, or licensure with such
2196 entity or contractor, except to the person to whom the criminal
2197 history record relates or to persons having direct
2198 responsibility for employment, access authorization, or
2199 licensure decisions. Any person who violates this paragraph
2200 commits a misdemeanor of the first degree, punishable as

2201 provided in s. 775.082 or s. 775.083.

2202 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
 2203 eligibility requirements prescribed in paragraph (1)(b) and
 2204 subsection (2), the department shall issue a certificate of
 2205 eligibility for expunction under this subsection to a person who
 2206 is the subject of a criminal history record if that person:

2207 (a) Has obtained, and submitted to the department, on a
 2208 form provided by the department, a written, certified statement
 2209 from the appropriate state attorney or statewide prosecutor
 2210 which states whether an information, indictment, or other
 2211 charging document was not filed or was dismissed by the state
 2212 attorney, or dismissed by the court, because it was found that
 2213 the person acted in lawful self-defense pursuant to the
 2214 provisions related to justifiable use of force in chapter 776.

2215 (b) Each petition to a court to expunge a criminal history
 2216 record pursuant to this subsection is complete only when
 2217 accompanied by:

2218 1. A valid certificate of eligibility for expunction
 2219 issued by the department pursuant to this subsection.

2220 2. The petitioner's sworn statement attesting that the
 2221 petitioner is eligible for such an expunction to the best of his
 2222 or her knowledge or belief.

2223
 2224 Any person who knowingly provides false information on such
 2225 sworn statement to the court commits a felony of the third

2226 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2227 775.084.

2228 (c) This subsection does not confer any right to the
2229 expunction of a criminal history record, and any request for
2230 expunction of a criminal history record may be denied at the
2231 discretion of the court.

2232 (d) Subsections (3) and (4) shall apply to expunction
2233 ordered under this subsection.

2234 (e) The department shall, by rule adopted pursuant to
2235 chapter 120, establish procedures pertaining to the application
2236 for and issuance of certificates of eligibility for expunction
2237 under this subsection.

2238 (6) STATUTORY REFERENCES.—Any reference to any other
2239 chapter, section, or subdivision of the Florida Statutes in this
2240 section constitutes a general reference under the doctrine of
2241 incorporation by reference.

2242 Section 44. Section 943.059, Florida Statutes, is amended
2243 to read:

2244 943.059 Court-ordered sealing of criminal history
2245 records.—The courts of this state shall continue to have
2246 jurisdiction over their own procedures, including the
2247 maintenance, sealing, and correction of judicial records
2248 containing criminal history information to the extent such
2249 procedures are not inconsistent with the conditions,
2250 responsibilities, and duties established by this section. Any

2251 court of competent jurisdiction may order a criminal justice
2252 agency to seal the criminal history record of a minor or an
2253 adult who complies with the requirements of this section. The
2254 court shall not order a criminal justice agency to seal a
2255 criminal history record until the person seeking to seal a
2256 criminal history record has applied for and received a
2257 certificate of eligibility for sealing pursuant to subsection
2258 (2). A criminal history record that relates to a violation of s.
2259 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
2260 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
2261 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
2262 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
2263 enumerated in s. 907.041, or any violation specified as a
2264 predicate offense for registration as a sexual predator pursuant
2265 to s. 775.21, without regard to whether that offense alone is
2266 sufficient to require such registration, or for registration as
2267 a sexual offender pursuant to s. 943.0435, may not be sealed,
2268 without regard to whether adjudication was withheld, if the
2269 defendant was found guilty of or pled guilty or nolo contendere
2270 to the offense, or if the defendant, as a minor, was found to
2271 have committed or pled guilty or nolo contendere to committing
2272 the offense as a delinquent act. The court may only order
2273 sealing of a criminal history record pertaining to one arrest or
2274 one incident of alleged criminal activity, except as provided in
2275 this section. The court may, at its sole discretion, order the

2276 sealing of a criminal history record pertaining to more than one
2277 arrest if the additional arrests directly relate to the original
2278 arrest. If the court intends to order the sealing of records
2279 pertaining to such additional arrests, such intent must be
2280 specified in the order. A criminal justice agency may not seal
2281 any record pertaining to such additional arrests if the order to
2282 seal does not articulate the intention of the court to seal
2283 records pertaining to more than one arrest. This section does
2284 not prevent the court from ordering the sealing of only a
2285 portion of a criminal history record pertaining to one arrest or
2286 one incident of alleged criminal activity. Notwithstanding any
2287 law to the contrary, a criminal justice agency may comply with
2288 laws, court orders, and official requests of other jurisdictions
2289 relating to sealing, correction, or confidential handling of
2290 criminal history records or information derived therefrom. This
2291 section does not confer any right to the sealing of any criminal
2292 history record, and any request for sealing a criminal history
2293 record may be denied at the sole discretion of the court.

2294 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
2295 petition to a court to seal a criminal history record is
2296 complete only when accompanied by:

2297 (a) A valid certificate of eligibility for sealing issued
2298 by the department pursuant to subsection (2).

2299 (b) The petitioner's sworn statement attesting that the
2300 petitioner:

2301 1. Has never, prior to the date on which the petition is
 2302 filed, been adjudicated guilty of a criminal offense or
 2303 comparable ordinance violation, or been adjudicated delinquent
 2304 for committing any felony or a misdemeanor specified in s.
 2305 943.051(3) (b) .

2306 2. Has not been adjudicated guilty of or adjudicated
 2307 delinquent for committing any of the acts stemming from the
 2308 arrest or alleged criminal activity to which the petition to
 2309 seal pertains.

2310 3. Has never secured a prior sealing or expunction of a
 2311 criminal history record under this section, s. 943.0585, former
 2312 s. 893.14, former s. 901.33, or former s. 943.058.

2313 4. Is eligible for such a sealing to the best of his or
 2314 her knowledge or belief and does not have any other petition to
 2315 seal or any petition to expunge pending before any court.

2316
 2317 Any person who knowingly provides false information on such
 2318 sworn statement to the court commits a felony of the third
 2319 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2320 775.084.

2321 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
 2322 petitioning the court to seal a criminal history record, a
 2323 person seeking to seal a criminal history record shall apply to
 2324 the department for a certificate of eligibility for sealing. The
 2325 department shall, by rule adopted pursuant to chapter 120,

2326 | establish procedures pertaining to the application for and
2327 | issuance of certificates of eligibility for sealing. A
2328 | certificate of eligibility for sealing is valid for 12 months
2329 | after the date stamped on the certificate when issued by the
2330 | department. After that time, the petitioner must reapply to the
2331 | department for a new certificate of eligibility. Eligibility for
2332 | a renewed certification of eligibility must be based on the
2333 | status of the applicant and the law in effect at the time of the
2334 | renewal application. The department shall issue a certificate of
2335 | eligibility for sealing to a person who is the subject of a
2336 | criminal history record provided that such person:

2337 | (a) Has submitted to the department a certified copy of
2338 | the disposition of the charge to which the petition to seal
2339 | pertains.

2340 | (b) Remits a \$75 processing fee to the department for
2341 | placement in the Department of Law Enforcement Operating Trust
2342 | Fund, unless such fee is waived by the executive director.

2343 | (c) Has never, prior to the date on which the application
2344 | for a certificate of eligibility is filed, been adjudicated
2345 | guilty of a criminal offense or comparable ordinance violation,
2346 | or been adjudicated delinquent for committing any felony or a
2347 | misdemeanor specified in s. 943.051(3)(b).

2348 | (d) Has not been adjudicated guilty of or adjudicated
2349 | delinquent for committing any of the acts stemming from the
2350 | arrest or alleged criminal activity to which the petition to

2351 seal pertains.

2352 (e) Has never secured a prior sealing or expunction of a
 2353 criminal history record under this section, s. 943.0585, former
 2354 s. 893.14, former s. 901.33, or former s. 943.058.

2355 (f) Is no longer under court supervision applicable to the
 2356 disposition of the arrest or alleged criminal activity to which
 2357 the petition to seal pertains.

2358 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2359 (a) In judicial proceedings under this section, a copy of
 2360 the completed petition to seal shall be served upon the
 2361 appropriate state attorney or the statewide prosecutor and upon
 2362 the arresting agency; however, it is not necessary to make any
 2363 agency other than the state a party. The appropriate state
 2364 attorney or the statewide prosecutor and the arresting agency
 2365 may respond to the court regarding the completed petition to
 2366 seal.

2367 (b) If relief is granted by the court, the clerk of the
 2368 court shall certify copies of the order to the appropriate state
 2369 attorney or the statewide prosecutor and to the arresting
 2370 agency. The arresting agency is responsible for forwarding the
 2371 order to any other agency to which the arresting agency
 2372 disseminated the criminal history record information to which
 2373 the order pertains. The department shall forward the order to
 2374 seal to the Federal Bureau of Investigation. The clerk of the
 2375 court shall certify a copy of the order to any other agency

2376 | which the records of the court reflect has received the criminal
2377 | history record from the court.

2378 | (c) For an order to seal entered by a court prior to July
2379 | 1, 1992, the department shall notify the appropriate state
2380 | attorney or statewide prosecutor of any order to seal which is
2381 | contrary to law because the person who is the subject of the
2382 | record has previously been convicted of a crime or comparable
2383 | ordinance violation or has had a prior criminal history record
2384 | sealed or expunged. Upon receipt of such notice, the appropriate
2385 | state attorney or statewide prosecutor shall take action, within
2386 | 60 days, to correct the record and petition the court to void
2387 | the order to seal. The department shall seal the record until
2388 | such time as the order is voided by the court.

2389 | (d) On or after July 1, 1992, the department or any other
2390 | criminal justice agency is not required to act on an order to
2391 | seal entered by a court when such order does not comply with the
2392 | requirements of this section. Upon receipt of such an order, the
2393 | department must notify the issuing court, the appropriate state
2394 | attorney or statewide prosecutor, the petitioner or the
2395 | petitioner's attorney, and the arresting agency of the reason
2396 | for noncompliance. The appropriate state attorney or statewide
2397 | prosecutor shall take action within 60 days to correct the
2398 | record and petition the court to void the order. No cause of
2399 | action, including contempt of court, shall arise against any
2400 | criminal justice agency for failure to comply with an order to

2401 seal when the petitioner for such order failed to obtain the
 2402 certificate of eligibility as required by this section or when
 2403 such order does not comply with the requirements of this
 2404 section.

2405 (e) An order sealing a criminal history record pursuant to
 2406 this section does not require that such record be surrendered to
 2407 the court, and such record shall continue to be maintained by
 2408 the department and other criminal justice agencies.

2409 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 2410 history record of a minor or an adult which is ordered sealed by
 2411 a court pursuant to this section is confidential and exempt from
 2412 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2413 Constitution and is available only to the person who is the
 2414 subject of the record, to the subject's attorney, to criminal
 2415 justice agencies for their respective criminal justice purposes,
 2416 which include conducting a criminal history background check for
 2417 approval of firearms purchases or transfers as authorized by
 2418 state or federal law, to judges in the state courts system for
 2419 the purpose of assisting them in their case-related
 2420 decisionmaking responsibilities, as set forth in s. 943.053(5),
 2421 or to those entities set forth in subparagraphs (a)1., 4., 5.,
 2422 6., 8., 9., and 10. for their respective licensing, access
 2423 authorization, and employment purposes.

2424 (a) The subject of a criminal history record sealed under
 2425 this section or under other provisions of law, including former

2426 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 2427 deny or fail to acknowledge the arrests covered by the sealed
 2428 record, except when the subject of the record:

- 2429 1. Is a candidate for employment with a criminal justice
 2430 agency;
- 2431 2. Is a defendant in a criminal prosecution;
- 2432 3. Concurrently or subsequently petitions for relief under
 2433 this section, s. 943.0583, or s. 943.0585;
- 2434 4. Is a candidate for admission to The Florida Bar;
- 2435 5. Is seeking to be employed or licensed by or to contract
 2436 with the Department of Children and Families, the Division of
 2437 Vocational Rehabilitation within the Department of Education,
 2438 the Agency for Health Care Administration, the Agency for
 2439 Persons with Disabilities, the Department of Health, the
 2440 Department of Elderly Affairs, or the Department of Juvenile
 2441 Justice or to be employed or used by such contractor or licensee
 2442 in a sensitive position having direct contact with children, the
 2443 disabled, or the elderly;
- 2444 6. Is seeking to be employed or licensed by the Department
 2445 of Education, a district school board, a university laboratory
 2446 school, a charter school, a private or parochial school, or a
 2447 local governmental entity that licenses child care facilities;
- 2448 7. Is attempting to purchase a firearm from a licensed
 2449 importer, licensed manufacturer, or licensed dealer and is
 2450 subject to a criminal history check under state or federal law;

2451 8. Is seeking to be licensed by the Division of Insurance
 2452 Agent and Agency Services within the Department of Financial
 2453 Services;

2454 9. Is seeking to be appointed as a guardian pursuant to s.
 2455 744.3125; or

2456 10. Is seeking to be licensed by the Bureau of License
 2457 Issuance of the Division of Licensing within the Department of
 2458 Agriculture and Consumer Services to carry a concealed weapon or
 2459 concealed firearm. This subparagraph applies only in the
 2460 determination of an applicant's eligibility under s. 790.06.

2461 (b) Subject to the exceptions in paragraph (a), a person
 2462 who has been granted a sealing under this section, former s.
 2463 893.14, former s. 901.33, or former s. 943.058 may not be held
 2464 under any provision of law of this state to commit perjury or to
 2465 be otherwise liable for giving a false statement by reason of
 2466 such person's failure to recite or acknowledge a sealed criminal
 2467 history record.

2468 (c) Information relating to the existence of a sealed
 2469 criminal record provided in accordance with the provisions of
 2470 paragraph (a) is confidential and exempt from the provisions of
 2471 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 2472 except that the department shall disclose the sealed criminal
 2473 history record to the entities set forth in subparagraphs (a)1.,
 2474 4., 5., 6., 8., 9., and 10. for their respective licensing,
 2475 access authorization, and employment purposes. An employee of an

2476 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2477 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2478 subparagraph (a)9., or subparagraph (a)10. may not disclose
2479 information relating to the existence of a sealed criminal
2480 history record of a person seeking employment, access
2481 authorization, or licensure with such entity or contractor,
2482 except to the person to whom the criminal history record relates
2483 or to persons having direct responsibility for employment,
2484 access authorization, or licensure decisions. A person who
2485 violates the provisions of this paragraph commits a misdemeanor
2486 of the first degree, punishable as provided in s. 775.082 or s.
2487 775.083.

2488 (5) STATUTORY REFERENCES.—Any reference to any other
2489 chapter, section, or subdivision of the Florida Statutes in this
2490 section constitutes a general reference under the doctrine of
2491 incorporation by reference.

2492 Section 45. Paragraph (f) of subsection (1) of section
2493 944.606, Florida Statutes, is amended to read:

2494 944.606 Sexual offenders; notification upon release.—

2495 (1) As used in this section, the term:

2496 (f) "Sexual offender" means a person who has been
2497 convicted of committing, or attempting, soliciting, or
2498 conspiring to commit, any of the criminal offenses proscribed in
2499 the following statutes in this state or similar offenses in
2500 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,

2501 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2502 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2503 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2504 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2505 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2506 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2507 if the court makes a written finding that the racketeering
 2508 activity involved at least one sexual offense listed in this
 2509 paragraph or at least one offense listed in this paragraph with
 2510 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
 2511 any similar offense committed in this state which has been
 2512 redesignated from a former statute number to one of those listed
 2513 in this subsection, when the department has received verified
 2514 information regarding such conviction; an offender's
 2515 computerized criminal history record is not, in and of itself,
 2516 verified information.

2517 Section 46. Paragraph (f) of subsection (1) of section
 2518 944.607, Florida Statutes, is amended to read:

2519 944.607 Notification to Department of Law Enforcement of
 2520 information on sexual offenders.—

2521 (1) As used in this section, the term:

2522 (f) "Sexual offender" means a person who is in the custody
 2523 or control of, or under the supervision of, the department or is
 2524 in the custody of a private correctional facility:

2525 1. On or after October 1, 1997, as a result of a

2526 conviction for committing, or attempting, soliciting, or
 2527 conspiring to commit, any of the criminal offenses proscribed in
 2528 the following statutes in this state or similar offenses in
 2529 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2530 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2531 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2532 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2533 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2534 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2535 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2536 if the court makes a written finding that the racketeering
 2537 activity involved at least one sexual offense listed in this
 2538 subparagraph or at least one offense listed in this subparagraph
 2539 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
 2540 or any similar offense committed in this state which has been
 2541 redesignated from a former statute number to one of those listed
 2542 in this paragraph; or

2543 2. Who establishes or maintains a residence in this state
 2544 and who has not been designated as a sexual predator by a court
 2545 of this state but who has been designated as a sexual predator,
 2546 as a sexually violent predator, or by another sexual offender
 2547 designation in another state or jurisdiction and was, as a
 2548 result of such designation, subjected to registration or
 2549 community or public notification, or both, or would be if the
 2550 person were a resident of that state or jurisdiction, without

2551 regard as to whether the person otherwise meets the criteria for
2552 registration as a sexual offender.

2553 Section 47. Subsections (7), (10), and (14) of section
2554 947.1405, Florida Statutes, are amended, and subsection (15) is
2555 added to that section, to read:

2556 947.1405 Conditional release program.—

2557 (7) (a) Any inmate who is convicted of a crime committed on
2558 or after October 1, 1995, or who has been previously convicted
2559 of a crime committed on or after October 1, 1995, in violation
2560 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
2561 s. 847.0145, and is subject to conditional release supervision,
2562 shall have, in addition to any other conditions imposed, the
2563 following special conditions imposed by the commission:

2564 1. A mandatory curfew from 10 p.m. to 6 a.m. The
2565 commission may designate another 8-hour period if the offender's
2566 employment precludes the above specified time, and such
2567 alternative is recommended by the Department of Corrections. If
2568 the commission determines that imposing a curfew would endanger
2569 the victim, the commission may consider alternative sanctions.

2570 2. If the victim was under the age of 18, a prohibition on
2571 living within 1,000 feet of a school, child care facility, park,
2572 playground, designated public school bus stop, or other place
2573 where children regularly congregate. A releasee who is subject
2574 to this subparagraph may not relocate to a residence that is
2575 within 1,000 feet of a public school bus stop. Beginning October

2576 1, 2004, the commission or the department may not approve a
2577 residence that is located within 1,000 feet of a school, child
2578 care facility, park, playground, designated school bus stop, or
2579 other place where children regularly congregate for any releasee
2580 who is subject to this subparagraph. On October 1, 2004, the
2581 department shall notify each affected school district of the
2582 location of the residence of a releasee 30 days prior to release
2583 and thereafter, if the releasee relocates to a new residence,
2584 shall notify any affected school district of the residence of
2585 the releasee within 30 days after relocation. If, on October 1,
2586 2004, any public school bus stop is located within 1,000 feet of
2587 the existing residence of such releasee, the district school
2588 board shall relocate that school bus stop. Beginning October 1,
2589 2004, a district school board may not establish or relocate a
2590 public school bus stop within 1,000 feet of the residence of a
2591 releasee who is subject to this subparagraph. The failure of the
2592 district school board to comply with this subparagraph shall not
2593 result in a violation of conditional release supervision. A
2594 releasee who is subject to this subparagraph may not be forced
2595 to relocate and does not violate his or her conditional release
2596 supervision if he or she is living in a residence that meets the
2597 requirements of this subparagraph and a school, child care
2598 facility, park, playground, designated public school bus stop,
2599 or other place where children regularly congregate is
2600 subsequently established within 1,000 feet of his or her

2601 residence.

2602 3. Active participation in and successful completion of a
2603 sex offender treatment program with qualified practitioners
2604 specifically trained to treat sex offenders, at the releasee's
2605 own expense. If a qualified practitioner is not available within
2606 a 50-mile radius of the releasee's residence, the offender shall
2607 participate in other appropriate therapy.

2608 4. A prohibition on any contact with the victim, directly
2609 or indirectly, including through a third person, unless approved
2610 by the victim, a qualified practitioner in the sexual offender
2611 treatment program, and the sentencing court.

2612 5. If the victim was under the age of 18, a prohibition
2613 against contact with children under the age of 18 without review
2614 and approval by the commission. The commission may approve
2615 supervised contact with a child under the age of 18 if the
2616 approval is based upon a recommendation for contact issued by a
2617 qualified practitioner who is basing the recommendation on a
2618 risk assessment. Further, the sex offender must be currently
2619 enrolled in or have successfully completed a sex offender
2620 therapy program. The commission may not grant supervised contact
2621 with a child if the contact is not recommended by a qualified
2622 practitioner and may deny supervised contact with a child at any
2623 time. When considering whether to approve supervised contact
2624 with a child, the commission must review and consider the
2625 following:

2626 a. A risk assessment completed by a qualified
 2627 practitioner. The qualified practitioner must prepare a written
 2628 report that must include the findings of the assessment and
 2629 address each of the following components:

2630 (I) The sex offender's current legal status;

2631 (II) The sex offender's history of adult charges with
 2632 apparent sexual motivation;

2633 (III) The sex offender's history of adult charges without
 2634 apparent sexual motivation;

2635 (IV) The sex offender's history of juvenile charges,
 2636 whenever available;

2637 (V) The sex offender's offender treatment history,
 2638 including a consultation from the sex offender's treating, or
 2639 most recent treating, therapist;

2640 (VI) The sex offender's current mental status;

2641 (VII) The sex offender's mental health and substance abuse
 2642 history as provided by the Department of Corrections;

2643 (VIII) The sex offender's personal, social, educational,
 2644 and work history;

2645 (IX) The results of current psychological testing of the
 2646 sex offender if determined necessary by the qualified
 2647 practitioner;

2648 (X) A description of the proposed contact, including the
 2649 location, frequency, duration, and supervisory arrangement;

2650 (XI) The child's preference and relative comfort level

2651 with the proposed contact, when age-appropriate;

2652 (XII) The parent's or legal guardian's preference
2653 regarding the proposed contact; and

2654 (XIII) The qualified practitioner's opinion, along with
2655 the basis for that opinion, as to whether the proposed contact
2656 would likely pose significant risk of emotional or physical harm
2657 to the child.

2658

2659 The written report of the assessment must be given to the
2660 commission.

2661 b. A recommendation made as a part of the risk-assessment
2662 report as to whether supervised contact with the child should be
2663 approved;

2664 c. A written consent signed by the child's parent or legal
2665 guardian, if the parent or legal guardian is not the sex
2666 offender, agreeing to the sex offender having supervised contact
2667 with the child after receiving full disclosure of the sex
2668 offender's present legal status, past criminal history, and the
2669 results of the risk assessment. The commission may not approve
2670 contact with the child if the parent or legal guardian refuses
2671 to give written consent for supervised contact;

2672 d. A safety plan prepared by the qualified practitioner,
2673 who provides treatment to the offender, in collaboration with
2674 the sex offender, the child's parent or legal guardian, and the
2675 child, when age appropriate, which details the acceptable

2676 conditions of contact between the sex offender and the child.
2677 The safety plan must be reviewed and approved by the Department
2678 of Corrections before being submitted to the commission; and

2679 e. Evidence that the child's parent or legal guardian, if
2680 the parent or legal guardian is not the sex offender,
2681 understands the need for and agrees to the safety plan and has
2682 agreed to provide, or to designate another adult to provide,
2683 constant supervision any time the child is in contact with the
2684 offender.

2685
2686 The commission may not appoint a person to conduct a risk
2687 assessment and may not accept a risk assessment from a person
2688 who has not demonstrated to the commission that he or she has
2689 met the requirements of a qualified practitioner as defined in
2690 this section.

2691 6. If the victim was under age 18, a prohibition on
2692 working for pay or as a volunteer at any school, child care
2693 facility, park, playground, or other place where children
2694 regularly congregate, as prescribed by the commission.

2695 7. Unless otherwise indicated in the treatment plan
2696 provided by a qualified practitioner in the sexual offender
2697 treatment program, a prohibition on viewing, owning, or
2698 possessing any obscene, pornographic, or sexually stimulating
2699 visual or auditory material, including telephone, electronic
2700 media, computer programs, or computer services that are relevant

2701 to the offender's deviant behavior pattern.

2702 8. Effective for a releasee whose crime is committed on or
2703 after July 1, 2005, a prohibition on accessing the Internet or
2704 other computer services until a qualified practitioner in the
2705 offender's sex offender treatment program, after a risk
2706 assessment is completed, approves and implements a safety plan
2707 for the offender's accessing or using the Internet or other
2708 computer services.

2709 9. A requirement that the releasee must submit two
2710 specimens of blood to the Department of Law Enforcement to be
2711 registered with the DNA database.

2712 10. A requirement that the releasee make restitution to
2713 the victim, as determined by the sentencing court or the
2714 commission, for all necessary medical and related professional
2715 services relating to physical, psychiatric, and psychological
2716 care.

2717 11. Submission to a warrantless search by the community
2718 control or probation officer of the probationer's or community
2719 controllee's person, residence, or vehicle.

2720 (b) For a releasee whose crime was committed on or after
2721 October 1, 1997, in violation of chapter 794, s. 800.04, former
2722 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2723 to conditional release supervision, in addition to any other
2724 provision of this subsection, the commission shall impose the
2725 following additional conditions of conditional release

2726 supervision:

2727 1. As part of a treatment program, participation in a
2728 minimum of one annual polygraph examination to obtain
2729 information necessary for risk management and treatment and to
2730 reduce the sex offender's denial mechanisms. The polygraph
2731 examination must be conducted by a polygrapher who is a member
2732 of a national or state polygraph association and who is
2733 certified as a postconviction sex offender polygrapher, where
2734 available, and at the expense of the releasee. The results of
2735 the examination shall be provided to the releasee's probation
2736 officer and qualified practitioner and may not be used as
2737 evidence in a hearing to prove that a violation of supervision
2738 has occurred.

2739 2. Maintenance of a driving log and a prohibition against
2740 driving a motor vehicle alone without the prior approval of the
2741 supervising officer.

2742 3. A prohibition against obtaining or using a post office
2743 box without the prior approval of the supervising officer.

2744 4. If there was sexual contact, a submission to, at the
2745 releasee's expense, an HIV test with the results to be released
2746 to the victim or the victim's parent or guardian.

2747 5. Electronic monitoring of any form when ordered by the
2748 commission. Any person who has been placed under supervision and
2749 is electronically monitored by the department must pay the
2750 department for the cost of the electronic monitoring service at

2751 a rate that may not exceed the full cost of the monitoring
2752 service. Funds collected under this subparagraph shall be
2753 deposited into the General Revenue Fund. The department may
2754 exempt a person from the payment of all or any part of the
2755 electronic monitoring service cost if the department finds that
2756 any of the factors listed in s. 948.09(3) exist.

2757 (10) Effective for a releasee whose crime was committed on
2758 or after September 1, 2005, in violation of chapter 794, s.
2759 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2760 the unlawful activity involved a victim who was 15 years of age
2761 or younger and the offender is 18 years of age or older or for a
2762 releasee who is designated as a sexual predator pursuant to s.
2763 775.21, in addition to any other provision of this section, the
2764 commission must order electronic monitoring for the duration of
2765 the releasee's supervision.

2766 (14) Effective for a releasee whose crime was committed on
2767 or after October 1, 2014, in violation of chapter 794, s.
2768 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2769 addition to any other provision of this section, the commission
2770 must impose a condition prohibiting the releasee from viewing,
2771 accessing, owning, or possessing any obscene, pornographic, or
2772 sexually stimulating visual or auditory material unless
2773 otherwise indicated in the treatment plan provided by a
2774 qualified practitioner in the sexual offender treatment program.
2775 Visual or auditory material includes, but is not limited to,

2776 telephone, electronic media, computer programs, and computer
2777 services.

2778 (15) Effective for a releasee whose crime was committed on
2779 or after October 1, 2017, in violation of s. 847.003 or s.
2780 847.0137(2), in addition to any other provision of this section,
2781 the commission must impose the conditions specified in
2782 subsections (7), (10), (12), and (14).

2783 Section 48. Subsection (2) of section 948.013, Florida
2784 Statutes, is amended to read:

2785 948.013 Administrative probation.—

2786 (2)(a) Effective for an offense committed on or after July
2787 1, 1998, and before October 1, 2017, a person is ineligible for
2788 placement on administrative probation if the person is sentenced
2789 to or is serving a term of probation or community control,
2790 regardless of the conviction or adjudication, for committing, or
2791 attempting, conspiring, or soliciting to commit, any of the
2792 felony offenses described in s. 787.01 or s. 787.02, where the
2793 victim is a minor and the defendant is not the victim's parent;
2794 s. 787.025; s. 787.06(3)(g); chapter 794; former s. 796.03; s.
2795 800.04; s. 825.1025(2)(b); former s. 827.071; s. 847.0133; s.
2796 847.0135; or s. 847.0145.

2797 (b) Effective for an offense committed on or after October
2798 1, 2017, a person is ineligible for placement on administrative
2799 probation if the person is sentenced to or is serving a term of
2800 probation or community control, regardless of the conviction or

2801 adjudication, for committing, or attempting, conspiring, or
 2802 soliciting to commit, any of the felony offenses described in s.
 2803 775.21(4)(a)1.a. or (4)(a)1.b. or s. 943.0435(1)(h)1.a.

2804 Section 49. Subsection (2) of section 948.03, Florida
 2805 Statutes, is amended to read:

2806 948.03 Terms and conditions of probation.—

2807 (2) The enumeration of specific kinds of terms and
 2808 conditions shall not prevent the court from adding thereto such
 2809 other or others as it considers proper. However, the sentencing
 2810 court may only impose a condition of supervision allowing an
 2811 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
 2812 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145, to
 2813 reside in another state, if the order stipulates that it is
 2814 contingent upon the approval of the receiving state interstate
 2815 compact authority. The court may rescind or modify at any time
 2816 the terms and conditions theretofore imposed by it upon the
 2817 probationer. However, if the court withholds adjudication of
 2818 guilt or imposes a period of incarceration as a condition of
 2819 probation, the period shall not exceed 364 days, and
 2820 incarceration shall be restricted to either a county facility, a
 2821 probation and restitution center under the jurisdiction of the
 2822 Department of Corrections, a probation program drug punishment
 2823 phase I secure residential treatment institution, or a community
 2824 residential facility owned or operated by any entity providing
 2825 such services.

2826 Section 50. Subsection (1) of section 948.04, Florida
 2827 Statutes, is amended to read:

2828 948.04 Period of probation; duty of probationer; early
 2829 termination.—

2830 (1) Defendants found guilty of felonies who are placed on
 2831 probation shall be under supervision not to exceed 2 years
 2832 unless otherwise specified by the court. No defendant placed on
 2833 probation pursuant to s. 948.012(1) is subject to the probation
 2834 limitations of this subsection. A defendant who is placed on
 2835 probation or community control for a violation of chapter 794,
 2836 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the
 2837 maximum level of supervision provided by the supervising agency,
 2838 and that supervision shall continue through the full term of the
 2839 court-imposed probation or community control.

2840 Section 51. Subsection (4) and paragraph (c) of subsection
 2841 (8) of section 948.06, Florida Statutes, are amended to read:

2842 948.06 Violation of probation or community control;
 2843 revocation; modification; continuance; failure to pay
 2844 restitution or cost of supervision.—

2845 (4) Notwithstanding any other provision of this section, a
 2846 felony probationer or an offender in community control who is
 2847 arrested for violating his or her probation or community control
 2848 in a material respect may be taken before the court in the
 2849 county or circuit in which the probationer or offender was
 2850 arrested. That court shall advise him or her of the charge of a

2851 violation and, if such charge is admitted, shall cause him or
2852 her to be brought before the court that granted the probation or
2853 community control. If the violation is not admitted by the
2854 probationer or offender, the court may commit him or her or
2855 release him or her with or without bail to await further
2856 hearing. However, if the probationer or offender is under
2857 supervision for any criminal offense proscribed in chapter 794,
2858 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2859 a registered sexual predator or a registered sexual offender, or
2860 is under supervision for a criminal offense for which he or she
2861 would meet the registration criteria in s. 775.21, s. 943.0435,
2862 or s. 944.607 but for the effective date of those sections, the
2863 court must make a finding that the probationer or offender is
2864 not a danger to the public prior to release with or without
2865 bail. In determining the danger posed by the offender's or
2866 probationer's release, the court may consider the nature and
2867 circumstances of the violation and any new offenses charged; the
2868 offender's or probationer's past and present conduct, including
2869 convictions of crimes; any record of arrests without conviction
2870 for crimes involving violence or sexual crimes; any other
2871 evidence of allegations of unlawful sexual conduct or the use of
2872 violence by the offender or probationer; the offender's or
2873 probationer's family ties, length of residence in the community,
2874 employment history, and mental condition; his or her history and
2875 conduct during the probation or community control supervision

2876 | from which the violation arises and any other previous
2877 | supervisions, including disciplinary records of previous
2878 | incarcerations; the likelihood that the offender or probationer
2879 | will engage again in a criminal course of conduct; the weight of
2880 | the evidence against the offender or probationer; and any other
2881 | facts the court considers relevant. The court, as soon as is
2882 | practicable, shall give the probationer or offender an
2883 | opportunity to be fully heard on his or her behalf in person or
2884 | by counsel. After the hearing, the court shall make findings of
2885 | fact and forward the findings to the court that granted the
2886 | probation or community control and to the probationer or
2887 | offender or his or her attorney. The findings of fact by the
2888 | hearing court are binding on the court that granted the
2889 | probation or community control. Upon the probationer or offender
2890 | being brought before it, the court that granted the probation or
2891 | community control may revoke, modify, or continue the probation
2892 | or community control or may place the probationer into community
2893 | control as provided in this section. However, the probationer or
2894 | offender shall not be released and shall not be admitted to
2895 | bail, but shall be brought before the court that granted the
2896 | probation or community control if any violation of felony
2897 | probation or community control other than a failure to pay costs
2898 | or fines or make restitution payments is alleged to have been
2899 | committed by:

2900 | (a) A violent felony offender of special concern, as

2901 defined in this section;

2902 (b) A person who is on felony probation or community
 2903 control for any offense committed on or after the effective date
 2904 of this act and who is arrested for a qualifying offense as
 2905 defined in this section; or

2906 (c) A person who is on felony probation or community
 2907 control and has previously been found by a court to be a
 2908 habitual violent felony offender as defined in s. 775.084(1)(b),
 2909 a three-time violent felony offender as defined in s.
 2910 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2911 arrested for committing a qualifying offense as defined in this
 2912 section on or after the effective date of this act.

2913 (8)

2914 (c) For purposes of this section, the term "qualifying
 2915 offense" means any of the following:

2916 1. Kidnapping or attempted kidnapping under s. 787.01,
 2917 false imprisonment of a child under the age of 13 under s.
 2918 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 2919 or (c).

2920 2. Murder or attempted murder under s. 782.04, attempted
 2921 felony murder under s. 782.051, or manslaughter under s. 782.07.

2922 3. Aggravated battery or attempted aggravated battery
 2923 under s. 784.045.

2924 4. Sexual battery or attempted sexual battery under s.
 2925 794.011(2), (3), (4), or (8)(b) or (c).

2926 5. Lewd or lascivious battery or attempted lewd or
 2927 lascivious battery under s. 800.04(4), lewd or lascivious
 2928 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
 2929 conduct under s. 800.04(6) (b), or lewd or lascivious exhibition
 2930 under s. 800.04(7) (b), ~~or lewd or lascivious exhibition on~~
 2931 ~~computer under s. 847.0135(5) (b).~~

2932 6. Robbery or attempted robbery under s. 812.13,
 2933 carjacking or attempted carjacking under s. 812.133, or home
 2934 invasion robbery or attempted home invasion robbery under s.
 2935 812.135.

2936 7. Lewd or lascivious offense upon or in the presence of
 2937 an elderly or disabled person or attempted lewd or lascivious
 2938 offense upon or in the presence of an elderly or disabled person
 2939 under s. 825.1025.

2940 8. Sexual performance by a child or attempted sexual
 2941 performance by a child under former s. 827.071 or s. 847.003.

2942 9. Computer pornography or child exploitation under s.
 2943 847.0135 ~~847.0135(2) or (3), transmission of~~ child pornography
 2944 under s. 847.0137, or selling or buying of minors under s.
 2945 847.0145.

2946 10. Poisoning food or water under s. 859.01.

2947 11. Abuse of a dead human body under s. 872.06.

2948 12. Any burglary offense or attempted burglary offense
 2949 that is either a first degree felony or second degree felony
 2950 under s. 810.02(2) or (3).

- 2951 13. Arson or attempted arson under s. 806.01(1).
 2952 14. Aggravated assault under s. 784.021.
 2953 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2954 (7).
 2955 16. Aircraft piracy under s. 860.16.
 2956 17. Unlawful throwing, placing, or discharging of a
 2957 destructive device or bomb under s. 790.161(2), (3), or (4).
 2958 18. Treason under s. 876.32.
 2959 19. Any offense committed in another jurisdiction which
 2960 would be an offense listed in this paragraph if that offense had
 2961 been committed in this state.

2962 Section 52. Paragraph (c) of subsection (1) of section
 2963 948.062, Florida Statutes, is amended to read:

2964 948.062 Reviewing and reporting serious offenses committed
 2965 by offenders placed on probation or community control.—

2966 (1) The department shall review the circumstances related
 2967 to an offender placed on probation or community control who has
 2968 been arrested while on supervision for the following offenses:

2969 (c) Any sexual performance by a child as provided in
 2970 former s. 827.071 or s. 847.003;

2971 Section 53. Subsection (2) of section 948.101, Florida
 2972 Statutes, is amended to read:

2973 948.101 Terms and conditions of community control.—

2974 (2) The enumeration of specific kinds of terms and
 2975 conditions does not prevent the court from adding any other

2976 terms or conditions that the court considers proper. However,
2977 the sentencing court may only impose a condition of supervision
2978 allowing an offender convicted of s. 794.011, s. 800.04, former
2979 s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.
2980 847.0145 to reside in another state if the order stipulates that
2981 it is contingent upon the approval of the receiving state
2982 interstate compact authority. The court may rescind or modify at
2983 any time the terms and conditions theretofore imposed by it upon
2984 the offender in community control. However, if the court
2985 withholds adjudication of guilt or imposes a period of
2986 incarceration as a condition of community control, the period
2987 may not exceed 364 days, and incarceration shall be restricted
2988 to a county facility, a probation and restitution center under
2989 the jurisdiction of the Department of Corrections, a probation
2990 program drug punishment phase I secure residential treatment
2991 institution, or a community residential facility owned or
2992 operated by any entity providing such services.

2993 Section 54. Subsections (1) and (2), paragraphs (a) and
2994 (c) of subsection (3), and subsection (5) of section 948.30,
2995 Florida Statutes, are amended, and subsection (6) is added to
2996 that section, to read:

2997 948.30 Additional terms and conditions of probation or
2998 community control for certain sex offenses.—Conditions imposed
2999 pursuant to this section do not require oral pronouncement at
3000 the time of sentencing and shall be considered standard

3001 conditions of probation or community control for offenders
3002 specified in this section.

3003 (1) Effective for probationers or community controllees
3004 whose crime was committed on or after October 1, 1995, and who
3005 are placed under supervision for violation of chapter 794, s.
3006 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
3007 court must impose the following conditions in addition to all
3008 other standard and special conditions imposed:

3009 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
3010 may designate another 8-hour period if the offender's employment
3011 precludes the above specified time, and the alternative is
3012 recommended by the Department of Corrections. If the court
3013 determines that imposing a curfew would endanger the victim, the
3014 court may consider alternative sanctions.

3015 (b) If the victim was under the age of 18, a prohibition
3016 on living within 1,000 feet of a school, child care facility,
3017 park, playground, or other place where children regularly
3018 congregate, as prescribed by the court. The 1,000-foot distance
3019 shall be measured in a straight line from the offender's place
3020 of residence to the nearest boundary line of the school, child
3021 care facility, park, playground, or other place where children
3022 congregate. The distance may not be measured by a pedestrian
3023 route or automobile route. A probationer or community controllee
3024 who is subject to this paragraph may not be forced to relocate
3025 and does not violate his or her probation or community control

3026 | if he or she is living in a residence that meets the
3027 | requirements of this paragraph and a school, child care
3028 | facility, park, playground, or other place where children
3029 | regularly congregate is subsequently established within 1,000
3030 | feet of his or her residence.

3031 | (c) Active participation in and successful completion of a
3032 | sex offender treatment program with qualified practitioners
3033 | specifically trained to treat sex offenders, at the
3034 | probationer's or community controllee's own expense. If a
3035 | qualified practitioner is not available within a 50-mile radius
3036 | of the probationer's or community controllee's residence, the
3037 | offender shall participate in other appropriate therapy.

3038 | (d) A prohibition on any contact with the victim, directly
3039 | or indirectly, including through a third person, unless approved
3040 | by the victim, a qualified practitioner in the sexual offender
3041 | treatment program, and the sentencing court.

3042 | (e) If the victim was under the age of 18, a prohibition
3043 | on contact with a child under the age of 18 except as provided
3044 | in this paragraph. The court may approve supervised contact with
3045 | a child under the age of 18 if the approval is based upon a
3046 | recommendation for contact issued by a qualified practitioner
3047 | who is basing the recommendation on a risk assessment. Further,
3048 | the sex offender must be currently enrolled in or have
3049 | successfully completed a sex offender therapy program. The court
3050 | may not grant supervised contact with a child if the contact is

3051 not recommended by a qualified practitioner and may deny
3052 supervised contact with a child at any time. When considering
3053 whether to approve supervised contact with a child, the court
3054 must review and consider the following:

3055 1. A risk assessment completed by a qualified
3056 practitioner. The qualified practitioner must prepare a written
3057 report that must include the findings of the assessment and
3058 address each of the following components:

3059 a. The sex offender's current legal status;

3060 b. The sex offender's history of adult charges with
3061 apparent sexual motivation;

3062 c. The sex offender's history of adult charges without
3063 apparent sexual motivation;

3064 d. The sex offender's history of juvenile charges,
3065 whenever available;

3066 e. The sex offender's offender treatment history,
3067 including consultations with the sex offender's treating, or
3068 most recent treating, therapist;

3069 f. The sex offender's current mental status;

3070 g. The sex offender's mental health and substance abuse
3071 treatment history as provided by the Department of Corrections;

3072 h. The sex offender's personal, social, educational, and
3073 work history;

3074 i. The results of current psychological testing of the sex
3075 offender if determined necessary by the qualified practitioner;

3076 j. A description of the proposed contact, including the
 3077 location, frequency, duration, and supervisory arrangement;
 3078 k. The child's preference and relative comfort level with
 3079 the proposed contact, when age appropriate;
 3080 1. The parent's or legal guardian's preference regarding
 3081 the proposed contact; and
 3082 m. The qualified practitioner's opinion, along with the
 3083 basis for that opinion, as to whether the proposed contact would
 3084 likely pose significant risk of emotional or physical harm to
 3085 the child.
 3086
 3087 The written report of the assessment must be given to the court;
 3088 2. A recommendation made as a part of the risk assessment
 3089 report as to whether supervised contact with the child should be
 3090 approved;
 3091 3. A written consent signed by the child's parent or legal
 3092 guardian, if the parent or legal guardian is not the sex
 3093 offender, agreeing to the sex offender having supervised contact
 3094 with the child after receiving full disclosure of the sex
 3095 offender's present legal status, past criminal history, and the
 3096 results of the risk assessment. The court may not approve
 3097 contact with the child if the parent or legal guardian refuses
 3098 to give written consent for supervised contact;
 3099 4. A safety plan prepared by the qualified practitioner,
 3100 who provides treatment to the offender, in collaboration with

3101 the sex offender, the child's parent or legal guardian, if the
3102 parent or legal guardian is not the sex offender, and the child,
3103 when age appropriate, which details the acceptable conditions of
3104 contact between the sex offender and the child. The safety plan
3105 must be reviewed and approved by the court; and

3106 5. Evidence that the child's parent or legal guardian
3107 understands the need for and agrees to the safety plan and has
3108 agreed to provide, or to designate another adult to provide,
3109 constant supervision any time the child is in contact with the
3110 offender.

3111
3112 The court may not appoint a person to conduct a risk assessment
3113 and may not accept a risk assessment from a person who has not
3114 demonstrated to the court that he or she has met the
3115 requirements of a qualified practitioner as defined in this
3116 section.

3117 (f) If the victim was under age 18, a prohibition on
3118 working for pay or as a volunteer at any place where children
3119 regularly congregate, including, but not limited to, schools,
3120 child care facilities, parks, playgrounds, pet stores,
3121 libraries, zoos, theme parks, and malls.

3122 (g) Unless otherwise indicated in the treatment plan
3123 provided by a qualified practitioner in the sexual offender
3124 treatment program, a prohibition on viewing, accessing, owning,
3125 or possessing any obscene, pornographic, or sexually stimulating

3126 visual or auditory material, including telephone, electronic
3127 media, computer programs, or computer services that are relevant
3128 to the offender's deviant behavior pattern.

3129 (h) Effective for probationers and community controllees
3130 whose crime is committed on or after July 1, 2005, a prohibition
3131 on accessing the Internet or other computer services until a
3132 qualified practitioner in the offender's sex offender treatment
3133 program, after a risk assessment is completed, approves and
3134 implements a safety plan for the offender's accessing or using
3135 the Internet or other computer services.

3136 (i) A requirement that the probationer or community
3137 controllee must submit a specimen of blood or other approved
3138 biological specimen to the Department of Law Enforcement to be
3139 registered with the DNA data bank.

3140 (j) A requirement that the probationer or community
3141 controllee make restitution to the victim, as ordered by the
3142 court under s. 775.089, for all necessary medical and related
3143 professional services relating to physical, psychiatric, and
3144 psychological care.

3145 (k) Submission to a warrantless search by the community
3146 control or probation officer of the probationer's or community
3147 controllee's person, residence, or vehicle.

3148 (2) Effective for a probationer or community controllee
3149 whose crime was committed on or after October 1, 1997, and who
3150 is placed on community control or sex offender probation for a

3151 violation of chapter 794, s. 800.04, former s. 827.071, s.
3152 847.0135(5), or s. 847.0145, in addition to any other provision
3153 of this section, the court must impose the following conditions
3154 of probation or community control:

3155 (a) As part of a treatment program, participation at least
3156 annually in polygraph examinations to obtain information
3157 necessary for risk management and treatment and to reduce the
3158 sex offender's denial mechanisms. A polygraph examination must
3159 be conducted by a polygrapher who is a member of a national or
3160 state polygraph association and who is certified as a
3161 postconviction sex offender polygrapher, where available, and
3162 shall be paid for by the probationer or community controllee.
3163 The results of the polygraph examination shall be provided to
3164 the probationer's or community controllee's probation officer
3165 and qualified practitioner and shall not be used as evidence in
3166 court to prove that a violation of community supervision has
3167 occurred.

3168 (b) Maintenance of a driving log and a prohibition against
3169 driving a motor vehicle alone without the prior approval of the
3170 supervising officer.

3171 (c) A prohibition against obtaining or using a post office
3172 box without the prior approval of the supervising officer.

3173 (d) If there was sexual contact, a submission to, at the
3174 probationer's or community controllee's expense, an HIV test
3175 with the results to be released to the victim or the victim's

3176 parent or guardian.

3177 (e) Electronic monitoring when deemed necessary by the
3178 community control or probation officer and his or her
3179 supervisor, and ordered by the court at the recommendation of
3180 the Department of Corrections.

3181 (3) Effective for a probationer or community controllee
3182 whose crime was committed on or after September 1, 2005, and
3183 who:

3184 (a) Is placed on probation or community control for a
3185 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
3186 827.071, or s. 847.0145 and the unlawful sexual activity
3187 involved a victim 15 years of age or younger and the offender is
3188 18 years of age or older;

3189 (c) Has previously been convicted of a violation of
3190 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
3191 847.0145 and the unlawful sexual activity involved a victim 15
3192 years of age or younger and the offender is 18 years of age or
3193 older,

3194
3195 the court must order, in addition to any other provision of this
3196 section, mandatory electronic monitoring as a condition of the
3197 probation or community control supervision.

3198 (5) Effective for a probationer or community controllee
3199 whose crime was committed on or after October 1, 2014, and who
3200 is placed on probation or community control for a violation of

3201 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
 3202 847.0145, in addition to all other conditions imposed, the court
 3203 must impose a condition prohibiting the probationer or community
 3204 controllee from viewing, accessing, owning, or possessing any
 3205 obscene, pornographic, or sexually stimulating visual or
 3206 auditory material unless otherwise indicated in the treatment
 3207 plan provided by a qualified practitioner in the sexual offender
 3208 treatment program. Visual or auditory material includes, but is
 3209 not limited to, telephone, electronic media, computer programs,
 3210 and computer services.

3211 (6) Effective for a probationer or community controllee
 3212 whose crime was committed on or after October 1, 2017, and who
 3213 is placed under supervision for violation of s. 847.003 or s.
 3214 847.0137(2), the court must impose the conditions specified in
 3215 subsections (1)-(5) in addition to all other standard and
 3216 special conditions imposed.

3217 Section 55. Subsection (1) of section 948.32, Florida
 3218 Statutes, is amended to read:

3219 948.32 Requirements of law enforcement agency upon arrest
 3220 of persons for certain sex offenses.—

3221 (1) When any state or local law enforcement agency
 3222 investigates or arrests a person for committing, or attempting,
 3223 soliciting, or conspiring to commit, a violation of s.
 3224 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 3225 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.

3226 847.0135, 847.0137(2), or s. 847.0145, the law enforcement
 3227 agency shall contact the Department of Corrections to verify
 3228 whether the person under investigation or under arrest is on
 3229 probation, community control, parole, conditional release, or
 3230 control release.

3231 Section 56. Paragraph (e) of subsection (3) and subsection
 3232 (10) of section 960.03, Florida Statutes, are amended to read:

3233 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3234 960.01-960.28, unless the context otherwise requires, the term:

3235 (3) "Crime" means:

3236 (e) A violation of former s. 827.071, s. 847.003, s.
 3237 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
 3238 exploitation and child pornography.

3239 (10) "Identified victim of child pornography" means any
 3240 person who, while under the age of 18, is depicted in any visual
 3241 depiction ~~image or movie~~ of child pornography, as defined in s.
 3242 847.0137, and who is identified through a report generated by a
 3243 law enforcement agency and provided to the National Center for
 3244 Missing and Exploited Children's Child Victim Identification
 3245 Program.

3246 Section 57. Section 960.197, Florida Statutes, is amended
 3247 to read:

3248 960.197 Assistance to victims of online sexual
 3249 exploitation and child pornography.—

3250 (1) Notwithstanding the criteria set forth in s. 960.13

3251 for crime victim compensation awards, the department may award
 3252 compensation for counseling and other mental health services to
 3253 treat psychological injury or trauma to:

3254 (a) A child younger than 18 years of age who suffers
 3255 psychiatric or psychological injury as a direct result of online
 3256 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
 3257 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does
 3258 not otherwise sustain a personal injury or death; or

3259 (b) Any person who, while younger than age 18, was
 3260 depicted in any visual depiction ~~image or movie, regardless of~~
 3261 ~~length~~, of child pornography as defined in s. 847.0137 ~~847.001~~,
 3262 who has been identified by a law enforcement agency or the
 3263 National Center for Missing and Exploited Children as an
 3264 identified victim of child pornography, who suffers psychiatric
 3265 or psychological injury as a direct result of the crime, and who
 3266 does not otherwise sustain a personal injury or death.

3267 (2) Compensation under this section is not contingent upon
 3268 pursuit of a criminal investigation or prosecution.

3269 Section 58. Paragraph (d) of subsection (4) of section
 3270 985.04, Florida Statutes, is amended to read:

3271 985.04 Oaths; records; confidential information.—

3272 (4)

3273 (d) The department shall disclose to the school
 3274 superintendent the presence of any child in the care and custody
 3275 or under the jurisdiction or supervision of the department who

3276 has a known history of criminal sexual behavior with other
3277 juveniles; is alleged to have committed juvenile sexual abuse as
3278 defined in s. 39.01; or has pled guilty or nolo contendere to,
3279 or has been found to have committed, a violation of chapter 794,
3280 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
3281 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
3282 adjudication. Any employee of a district school board who
3283 knowingly and willfully discloses such information to an
3284 unauthorized person commits a misdemeanor of the second degree,
3285 punishable as provided in s. 775.082 or s. 775.083.

3286 Section 59. Paragraph (a) of subsection (1) of section
3287 985.475, Florida Statutes, is amended to read:

3288 985.475 Juvenile sexual offenders.—

3289 (1) CRITERIA.—A "juvenile sexual offender" means:

3290 (a) A juvenile who has been found by the court under s.
3291 985.35 to have committed a violation of chapter 794, chapter
3292 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
3293 or s. 847.0137(2);

3294 Section 60. Paragraphs (mm) and (oo) of subsection (1) of
3295 section 1012.315, Florida Statutes, are amended to read:

3296 1012.315 Disqualification from employment.—A person is
3297 ineligible for educator certification, and instructional
3298 personnel and school administrators, as defined in s. 1012.01,
3299 are ineligible for employment in any position that requires
3300 direct contact with students in a district school system,

3301 charter school, or private school that accepts scholarship
 3302 students under s. 1002.39 or s. 1002.395, if the person,
 3303 instructional personnel, or school administrator has been
 3304 convicted of:

3305 (1) Any felony offense prohibited under any of the
 3306 following statutes:

3307 (mm) Former s. Section 827.071, relating to sexual
 3308 performance by a child.

3309 (oo) Chapter 847, relating to obscenity and child
 3310 exploitation.

3311 Section 61. Paragraphs (e), (f), and (h) of subsection (3)
 3312 of section 921.0022, Florida Statutes, are amended to read:

3313 921.0022 Criminal Punishment Code; offense severity
 3314 ranking chart.—

3315 (3) OFFENSE SEVERITY RANKING CHART

3316 (e) LEVEL 5

3317

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

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3320	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
3321	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3322	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3323	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap

			tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
3324	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3325	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
3326	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3327	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3328	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3329	440.381 (2)	2nd	Submission of false,

			misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3330	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3331	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3332	790.01 (2)	3rd	Carrying a concealed firearm.
3333	790.162	2nd	Threat to throw or discharge destructive device.
3334	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3335	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.

3336	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3337	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3338	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3339	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3340	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3341	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3342			

3343	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3344	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3345	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3346	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3347	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3348	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

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3349	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3350	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3351	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
3352	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3353	827.071 (4)	2nd	Possess with intent to promote any photographic material,

3354	827.071(5)	3rd	motion picture, etc., which includes sexual conduct by a child.
3355	839.13 (2) (b)	2nd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3356	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
3357	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
3358			Lewd or lascivious exhibition using computer; offender 18 years or older.

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3359	<u>847.0137(2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with</u>
3360			<u>intent to promote.</u>
3361	<u>847.0137(2) (b)</u>	<u>3rd</u>	<u>Possess, control, or</u>
			<u>intentionally view child</u>
			<u>pornography.</u>
3362	<u>847.0137(3)</u>	<u>3rd</u>	Transmission of <u>child</u>
	847.0137		pornography by electronic
	(2) & (3)		device or equipment.
3363	847.0138	<u>3rd</u>	Transmission of material
	(2) & (3)		harmful to minors to a minor by
			electronic device or equipment.
3364	874.05(1) (b)	<u>2nd</u>	Encouraging or recruiting
			another to join a criminal
			gang; second or subsequent
			offense.
3365	874.05(2) (a)	<u>2nd</u>	Encouraging or recruiting
			person under 13 years of age to
			join a criminal gang.

3366

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

3367

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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

3368	893.13(1)(e)2.	2nd	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
3369	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>
3370	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
3371	893.1351(1)	3rd	<p>Ownership, lease, or rental for trafficking in or manufacturing</p>

3372	of controlled substance.		
3373	(f) LEVEL 6		
3374	Florida Statute	Felony Degree	Description
3375	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3376	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3377	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3378	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3379	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from

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3380			unauthorized person.
	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3381			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3382			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3383			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3384			
	784.041	3rd	Felony battery; domestic battery by strangulation.
3385			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
3386			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
3387			
	784.07 (2) (c)	2nd	Aggravated assault on law

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			enforcement officer.
3388	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3389	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3390	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3391	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3392	784.083 (2)	2nd	Aggravated assault on code inspector.
3393	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3394	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.

3395	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3396	790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
3397	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3398	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3399	794.05(1)	2nd	Unlawful sexual activity with specified minor.
3400	800.04(5)(d)	3rd	Lewd or lascivious molestation;

3401			victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3402			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3403			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3404			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3405			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3406			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of

			others.
3407	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3408	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3409	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3410	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3411	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3412	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3413	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or

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			disabled adult.
3414	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3415	827.03 (2) (c)	3rd	Abuse of a child.
3416	827.03 (2) (d)	3rd	Neglect of a child.
3417	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3418	836.05	2nd	Threats; extortion.
3419	836.10	2nd	Written threats to kill or do bodily injury.
3420	843.12	3rd	Aids or assists person to escape.
3421	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>

3422	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3423	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3424	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3425	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3426	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
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3428	944.40	2nd	Escapes.
3429	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3430	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3431	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
3432	(h) LEVEL 8		
3433	Florida	Felony	
3434	Statute	Degree	Description
3435	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
3436	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

3437	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3438	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
3439	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
3440	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
3441	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial

			institutions.
3442	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
3443	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3444	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
3445	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
3446	782.072 (2)	1st	Committing vessel homicide and

			failing to render aid or give information.
3447	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
3448	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3449	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3450	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
3451	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the

3452	790.161 (3)	1st	state. Discharging a destructive device which results in bodily harm or property damage.
3453	794.011 (5) (a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
3454	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
3455	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3456			

	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
3457	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3458	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3459	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3460	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3461	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.

3462	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3463	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3464	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3465	812.13 (2) (b)	1st	Robbery with a weapon.
3466	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3467	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3468	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property

3469	817.535 (4) (a) 1.	2nd	owner is a public officer or employee. Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3470	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3471	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3472	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3473	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.

3474	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3475	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3476	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3477	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3478	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3479	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad

			vehicle resulting in great bodily harm.
3480	860.16	1st	Aircraft piracy.
3481	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3482	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3483	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3484	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3485	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.

3486	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3487	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3488	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3489	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3490	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
3491	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
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3493	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3494	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3495	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3496	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3497	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

3498 895.03 (2) 1st Acquire or maintain through
racketeering activity any
interest in or control of any
enterprise or real property.

3499 895.03 (3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

3500 896.101 (5) (b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

3501 896.104 (4) (a) 2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

3502

3503 Section 62. The Division of Law Revision and Information
3504 is directed to rename chapter 847, Florida Statutes, as
3505 "Obscenity; Child Exploitation."

3506 Section 63. For the purpose of incorporating the amendment
3507 made by this act to section 39.0139, Florida Statutes, in a
3508 reference thereto, paragraph (a) of subsection (9) of section
3509 39.402, Florida Statutes, is reenacted to read:

3510 39.402 Placement in a shelter.—

3511 (9) (a) At any shelter hearing, the department shall
3512 provide to the court a recommendation for scheduled contact
3513 between the child and parents, if appropriate. The court shall
3514 determine visitation rights absent a clear and convincing
3515 showing that visitation is not in the best interest of the
3516 child. Any order for visitation or other contact must conform to
3517 s. 39.0139. If visitation is ordered but will not commence
3518 within 72 hours of the shelter hearing, the department shall
3519 provide justification to the court.

3520 Section 64. For the purpose of incorporating the amendment
3521 made by this act to section 39.0139, Florida Statutes, in a
3522 reference thereto, subsection (6) of section 39.506, Florida
3523 Statutes, is reenacted to read:

3524 39.506 Arraignment hearings.—

3525 (6) At any arraignment hearing, if the child is in an out-
3526 of-home placement, the court shall order visitation rights
3527 absent a clear and convincing showing that visitation is not in
3528 the best interest of the child. Any order for visitation or
3529 other contact must conform to the provisions of s. 39.0139.

3530 Section 65. For the purpose of incorporating the amendment

3531 made by this act to section 775.21, Florida Statutes, in a
3532 reference thereto, paragraph (b) of subsection (6) of section
3533 39.509, Florida Statutes, is reenacted to read:

3534 39.509 Grandparents rights.—Notwithstanding any other
3535 provision of law, a maternal or paternal grandparent as well as
3536 a stepgrandparent is entitled to reasonable visitation with his
3537 or her grandchild who has been adjudicated a dependent child and
3538 taken from the physical custody of the parent unless the court
3539 finds that such visitation is not in the best interest of the
3540 child or that such visitation would interfere with the goals of
3541 the case plan. Reasonable visitation may be unsupervised and,
3542 where appropriate and feasible, may be frequent and continuing.
3543 Any order for visitation or other contact must conform to the
3544 provisions of s. 39.0139.

3545 (6) In determining whether grandparental visitation is not
3546 in the child's best interest, consideration may be given to the
3547 following:

3548 (b) The designation by a court as a sexual predator as
3549 defined in s. 775.21 or a substantially similar designation
3550 under laws of another jurisdiction.

3551 Section 66. For the purpose of incorporating the amendment
3552 made by this act to section 39.0139, Florida Statutes, in a
3553 reference thereto, paragraph (d) of subsection (3) of section
3554 39.521, Florida Statutes, is reenacted to read:

3555 39.521 Disposition hearings; powers of disposition.—

3556 (3) When any child is adjudicated by a court to be
3557 dependent, the court shall determine the appropriate placement
3558 for the child as follows:

3559 (d) If the child cannot be safely placed in a nonlicensed
3560 placement, the court shall commit the child to the temporary
3561 legal custody of the department. Such commitment invests in the
3562 department all rights and responsibilities of a legal custodian.
3563 The department shall not return any child to the physical care
3564 and custody of the person from whom the child was removed,
3565 except for court-approved visitation periods, without the
3566 approval of the court. Any order for visitation or other contact
3567 must conform to the provisions of s. 39.0139. The term of such
3568 commitment continues until terminated by the court or until the
3569 child reaches the age of 18. After the child is committed to the
3570 temporary legal custody of the department, all further
3571 proceedings under this section are governed by this chapter.

3572
3573 Protective supervision continues until the court terminates it
3574 or until the child reaches the age of 18, whichever date is
3575 first. Protective supervision shall be terminated by the court
3576 whenever the court determines that permanency has been achieved
3577 for the child, whether with a parent, another relative, or a
3578 legal custodian, and that protective supervision is no longer
3579 needed. The termination of supervision may be with or without
3580 retaining jurisdiction, at the court's discretion, and shall in

3581 either case be considered a permanency option for the child. The
3582 order terminating supervision by the department shall set forth
3583 the powers of the custodian of the child and shall include the
3584 powers ordinarily granted to a guardian of the person of a minor
3585 unless otherwise specified. Upon the court's termination of
3586 supervision by the department, no further judicial reviews are
3587 required, so long as permanency has been established for the
3588 child.

3589 Section 67. For the purpose of incorporating the amendment
3590 made by this act to section 39.01, Florida Statutes, in a
3591 reference thereto, subsection (1) of section 39.524, Florida
3592 Statutes, is reenacted to read:

3593 39.524 Safe-harbor placement.—

3594 (1) Except as provided in s. 39.407 or s. 985.801, a
3595 dependent child 6 years of age or older who has been found to be
3596 a victim of sexual exploitation as defined in s. 39.01(70)(g)
3597 must be assessed for placement in a safe house or safe foster
3598 home as provided in s. 409.1678 using the initial screening and
3599 assessment instruments provided in s. 409.1754(1). If such
3600 placement is determined to be appropriate for the child as a
3601 result of this assessment, the child may be placed in a safe
3602 house or safe foster home, if one is available. However, the
3603 child may be placed in another setting, if the other setting is
3604 more appropriate to the child's needs or if a safe house or safe
3605 foster home is unavailable, as long as the child's behaviors are

3606 managed so as not to endanger other children served in that
3607 setting.

3608 Section 68. For the purpose of incorporating the amendment
3609 made by this act to section 775.21, Florida Statutes, in
3610 references thereto, paragraphs (d) and (n) of subsection (1) of
3611 section 39.806, Florida Statutes, are reenacted to read:

3612 39.806 Grounds for termination of parental rights.—

3613 (1) Grounds for the termination of parental rights may be
3614 established under any of the following circumstances:

3615 (d) When the parent of a child is incarcerated and either:

3616 1. The period of time for which the parent is expected to
3617 be incarcerated will constitute a significant portion of the
3618 child's minority. When determining whether the period of time is
3619 significant, the court shall consider the child's age and the
3620 child's need for a permanent and stable home. The period of time
3621 begins on the date that the parent enters into incarceration;

3622 2. The incarcerated parent has been determined by the
3623 court to be a violent career criminal as defined in s. 775.084,
3624 a habitual violent felony offender as defined in s. 775.084, or
3625 a sexual predator as defined in s. 775.21; has been convicted of
3626 first degree or second degree murder in violation of s. 782.04
3627 or a sexual battery that constitutes a capital, life, or first
3628 degree felony violation of s. 794.011; or has been convicted of
3629 an offense in another jurisdiction which is substantially
3630 similar to one of the offenses listed in this paragraph. As used

3631 in this section, the term "substantially similar offense" means
3632 any offense that is substantially similar in elements and
3633 penalties to one of those listed in this subparagraph, and that
3634 is in violation of a law of any other jurisdiction, whether that
3635 of another state, the District of Columbia, the United States or
3636 any possession or territory thereof, or any foreign
3637 jurisdiction; or

3638 3. The court determines by clear and convincing evidence
3639 that continuing the parental relationship with the incarcerated
3640 parent would be harmful to the child and, for this reason, that
3641 termination of the parental rights of the incarcerated parent is
3642 in the best interest of the child. When determining harm, the
3643 court shall consider the following factors:

3644 a. The age of the child.

3645 b. The relationship between the child and the parent.

3646 c. The nature of the parent's current and past provision
3647 for the child's developmental, cognitive, psychological, and
3648 physical needs.

3649 d. The parent's history of criminal behavior, which may
3650 include the frequency of incarceration and the unavailability of
3651 the parent to the child due to incarceration.

3652 e. Any other factor the court deems relevant.

3653 (n) The parent is convicted of an offense that requires
3654 the parent to register as a sexual predator under s. 775.21.

3655 Section 69. For the purpose of incorporating the amendment

3656 made by this act to section 775.21, Florida Statutes, in a
3657 reference thereto, paragraph (b) of subsection (4) of section
3658 63.089, Florida Statutes, is reenacted to read:

3659 63.089 Proceeding to terminate parental rights pending
3660 adoption; hearing; grounds; dismissal of petition; judgment.—

3661 (4) FINDING OF ABANDONMENT.—A finding of abandonment
3662 resulting in a termination of parental rights must be based upon
3663 clear and convincing evidence that a parent or person having
3664 legal custody has abandoned the child in accordance with the
3665 definition contained in s. 63.032. A finding of abandonment may
3666 also be based upon emotional abuse or a refusal to provide
3667 reasonable financial support, when able, to a birth mother
3668 during her pregnancy or on whether the person alleged to have
3669 abandoned the child, while being able, failed to establish
3670 contact with the child or accept responsibility for the child's
3671 welfare.

3672 (b) The child has been abandoned when the parent of a
3673 child is incarcerated on or after October 1, 2001, in a federal,
3674 state, or county correctional institution and:

3675 1. The period of time for which the parent has been or is
3676 expected to be incarcerated will constitute a significant
3677 portion of the child's minority. In determining whether the
3678 period of time is significant, the court shall consider the
3679 child's age and the child's need for a permanent and stable
3680 home. The period of time begins on the date that the parent

3681 enters into incarceration;

3682 2. The incarcerated parent has been determined by a court
3683 of competent jurisdiction to be a violent career criminal as
3684 defined in s. 775.084, a habitual violent felony offender as
3685 defined in s. 775.084, convicted of child abuse as defined in s.
3686 827.03, or a sexual predator as defined in s. 775.21; has been
3687 convicted of first degree or second degree murder in violation
3688 of s. 782.04 or a sexual battery that constitutes a capital,
3689 life, or first degree felony violation of s. 794.011; or has
3690 been convicted of a substantially similar offense in another
3691 jurisdiction. As used in this section, the term "substantially
3692 similar offense" means any offense that is substantially similar
3693 in elements and penalties to one of those listed in this
3694 subparagraph, and that is in violation of a law of any other
3695 jurisdiction, whether that of another state, the District of
3696 Columbia, the United States or any possession or territory
3697 thereof, or any foreign jurisdiction; or

3698 3. The court determines by clear and convincing evidence
3699 that continuing the parental relationship with the incarcerated
3700 parent would be harmful to the child and, for this reason,
3701 termination of the parental rights of the incarcerated parent is
3702 in the best interests of the child.

3703 Section 70. For the purpose of incorporating the amendment
3704 made by this act to section 775.21, Florida Statutes, in a
3705 reference thereto, subsection (3) of section 63.092, Florida

3706 Statutes, is reenacted to read:

3707 63.092 Report to the court of intended placement by an
3708 adoption entity; at-risk placement; preliminary study.—

3709 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
3710 the intended adoptive home, a preliminary home study must be
3711 performed by a licensed child-placing agency, a child-caring
3712 agency registered under s. 409.176, a licensed professional, or
3713 an agency described in s. 61.20(2), unless the adoptee is an
3714 adult or the petitioner is a stepparent or a relative. If the
3715 adoptee is an adult or the petitioner is a stepparent or a
3716 relative, a preliminary home study may be required by the court
3717 for good cause shown. The department is required to perform the
3718 preliminary home study only if there is no licensed child-
3719 placing agency, child-caring agency registered under s. 409.176,
3720 licensed professional, or agency described in s. 61.20(2), in
3721 the county where the prospective adoptive parents reside. The
3722 preliminary home study must be made to determine the suitability
3723 of the intended adoptive parents and may be completed prior to
3724 identification of a prospective adoptive minor. A favorable
3725 preliminary home study is valid for 1 year after the date of its
3726 completion. Upon its completion, a signed copy of the home study
3727 must be provided to the intended adoptive parents who were the
3728 subject of the home study. A minor may not be placed in an
3729 intended adoptive home before a favorable preliminary home study
3730 is completed unless the adoptive home is also a licensed foster

3731 home under s. 409.175. The preliminary home study must include,
3732 at a minimum:

- 3733 (a) An interview with the intended adoptive parents;
3734 (b) Records checks of the department's central abuse
3735 registry and criminal records correspondence checks under s.
3736 39.0138 through the Department of Law Enforcement on the
3737 intended adoptive parents;
3738 (c) An assessment of the physical environment of the home;
3739 (d) A determination of the financial security of the
3740 intended adoptive parents;
3741 (e) Documentation of counseling and education of the
3742 intended adoptive parents on adoptive parenting;
3743 (f) Documentation that information on adoption and the
3744 adoption process has been provided to the intended adoptive
3745 parents;
3746 (g) Documentation that information on support services
3747 available in the community has been provided to the intended
3748 adoptive parents; and
3749 (h) A copy of each signed acknowledgment of receipt of
3750 disclosure required by s. 63.085.

3751
3752 If the preliminary home study is favorable, a minor may be
3753 placed in the home pending entry of the judgment of adoption. A
3754 minor may not be placed in the home if the preliminary home
3755 study is unfavorable. If the preliminary home study is

3756 unfavorable, the adoption entity may, within 20 days after
3757 receipt of a copy of the written recommendation, petition the
3758 court to determine the suitability of the intended adoptive
3759 home. A determination as to suitability under this subsection
3760 does not act as a presumption of suitability at the final
3761 hearing. In determining the suitability of the intended adoptive
3762 home, the court must consider the totality of the circumstances
3763 in the home. A minor may not be placed in a home in which there
3764 resides any person determined by the court to be a sexual
3765 predator as defined in s. 775.21 or to have been convicted of an
3766 offense listed in s. 63.089(4)(b)2.

3767 Section 71. For the purpose of incorporating the
3768 amendments made by this act to sections 775.21 and 943.0435,
3769 Florida Statutes, in references thereto, paragraph (i) of
3770 subsection (3) and subsection (6) of section 68.07, Florida
3771 Statutes, are reenacted to read:

3772 68.07 Change of name.—

3773 (3) Each petition shall be verified and show:

3774 (i) Whether the petitioner has ever been required to
3775 register as a sexual predator under s. 775.21 or as a sexual
3776 offender under s. 943.0435.

3777 (6) The clerk of the court must, within 5 business days
3778 after the filing of the final judgment, send a report of the
3779 judgment to the Department of Law Enforcement on a form to be
3780 furnished by that department. If the petitioner is required to

3781 register as a sexual predator or a sexual offender pursuant to
3782 s. 775.21 or s. 943.0435, the clerk of court shall
3783 electronically notify the Department of Law Enforcement of the
3784 name change, in a manner prescribed by that department, within 2
3785 business days after the filing of the final judgment. The
3786 Department of Law Enforcement must send a copy of the report to
3787 the Department of Highway Safety and Motor Vehicles, which may
3788 be delivered by electronic transmission. The report must contain
3789 sufficient information to identify the petitioner, including the
3790 results of the criminal history records check if applicable, the
3791 new name of the petitioner, and the file number of the judgment.
3792 The Department of Highway Safety and Motor Vehicles shall
3793 monitor the records of any sexual predator or sexual offender
3794 whose name has been provided to it by the Department of Law
3795 Enforcement. If the sexual predator or sexual offender does not
3796 obtain a replacement driver license or identification card
3797 within the required time as specified in s. 775.21 or s.
3798 943.0435, the Department of Highway Safety and Motor Vehicles
3799 shall notify the Department of Law Enforcement. The Department
3800 of Law Enforcement shall notify applicable law enforcement
3801 agencies of the predator's or offender's failure to comply with
3802 registration requirements. Any information retained by the
3803 Department of Law Enforcement and the Department of Highway
3804 Safety and Motor Vehicles may be revised or supplemented by said
3805 departments to reflect changes made by the final judgment. With

3806 | respect to a person convicted of a felony in another state or of
 3807 | a federal offense, the Department of Law Enforcement must send
 3808 | the report to the respective state's office of law enforcement
 3809 | records or to the office of the Federal Bureau of Investigation.
 3810 | The Department of Law Enforcement may forward the report to any
 3811 | other law enforcement agency it believes may retain information
 3812 | related to the petitioner.

3813 | Section 72. For the purpose of incorporating the
 3814 | amendments made by this act to sections 775.21 and 943.0435,
 3815 | Florida Statutes, in references thereto, paragraph (b) of
 3816 | subsection (1) of section 92.55, Florida Statutes, is reenacted
 3817 | to read:

3818 | 92.55 Judicial or other proceedings involving victim or
 3819 | witness under the age of 18, a person who has an intellectual
 3820 | disability, or a sexual offense victim or witness; special
 3821 | protections; use of registered service or therapy animals.—

3822 | (1) For purposes of this section, the term:

3823 | (b) "Sexual offense" means any offense specified in s.
 3824 | 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3825 | Section 73. For the purpose of incorporating the amendment
 3826 | made by this act to section 16.56, Florida Statutes, in a
 3827 | reference thereto, paragraph (b) of subsection (1) of section
 3828 | 92.605, Florida Statutes, is reenacted to read:

3829 | 92.605 Production of certain records by Florida businesses
 3830 | and out-of-state corporations.—

3831 (1) For the purposes of this section, the term:
 3832 (b) "Applicant" means a law enforcement officer who is
 3833 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
 3834 905.185, or s. 914.04 or who is issued a search warrant under s.
 3835 933.01, or anyone who is authorized to issue a subpoena under
 3836 the Florida Rules of Criminal Procedure.

3837 Section 74. For the purpose of incorporating the
 3838 amendments made by this act to sections 775.21, 943.0435, and
 3839 944.607, Florida Statutes, in references thereto, subsection (3)
 3840 of section 322.141, Florida Statutes, is reenacted to read:

3841 322.141 Color or markings of certain licenses or
 3842 identification cards.—

3843 (3) All licenses for the operation of motor vehicles or
 3844 identification cards originally issued or reissued by the
 3845 department to persons who are designated as sexual predators
 3846 under s. 775.21 or subject to registration as sexual offenders
 3847 under s. 943.0435 or s. 944.607, or who have a similar
 3848 designation or are subject to a similar registration under the
 3849 laws of another jurisdiction, shall have on the front of the
 3850 license or identification card the following:

3851 (a) For a person designated as a sexual predator under s.
 3852 775.21 or who has a similar designation under the laws of
 3853 another jurisdiction, the marking "SEXUAL PREDATOR."

3854 (b) For a person subject to registration as a sexual
 3855 offender under s. 943.0435 or s. 944.607, or subject to a

3856 similar registration under the laws of another jurisdiction, the
 3857 marking "943.0435, F.S."

3858 Section 75. For the purpose of incorporating the amendment
 3859 made by this act to section 775.0877, Florida Statutes, in a
 3860 reference thereto, paragraph (h) of subsection (2) of section
 3861 381.004, Florida Statutes, is reenacted to read:

3862 381.004 HIV testing.—

3863 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 3864 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3865 (h) Paragraph (a) does not apply:

3866 1. When testing for sexually transmissible diseases is
 3867 required by state or federal law, or by rule, including the
 3868 following situations:

3869 a. HIV testing pursuant to s. 796.08 of persons convicted
 3870 of prostitution or of procuring another to commit prostitution.

3871 b. HIV testing of inmates pursuant to s. 945.355 before
 3872 their release from prison by reason of parole, accumulation of
 3873 gain-time credits, or expiration of sentence.

3874 c. Testing for HIV by a medical examiner in accordance
 3875 with s. 406.11.

3876 d. HIV testing of pregnant women pursuant to s. 384.31.

3877 2. To those exceptions provided for blood, plasma, organs,
 3878 skin, semen, or other human tissue pursuant to s. 381.0041.

3879 3. For the performance of an HIV-related test by licensed
 3880 medical personnel in bona fide medical emergencies if the test

3881 results are necessary for medical diagnostic purposes to provide
3882 appropriate emergency care or treatment to the person being
3883 tested and the patient is unable to consent, as supported by
3884 documentation in the medical record. Notification of test
3885 results in accordance with paragraph (c) is required.

3886 4. For the performance of an HIV-related test by licensed
3887 medical personnel for medical diagnosis of acute illness where,
3888 in the opinion of the attending physician, providing
3889 notification would be detrimental to the patient, as supported
3890 by documentation in the medical record, and the test results are
3891 necessary for medical diagnostic purposes to provide appropriate
3892 care or treatment to the person being tested. Notification of
3893 test results in accordance with paragraph (c) is required if it
3894 would not be detrimental to the patient. This subparagraph does
3895 not authorize the routine testing of patients for HIV infection
3896 without notification.

3897 5. If HIV testing is performed as part of an autopsy for
3898 which consent was obtained pursuant to s. 872.04.

3899 6. For the performance of an HIV test upon a defendant
3900 pursuant to the victim's request in a prosecution for any type
3901 of sexual battery where a blood sample is taken from the
3902 defendant voluntarily, pursuant to court order for any purpose,
3903 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3904 the results of an HIV test performed shall be disclosed solely
3905 to the victim and the defendant, except as provided in ss.

3906 | 775.0877, 951.27, and 960.003.

3907 | 7. If an HIV test is mandated by court order.

3908 | 8. For epidemiological research pursuant to s. 381.0031,
 3909 | for research consistent with institutional review boards created
 3910 | by 45 C.F.R. part 46, or for the performance of an HIV-related
 3911 | test for the purpose of research, if the testing is performed in
 3912 | a manner by which the identity of the test subject is not known
 3913 | and may not be retrieved by the researcher.

3914 | 9. If human tissue is collected lawfully without the
 3915 | consent of the donor for corneal removal as authorized by s.
 3916 | 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3917 | 10. For the performance of an HIV test upon an individual
 3918 | who comes into contact with medical personnel in such a way that
 3919 | a significant exposure has occurred during the course of
 3920 | employment, within the scope of practice, or during the course
 3921 | of providing emergency medical assistance to the individual. The
 3922 | term "medical personnel" includes a licensed or certified health
 3923 | care professional; an employee of a health care professional or
 3924 | health care facility; employees of a laboratory licensed under
 3925 | chapter 483; personnel of a blood bank or plasma center; a
 3926 | medical student or other student who is receiving training as a
 3927 | health care professional at a health care facility; and a
 3928 | paramedic or emergency medical technician certified by the
 3929 | department to perform life-support procedures under s. 401.23.

3930 | a. The occurrence of a significant exposure shall be

3931 | documented by medical personnel under the supervision of a
3932 | licensed physician and recorded only in the personnel record of
3933 | the medical personnel.

3934 | b. Costs of an HIV test shall be borne by the medical
3935 | personnel or the employer of the medical personnel. However,
3936 | costs of testing or treatment not directly related to the
3937 | initial HIV tests or costs of subsequent testing or treatment
3938 | may not be borne by the medical personnel or the employer of the
3939 | medical personnel.

3940 | c. In order to use the provisions of this subparagraph,
3941 | the medical personnel must be tested for HIV pursuant to this
3942 | section or provide the results of an HIV test taken within 6
3943 | months before the significant exposure if such test results are
3944 | negative.

3945 | d. A person who receives the results of an HIV test
3946 | pursuant to this subparagraph shall maintain the confidentiality
3947 | of the information received and of the persons tested. Such
3948 | confidential information is exempt from s. 119.07(1).

3949 | e. If the source of the exposure is not available and will
3950 | not voluntarily present himself or herself to a health facility
3951 | to be tested for HIV, the medical personnel or the employer of
3952 | such person acting on behalf of the employee may seek a court
3953 | order directing the source of the exposure to submit to HIV
3954 | testing. A sworn statement by a physician licensed under chapter
3955 | 458 or chapter 459 that a significant exposure has occurred and

3956 | that, in the physician's medical judgment, testing is medically
3957 | necessary to determine the course of treatment constitutes
3958 | probable cause for the issuance of an order by the court. The
3959 | results of the test shall be released to the source of the
3960 | exposure and to the person who experienced the exposure.

3961 | 11. For the performance of an HIV test upon an individual
3962 | who comes into contact with nonmedical personnel in such a way
3963 | that a significant exposure has occurred while the nonmedical
3964 | personnel provides emergency medical assistance during a medical
3965 | emergency. For the purposes of this subparagraph, a medical
3966 | emergency means an emergency medical condition outside of a
3967 | hospital or health care facility that provides physician care.
3968 | The test may be performed only during the course of treatment
3969 | for the medical emergency.

3970 | a. The occurrence of a significant exposure shall be
3971 | documented by medical personnel under the supervision of a
3972 | licensed physician and recorded in the medical record of the
3973 | nonmedical personnel.

3974 | b. Costs of any HIV test shall be borne by the nonmedical
3975 | personnel or the employer of the nonmedical personnel. However,
3976 | costs of testing or treatment not directly related to the
3977 | initial HIV tests or costs of subsequent testing or treatment
3978 | may not be borne by the nonmedical personnel or the employer of
3979 | the nonmedical personnel.

3980 | c. In order to use the provisions of this subparagraph,

3981 the nonmedical personnel shall be tested for HIV pursuant to
3982 this section or shall provide the results of an HIV test taken
3983 within 6 months before the significant exposure if such test
3984 results are negative.

3985 d. A person who receives the results of an HIV test
3986 pursuant to this subparagraph shall maintain the confidentiality
3987 of the information received and of the persons tested. Such
3988 confidential information is exempt from s. 119.07(1).

3989 e. If the source of the exposure is not available and will
3990 not voluntarily present himself or herself to a health facility
3991 to be tested for HIV, the nonmedical personnel or the employer
3992 of the nonmedical personnel acting on behalf of the employee may
3993 seek a court order directing the source of the exposure to
3994 submit to HIV testing. A sworn statement by a physician licensed
3995 under chapter 458 or chapter 459 that a significant exposure has
3996 occurred and that, in the physician's medical judgment, testing
3997 is medically necessary to determine the course of treatment
3998 constitutes probable cause for the issuance of an order by the
3999 court. The results of the test shall be released to the source
4000 of the exposure and to the person who experienced the exposure.

4001 12. For the performance of an HIV test by the medical
4002 examiner or attending physician upon an individual who expired
4003 or could not be resuscitated while receiving emergency medical
4004 assistance or care and who was the source of a significant
4005 exposure to medical or nonmedical personnel providing such

4006 assistance or care.

4007 a. HIV testing may be conducted only after appropriate
4008 medical personnel under the supervision of a licensed physician
4009 documents in the medical record of the medical personnel or
4010 nonmedical personnel that there has been a significant exposure
4011 and that, in accordance with the written protocols based on the
4012 National Centers for Disease Control and Prevention guidelines
4013 on HIV postexposure prophylaxis and in the physician's medical
4014 judgment, the information is medically necessary to determine
4015 the course of treatment for the medical personnel or nonmedical
4016 personnel.

4017 b. Costs of an HIV test performed under this subparagraph
4018 may not be charged to the deceased or to the family of the
4019 deceased person.

4020 c. For this subparagraph to be applicable, the medical
4021 personnel or nonmedical personnel must be tested for HIV under
4022 this section or must provide the results of an HIV test taken
4023 within 6 months before the significant exposure if such test
4024 results are negative.

4025 d. A person who receives the results of an HIV test
4026 pursuant to this subparagraph shall comply with paragraph (e).

4027 13. For the performance of an HIV-related test medically
4028 indicated by licensed medical personnel for medical diagnosis of
4029 a hospitalized infant as necessary to provide appropriate care
4030 and treatment of the infant if, after a reasonable attempt, a

4031 parent cannot be contacted to provide consent. The medical
4032 records of the infant must reflect the reason consent of the
4033 parent was not initially obtained. Test results shall be
4034 provided to the parent when the parent is located.

4035 14. For the performance of HIV testing conducted to
4036 monitor the clinical progress of a patient previously diagnosed
4037 to be HIV positive.

4038 15. For the performance of repeated HIV testing conducted
4039 to monitor possible conversion from a significant exposure.

4040 Section 76. For the purpose of incorporating the amendment
4041 made by this act to section 775.0877, Florida Statutes, in
4042 references thereto, paragraph (c) of subsection (1) and
4043 subsection (3) of section 384.29, Florida Statutes, are
4044 reenacted to read:

4045 384.29 Confidentiality.—

4046 (1) All information and records held by the department or
4047 its authorized representatives relating to known or suspected
4048 cases of sexually transmissible diseases are strictly
4049 confidential and exempt from the provisions of s. 119.07(1).
4050 Such information shall not be released or made public by the
4051 department or its authorized representatives, or by a court or
4052 parties to a lawsuit upon revelation by subpoena, except under
4053 the following circumstances:

4054 (c) When made to medical personnel, appropriate state
4055 agencies, public health agencies, or courts of appropriate

4056 jurisdiction, to enforce the provisions of this chapter or s.
 4057 775.0877 and related rules;

4058 (3) No employee of the department or its authorized
 4059 representatives shall be examined in a civil, criminal, special,
 4060 or other proceeding as to the existence or contents of pertinent
 4061 records of a person examined or treated for a sexually
 4062 transmissible disease by the department or its authorized
 4063 representatives, or of the existence or contents of such reports
 4064 received from a private physician or private health facility,
 4065 without the consent of the person examined and treated for such
 4066 diseases, except in proceedings under ss. 384.27 and 384.28 or
 4067 involving offenders pursuant to s. 775.0877.

4068 Section 77. For the purpose of incorporating the amendment
 4069 made by this act to section 39.01, Florida Statutes, in
 4070 references thereto, paragraphs (b) and (e) of subsection (2) of
 4071 section 390.01114, Florida Statutes, are reenacted to read:

4072 390.01114 Parental Notice of Abortion Act.—

4073 (2) DEFINITIONS.—As used in this section, the term:

4074 (b) "Child abuse" means abandonment, abuse, harm, mental
 4075 injury, neglect, physical injury, or sexual abuse of a child as
 4076 those terms are defined in ss. 39.01, 827.04, and 984.03.

4077 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

4078 Section 78. For the purpose of incorporating the amendment
 4079 made by this act to section 39.01, Florida Statutes, in
 4080 references thereto, paragraph (h) of subsection (4) and

4081 subsections (7) and (9) of section 393.067, Florida Statutes,
 4082 are reenacted to read:

4083 393.067 Facility licensure.—

4084 (4) The application shall be under oath and shall contain
 4085 the following:

4086 (h) Certification that the staff of the facility or
 4087 program will receive training to detect, report, and prevent
 4088 sexual abuse, abuse, neglect, exploitation, and abandonment, as
 4089 defined in ss. 39.01 and 415.102, of residents and clients.

4090 (7) The agency shall adopt rules establishing minimum
 4091 standards for facilities and programs licensed under this
 4092 section, including rules requiring facilities and programs to
 4093 train staff to detect, report, and prevent sexual abuse, abuse,
 4094 neglect, exploitation, and abandonment, as defined in ss. 39.01
 4095 and 415.102, of residents and clients, minimum standards of
 4096 quality and adequacy of client care, incident reporting
 4097 requirements, and uniform firesafety standards established by
 4098 the State Fire Marshal which are appropriate to the size of the
 4099 facility or of the component centers or units of the program.

4100 (9) The agency may conduct unannounced inspections to
 4101 determine compliance by foster care facilities, group home
 4102 facilities, residential habilitation centers, and comprehensive
 4103 transitional education programs with the applicable provisions
 4104 of this chapter and the rules adopted pursuant hereto, including
 4105 the rules adopted for training staff of a facility or a program

4106 to detect, report, and prevent sexual abuse, abuse, neglect,
4107 exploitation, and abandonment, as defined in ss. 39.01 and
4108 415.102, of residents and clients. The facility or program shall
4109 make copies of inspection reports available to the public upon
4110 request.

4111 Section 79. For the purpose of incorporating the amendment
4112 made by this act to section 39.01, Florida Statutes, in a
4113 reference thereto, paragraph (p) of subsection (4) of section
4114 394.495, Florida Statutes, is reenacted to read:

4115 394.495 Child and adolescent mental health system of care;
4116 programs and services.—

4117 (4) The array of services may include, but is not limited
4118 to:

4119 (p) Trauma-informed services for children who have
4120 suffered sexual exploitation as defined in s. 39.01(70)(g).

4121 Section 80. For the purpose of incorporating the amendment
4122 made by this act to section 943.0435, Florida Statutes, in a
4123 reference thereto, paragraph (a) of subsection (2) of section
4124 394.9125, Florida Statutes, is reenacted to read:

4125 394.9125 State attorney; authority to refer a person for
4126 civil commitment.—

4127 (2) A state attorney may refer a person to the department
4128 for civil commitment proceedings if the person:

4129 (a) Is required to register as a sexual offender pursuant
4130 to s. 943.0435;

4131 Section 81. For the purpose of incorporating the
 4132 amendments made by this act to sections 775.21, 943.0435, and
 4133 943.04354, Florida Statutes, in references thereto, paragraphs
 4134 (a) and (c) of subsection (2) of section 397.4872, Florida
 4135 Statutes, are reenacted to read:

4136 397.4872 Exemption from disqualification; publication.—

4137 (2) The department may exempt a person from ss. 397.487(6)
 4138 and 397.4871(5) if it has been at least 3 years since the person
 4139 has completed or been lawfully released from confinement,
 4140 supervision, or sanction for the disqualifying offense. An
 4141 exemption from the disqualifying offenses may not be given under
 4142 any circumstances for any person who is a:

4143 (a) Sexual predator pursuant to s. 775.21;

4144 (c) Sexual offender pursuant to s. 943.0435, unless the
 4145 requirement to register as a sexual offender has been removed
 4146 pursuant to s. 943.04354.

4147 Section 82. For the purpose of incorporating the amendment
 4148 made by this act to section 39.01, Florida Statutes, in
 4149 references thereto, paragraph (c) of subsection (1) and
 4150 paragraphs (a) and (b) of subsection (6) of section 409.1678,
 4151 Florida Statutes, are reenacted to read:

4152 409.1678 Specialized residential options for children who
 4153 are victims of sexual exploitation.—

4154 (1) DEFINITIONS.—As used in this section, the term:

4155 (c) "Sexually exploited child" means a child who has

4156 | suffered sexual exploitation as defined in s. 39.01(70)(g) and
4157 | is ineligible for relief and benefits under the federal
4158 | Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

4159 | (6) LOCATION INFORMATION.—

4160 | (a) Information about the location of a safe house, safe
4161 | foster home, or other residential facility serving victims of
4162 | sexual exploitation, as defined in s. 39.01(70)(g), which is
4163 | held by an agency, as defined in s. 119.011, is confidential and
4164 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4165 | Constitution. This exemption applies to such confidential and
4166 | exempt information held by an agency before, on, or after the
4167 | effective date of the exemption.

4168 | (b) Information about the location of a safe house, safe
4169 | foster home, or other residential facility serving victims of
4170 | sexual exploitation, as defined in s. 39.01(70)(g), may be
4171 | provided to an agency, as defined in s. 119.011, as necessary to
4172 | maintain health and safety standards and to address emergency
4173 | situations in the safe house, safe foster home, or other
4174 | residential facility.

4175 | Section 83. For the purpose of incorporating the
4176 | amendments made by this act to sections 775.21, 943.0435, and
4177 | 943.04354, Florida Statutes, in references thereto, paragraph
4178 | (b) of subsection (4) of section 435.07, Florida Statutes, is
4179 | reenacted to read:

4180 | 435.07 Exemptions from disqualification.—Unless otherwise

4181 provided by law, the provisions of this section apply to
 4182 exemptions from disqualification for disqualifying offenses
 4183 revealed pursuant to background screenings required under this
 4184 chapter, regardless of whether those disqualifying offenses are
 4185 listed in this chapter or other laws.

4186 (4)

4187 (b) Disqualification from employment under this chapter
 4188 may not be removed from, nor may an exemption be granted to, any
 4189 person who is a:

- 4190 1. Sexual predator as designated pursuant to s. 775.21;
- 4191 2. Career offender pursuant to s. 775.261; or
- 4192 3. Sexual offender pursuant to s. 943.0435, unless the
 4193 requirement to register as a sexual offender has been removed
 4194 pursuant to s. 943.04354.

4195 Section 84. For the purpose of incorporating the amendment
 4196 made by this act to section 895.02, Florida Statutes, in a
 4197 reference thereto, paragraph (g) of subsection (3) of section
 4198 655.50, Florida Statutes, is reenacted to read:

4199 655.50 Florida Control of Money Laundering and Terrorist
 4200 Financing in Financial Institutions Act.—

4201 (3) As used in this section, the term:

4202 (g) "Specified unlawful activity" means "racketeering
 4203 activity" as defined in s. 895.02.

4204 Section 85. For the purpose of incorporating the amendment
 4205 made by this act to section 784.046, Florida Statutes, in a

4206 reference thereto, paragraph (e) of subsection (1) of section
 4207 741.313, Florida Statutes, is reenacted to read:

4208 741.313 Unlawful action against employees seeking
 4209 protection.—

4210 (1) As used in this section, the term:

4211 (e) "Sexual violence" means sexual violence, as defined in
 4212 s. 784.046, or any crime the underlying factual basis of which
 4213 has been found by a court to include an act of sexual violence.

4214 Section 86. For the purpose of incorporating the amendment
 4215 made by this act to section 947.1405, Florida Statutes, in a
 4216 reference thereto, paragraph (j) of subsection (4) of section
 4217 775.084, Florida Statutes, is reenacted to read:

4218 775.084 Violent career criminals; habitual felony
 4219 offenders and habitual violent felony offenders; three-time
 4220 violent felony offenders; definitions; procedure; enhanced
 4221 penalties or mandatory minimum prison terms.—

4222 (4)

4223 (j) The provisions of s. 947.1405 shall apply to persons
 4224 sentenced as habitual felony offenders and persons sentenced as
 4225 habitual violent felony offenders.

4226 Section 87. For the purpose of incorporating the amendment
 4227 made by this act to section 943.0435, Florida Statutes, in a
 4228 reference thereto, subsection (2) of section 775.0862, Florida
 4229 Statutes, is reenacted to read:

4230 775.0862 Sexual offenses against students by authority

4231 figures; reclassification.—

4232 (2) The felony degree of a violation of an offense listed
4233 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
4234 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
4235 as provided in this section if the offense is committed by an
4236 authority figure of a school against a student of the school.

4237 Section 88. For the purpose of incorporating the
4238 amendments made by this act to sections 775.21, 943.0435, and
4239 944.607, Florida Statutes, in references thereto, paragraphs (e)
4240 and (f) of subsection (4) of section 775.13, Florida Statutes,
4241 are reenacted to read:

4242 775.13 Registration of convicted felons, exemptions;
4243 penalties.—

4244 (4) This section does not apply to an offender:

4245 (e) Who is a sexual predator and has registered as
4246 required under s. 775.21;

4247 (f) Who is a sexual offender and has registered as
4248 required in s. 943.0435 or s. 944.607; or

4249 Section 89. For the purpose of incorporating the
4250 amendments made by this act to sections 943.0435, 944.607,
4251 947.1405, and 948.30, Florida Statutes, in references thereto,
4252 paragraph (b) of subsection (3), paragraph (d) of subsection
4253 (5), paragraph (f) of subsection (6), and paragraph (c) of
4254 subsection (10) of section 775.21, Florida Statutes, are
4255 reenacted to read:

4256 775.21 The Florida Sexual Predators Act.—
 4257 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—
 4258 (b) The high level of threat that a sexual predator
 4259 presents to the public safety, and the long-term effects
 4260 suffered by victims of sex offenses, provide the state with
 4261 sufficient justification to implement a strategy that includes:
 4262 1. Incarcerating sexual predators and maintaining adequate
 4263 facilities to ensure that decisions to release sexual predators
 4264 into the community are not made on the basis of inadequate
 4265 space.
 4266 2. Providing for specialized supervision of sexual
 4267 predators who are in the community by specially trained
 4268 probation officers with low caseloads, as described in ss.
 4269 947.1405(7) and 948.30. The sexual predator is subject to
 4270 specified terms and conditions implemented at sentencing or at
 4271 the time of release from incarceration, with a requirement that
 4272 those who are financially able must pay all or part of the costs
 4273 of supervision.
 4274 3. Requiring the registration of sexual predators, with a
 4275 requirement that complete and accurate information be maintained
 4276 and accessible for use by law enforcement authorities,
 4277 communities, and the public.
 4278 4. Providing for community and public notification
 4279 concerning the presence of sexual predators.
 4280 5. Prohibiting sexual predators from working with

4281 children, either for compensation or as a volunteer.

4282 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4283 as a sexual predator as follows:

4284 (d) A person who establishes or maintains a residence in
4285 this state and who has not been designated as a sexual predator
4286 by a court of this state but who has been designated as a sexual
4287 predator, as a sexually violent predator, or by another sexual
4288 offender designation in another state or jurisdiction and was,
4289 as a result of such designation, subjected to registration or
4290 community or public notification, or both, or would be if the
4291 person was a resident of that state or jurisdiction, without
4292 regard to whether the person otherwise meets the criteria for
4293 registration as a sexual offender, shall register in the manner
4294 provided in s. 943.0435 or s. 944.607 and shall be subject to
4295 community and public notification as provided in s. 943.0435 or
4296 s. 944.607. A person who meets the criteria of this section is
4297 subject to the requirements and penalty provisions of s.
4298 943.0435 or s. 944.607 until the person provides the department
4299 with an order issued by the court that designated the person as
4300 a sexual predator, as a sexually violent predator, or by another
4301 sexual offender designation in the state or jurisdiction in
4302 which the order was issued which states that such designation
4303 has been removed or demonstrates to the department that such
4304 designation, if not imposed by a court, has been removed by
4305 operation of law or court order in the state or jurisdiction in

4306 | which the designation was made, and provided such person no
4307 | longer meets the criteria for registration as a sexual offender
4308 | under the laws of this state.

4309 | (6) REGISTRATION.—

4310 | (f) Within 48 hours after the registration required under
4311 | paragraph (a) or paragraph (e), a sexual predator who is not
4312 | incarcerated and who resides in the community, including a
4313 | sexual predator under the supervision of the Department of
4314 | Corrections, shall register in person at a driver license office
4315 | of the Department of Highway Safety and Motor Vehicles and shall
4316 | present proof of registration unless a driver license or an
4317 | identification card that complies with the requirements of s.
4318 | 322.141(3) was previously secured or updated under s. 944.607.
4319 | At the driver license office the sexual predator shall:

4320 | 1. If otherwise qualified, secure a Florida driver
4321 | license, renew a Florida driver license, or secure an
4322 | identification card. The sexual predator shall identify himself
4323 | or herself as a sexual predator who is required to comply with
4324 | this section, provide his or her place of permanent, temporary,
4325 | or transient residence, including a rural route address and a
4326 | post office box, and submit to the taking of a photograph for
4327 | use in issuing a driver license, a renewed license, or an
4328 | identification card, and for use by the department in
4329 | maintaining current records of sexual predators. A post office
4330 | box may not be provided in lieu of a physical residential

4331 address. If the sexual predator's place of residence is a motor
4332 vehicle, trailer, mobile home, or manufactured home, as defined
4333 in chapter 320, the sexual predator shall also provide to the
4334 Department of Highway Safety and Motor Vehicles the vehicle
4335 identification number; the license tag number; the registration
4336 number; and a description, including color scheme, of the motor
4337 vehicle, trailer, mobile home, or manufactured home. If a sexual
4338 predator's place of residence is a vessel, live-aboard vessel,
4339 or houseboat, as defined in chapter 327, the sexual predator
4340 shall also provide to the Department of Highway Safety and Motor
4341 Vehicles the hull identification number; the manufacturer's
4342 serial number; the name of the vessel, live-aboard vessel, or
4343 houseboat; the registration number; and a description, including
4344 color scheme, of the vessel, live-aboard vessel, or houseboat.

4345 2. Pay the costs assessed by the Department of Highway
4346 Safety and Motor Vehicles for issuing or renewing a driver
4347 license or an identification card as required by this section.
4348 The driver license or identification card issued to the sexual
4349 predator must comply with s. 322.141(3).

4350 3. Provide, upon request, any additional information
4351 necessary to confirm the identity of the sexual predator,
4352 including a set of fingerprints.

4353 (10) PENALTIES.—

4354 (c) Any person who misuses public records information
4355 relating to a sexual predator, as defined in this section, or a

4356 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4357 secure a payment from such a predator or offender; who knowingly
 4358 distributes or publishes false information relating to such a
 4359 predator or offender which the person misrepresents as being
 4360 public records information; or who materially alters public
 4361 records information with the intent to misrepresent the
 4362 information, including documents, summaries of public records
 4363 information provided by law enforcement agencies, or public
 4364 records information displayed by law enforcement agencies on
 4365 websites or provided through other means of communication,
 4366 commits a misdemeanor of the first degree, punishable as
 4367 provided in s. 775.082 or s. 775.083.

4368 Section 90. For the purpose of incorporating the
 4369 amendments made by this act to section 943.0435, 944.606, and
 4370 944.607, Florida Statutes, in references thereto, subsection (2)
 4371 of section 775.24, Florida Statutes, is reenacted to read:

4372 775.24 Duty of the court to uphold laws governing sexual
 4373 predators and sexual offenders.—

4374 (2) If a person meets the criteria in this chapter for
 4375 designation as a sexual predator or meets the criteria in s.
 4376 943.0435, s. 944.606, s. 944.607, or any other law for
 4377 classification as a sexual offender, the court may not enter an
 4378 order, for the purpose of approving a plea agreement or for any
 4379 other reason, which:

4380 (a) Exempts a person who meets the criteria for

4381 designation as a sexual predator or classification as a sexual
4382 offender from such designation or classification, or exempts
4383 such person from the requirements for registration or community
4384 and public notification imposed upon sexual predators and sexual
4385 offenders;

4386 (b) Restricts the compiling, reporting, or release of
4387 public records information that relates to sexual predators or
4388 sexual offenders; or

4389 (c) Prevents any person or entity from performing its
4390 duties or operating within its statutorily conferred authority
4391 as such duty or authority relates to sexual predators or sexual
4392 offenders.

4393 Section 91. For the purpose of incorporating the
4394 amendments made by this act to sections 775.21, 943.0435,
4395 944.606, and 944.607, Florida Statutes, in references thereto,
4396 section 775.25, Florida Statutes, is reenacted to read:

4397 775.25 Prosecutions for acts or omissions.—A sexual
4398 predator or sexual offender who commits any act or omission in
4399 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4400 944.607, or former s. 947.177 may be prosecuted for the act or
4401 omission in the county in which the act or omission was
4402 committed, in the county of the last registered address of the
4403 sexual predator or sexual offender, in the county in which the
4404 conviction occurred for the offense or offenses that meet the
4405 criteria for designating a person as a sexual predator or sexual

4406 offender, in the county where the sexual predator or sexual
4407 offender was released from incarceration, or in the county of
4408 the intended address of the sexual predator or sexual offender
4409 as reported by the predator or offender prior to his or her
4410 release from incarceration. In addition, a sexual predator may
4411 be prosecuted for any such act or omission in the county in
4412 which he or she was designated a sexual predator.

4413 Section 92. For the purpose of incorporating the
4414 amendments made by this act to sections 775.21, 943.0435, and
4415 944.607, Florida Statutes, in references thereto, paragraph (b)
4416 of subsection (3) of section 775.261, Florida Statutes, is
4417 reenacted to read:

4418 775.261 The Florida Career Offender Registration Act.—

4419 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4420 (b) This section does not apply to any person who has been
4421 designated as a sexual predator and required to register under
4422 s. 775.21 or who is required to register as a sexual offender
4423 under s. 943.0435 or s. 944.607. However, if a person is no
4424 longer required to register as a sexual predator under s. 775.21
4425 or as a sexual offender under s. 943.0435 or s. 944.607, the
4426 person must register as a career offender under this section if
4427 the person is otherwise designated as a career offender as
4428 provided in this section.

4429 Section 93. For the purpose of incorporating the amendment
4430 made by this act to section 847.001, Florida Statutes, in a

4431 reference thereto, paragraph (d) of subsection (2) of section
 4432 784.049, Florida Statutes, is reenacted to read:

4433 784.049 Sexual cyberharassment.—

4434 (2) As used in this section, the term:

4435 (d) "Sexually explicit image" means any image depicting
 4436 nudity, as defined in s. 847.001, or depicting a person engaging
 4437 in sexual conduct, as defined in s. 847.001.

4438 Section 94. For the purpose of incorporating the amendment
 4439 made by this act to section 794.0115, Florida Statutes, in
 4440 references thereto, paragraph (a) of subsection (2) and
 4441 subsections (3), (4), and (5) of section 794.011, Florida
 4442 Statutes, are reenacted to read:

4443 794.011 Sexual battery.—

4444 (2) (a) A person 18 years of age or older who commits
 4445 sexual battery upon, or in an attempt to commit sexual battery
 4446 injures the sexual organs of, a person less than 12 years of age
 4447 commits a capital felony, punishable as provided in ss. 775.082
 4448 and 921.141.

4449 (3) A person who commits sexual battery upon a person 12
 4450 years of age or older, without that person's consent, and in the
 4451 process thereof uses or threatens to use a deadly weapon or uses
 4452 actual physical force likely to cause serious personal injury
 4453 commits a life felony, punishable as provided in s. 775.082, s.
 4454 775.083, s. 775.084, or s. 794.0115.

4455 (4) (a) A person 18 years of age or older who commits

4456 sexual battery upon a person 12 years of age or older but
4457 younger than 18 years of age without that person's consent,
4458 under any of the circumstances listed in paragraph (e), commits
4459 a felony of the first degree, punishable by a term of years not
4460 exceeding life or as provided in s. 775.082, s. 775.083, s.
4461 775.084, or s. 794.0115.

4462 (b) A person 18 years of age or older who commits sexual
4463 battery upon a person 18 years of age or older without that
4464 person's consent, under any of the circumstances listed in
4465 paragraph (e), commits a felony of the first degree, punishable
4466 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4467 794.0115.

4468 (c) A person younger than 18 years of age who commits
4469 sexual battery upon a person 12 years of age or older without
4470 that person's consent, under any of the circumstances listed in
4471 paragraph (e), commits a felony of the first degree, punishable
4472 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4473 794.0115.

4474 (d) A person commits a felony of the first degree,
4475 punishable by a term of years not exceeding life or as provided
4476 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4477 person commits sexual battery upon a person 12 years of age or
4478 older without that person's consent, under any of the
4479 circumstances listed in paragraph (e), and such person was
4480 previously convicted of a violation of:

- 4481 1. Section 787.01(2) or s. 787.02(2) when the violation
 4482 involved a victim who was a minor and, in the course of
 4483 committing that violation, the defendant committed against the
 4484 minor a sexual battery under this chapter or a lewd act under s.
 4485 800.04 or s. 847.0135(5);
- 4486 2. Section 787.01(3)(a)2. or 3.;
- 4487 3. Section 787.02(3)(a)2. or 3.;
- 4488 4. Section 800.04;
- 4489 5. Section 825.1025;
- 4490 6. Section 847.0135(5); or
- 4491 7. This chapter, excluding subsection (10) of this
 4492 section.
- 4493 (e) The following circumstances apply to paragraphs (a)-
 4494 (d):
- 4495 1. The victim is physically helpless to resist.
- 4496 2. The offender coerces the victim to submit by
 4497 threatening to use force or violence likely to cause serious
 4498 personal injury on the victim, and the victim reasonably
 4499 believes that the offender has the present ability to execute
 4500 the threat.
- 4501 3. The offender coerces the victim to submit by
 4502 threatening to retaliate against the victim, or any other
 4503 person, and the victim reasonably believes that the offender has
 4504 the ability to execute the threat in the future.
- 4505 4. The offender, without the prior knowledge or consent of

4506 the victim, administers or has knowledge of someone else
4507 administering to the victim any narcotic, anesthetic, or other
4508 intoxicating substance that mentally or physically incapacitates
4509 the victim.

4510 5. The victim is mentally defective, and the offender has
4511 reason to believe this or has actual knowledge of this fact.

4512 6. The victim is physically incapacitated.

4513 7. The offender is a law enforcement officer, correctional
4514 officer, or correctional probation officer as defined in s.
4515 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
4516 under s. 943.1395 or is an elected official exempt from such
4517 certification by virtue of s. 943.253, or any other person in a
4518 position of control or authority in a probation, community
4519 control, controlled release, detention, custodial, or similar
4520 setting, and such officer, official, or person is acting in such
4521 a manner as to lead the victim to reasonably believe that the
4522 offender is in a position of control or authority as an agent or
4523 employee of government.

4524 (5) (a) A person 18 years of age or older who commits
4525 sexual battery upon a person 12 years of age or older but
4526 younger than 18 years of age, without that person's consent, and
4527 in the process does not use physical force and violence likely
4528 to cause serious personal injury commits a felony of the first
4529 degree, punishable as provided in s. 775.082, s. 775.083, s.
4530 775.084, or s. 794.0115.

4531 (b) A person 18 years of age or older who commits sexual
4532 battery upon a person 18 years of age or older, without that
4533 person's consent, and in the process does not use physical force
4534 and violence likely to cause serious personal injury commits a
4535 felony of the second degree, punishable as provided in s.
4536 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4537 (c) A person younger than 18 years of age who commits
4538 sexual battery upon a person 12 years of age or older, without
4539 that person's consent, and in the process does not use physical
4540 force and violence likely to cause serious personal injury
4541 commits a felony of the second degree, punishable as provided in
4542 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4543 (d) A person commits a felony of the first degree,
4544 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4545 s. 794.0115 if the person commits sexual battery upon a person
4546 12 years of age or older, without that person's consent, and in
4547 the process does not use physical force and violence likely to
4548 cause serious personal injury and the person was previously
4549 convicted of a violation of:

4550 1. Section 787.01(2) or s. 787.02(2) when the violation
4551 involved a victim who was a minor and, in the course of
4552 committing that violation, the defendant committed against the
4553 minor a sexual battery under this chapter or a lewd act under s.
4554 800.04 or s. 847.0135(5);

4555 2. Section 787.01(3)(a)2. or 3.;

- 4556 | 3. Section 787.02(3)(a)2. or 3.;
- 4557 | 4. Section 800.04;
- 4558 | 5. Section 825.1025;
- 4559 | 6. Section 847.0135(5); or
- 4560 | 7. This chapter, excluding subsection (10) of this
- 4561 | section.

4562 | Section 95. For the purpose of incorporating the amendment
 4563 | made by this act to section 92.56, Florida Statutes, in a
 4564 | reference thereto, section 794.03, Florida Statutes, is
 4565 | reenacted to read:

4566 | 794.03 Unlawful to publish or broadcast information
 4567 | identifying sexual offense victim.—No person shall print,
 4568 | publish, or broadcast, or cause or allow to be printed,
 4569 | published, or broadcast, in any instrument of mass communication
 4570 | the name, address, or other identifying fact or information of
 4571 | the victim of any sexual offense within this chapter, except as
 4572 | provided in s. 119.071(2)(h) or unless the court determines that
 4573 | such information is no longer confidential and exempt pursuant
 4574 | to s. 92.56. An offense under this section shall constitute a
 4575 | misdemeanor of the second degree, punishable as provided in s.
 4576 | 775.082 or s. 775.083.

4577 | Section 96. For the purpose of incorporating the amendment
 4578 | made by this act to section 775.21, Florida Statutes, in a
 4579 | reference thereto, subsection (1) of section 794.075, Florida
 4580 | Statutes, is reenacted to read:

4581 794.075 Sexual predators; erectile dysfunction drugs.—

4582 (1) A person may not possess a prescription drug, as
 4583 defined in s. 499.003(40), for the purpose of treating erectile
 4584 dysfunction if the person is designated as a sexual predator
 4585 under s. 775.21.

4586 Section 97. For the purpose of incorporating the amendment
 4587 made by this act to section 960.03, Florida Statutes, in
 4588 references thereto, paragraph (b) of subsection (1) and
 4589 subsections (2) and (3) of section 847.002, Florida Statutes,
 4590 are reenacted to read:

4591 847.002 Child pornography prosecutions.—

4592 (1) Any law enforcement officer who, pursuant to a
 4593 criminal investigation, recovers images or movies of child
 4594 pornography shall:

4595 (b) Request the law enforcement agency contact information
 4596 from the Child Victim Identification Program for any images or
 4597 movies recovered which contain an identified victim of child
 4598 pornography as defined in s. 960.03.

4599 (2) Any law enforcement officer submitting a case for
 4600 prosecution which involves the production, promotion, or
 4601 possession of child pornography shall submit to the designated
 4602 prosecutor the law enforcement agency contact information
 4603 provided by the Child Victim Identification Program at the
 4604 National Center for Missing and Exploited Children, for any
 4605 images or movies involved in the case which contain the

4606 depiction of an identified victim of child pornography as
 4607 defined in s. 960.03.

4608 (3) In every filed case involving an identified victim of
 4609 child pornography, as defined in s. 960.03, the prosecuting
 4610 agency shall enter the following information into the Victims in
 4611 Child Pornography Tracking Repeat Exploitation database
 4612 maintained by the Office of the Attorney General:

- 4613 (a) The case number and agency file number.
- 4614 (b) The named defendant.
- 4615 (c) The circuit court division and county.
- 4616 (d) Current court dates and the status of the case.
- 4617 (e) Contact information for the prosecutor assigned.
- 4618 (f) Verification that the prosecutor is or is not in
 4619 possession of a victim impact statement and will use the
 4620 statement in sentencing.

4621 Section 98. For the purpose of incorporating the amendment
 4622 made by this act to section 847.001, Florida Statutes, in a
 4623 reference thereto, paragraph (b) of subsection (3) of section
 4624 847.012, Florida Statutes, is reenacted to read:

4625 847.012 Harmful materials; sale or distribution to minors
 4626 or using minors in production prohibited; penalty.—

4627 (3) A person may not knowingly sell, rent, or loan for
 4628 monetary consideration to a minor:

4629 (b) Any book, pamphlet, magazine, printed matter however
 4630 reproduced, or sound recording that contains any matter defined

4631 in s. 847.001, explicit and detailed verbal descriptions or
4632 narrative accounts of sexual excitement, or sexual conduct and
4633 that is harmful to minors.

4634 Section 99. For the purpose of incorporating the amendment
4635 made by this act to section 92.56, Florida Statutes, in a
4636 reference thereto, subsection (3) of section 847.01357, Florida
4637 Statutes, is reenacted to read:

4638 847.01357 Exploited children's civil remedy.—

4639 (3) Any victim who has a bona fide claim under this
4640 section shall, upon request, be provided a pseudonym, pursuant
4641 to s. 92.56(3), which shall be issued and maintained by the
4642 Department of Legal Affairs for use in all legal pleadings. This
4643 identifier shall be fully recognized in all courts in this state
4644 as a valid legal identity.

4645 Section 100. For the purpose of incorporating the
4646 amendment made by this act to section 847.001, Florida Statutes,
4647 in a reference thereto, subsections (2) and (3) of section
4648 847.0138, Florida Statutes, are reenacted to read:

4649 847.0138 Transmission of material harmful to minors to a
4650 minor by electronic device or equipment prohibited; penalties.—

4651 (2) Notwithstanding ss. 847.012 and 847.0133, any person
4652 who knew or believed that he or she was transmitting an image,
4653 information, or data that is harmful to minors, as defined in s.
4654 847.001, to a specific individual known by the defendant to be a
4655 minor commits a felony of the third degree, punishable as

4656 provided in s. 775.082, s. 775.083, or s. 775.084.

4657 (3) Notwithstanding ss. 847.012 and 847.0133, any person
 4658 in any jurisdiction other than this state who knew or believed
 4659 that he or she was transmitting an image, information, or data
 4660 that is harmful to minors, as defined in s. 847.001, to a
 4661 specific individual known by the defendant to be a minor commits
 4662 a felony of the third degree, punishable as provided in s.
 4663 775.082, s. 775.083, or s. 775.084.

4664
 4665 The provisions of this section do not apply to subscription-
 4666 based transmissions such as list servers.

4667 Section 101. For the purpose of incorporating the
 4668 amendments made by this act to sections 16.56 and 895.02,
 4669 Florida Statutes, in references thereto, paragraph (g) of
 4670 subsection (2) and subsection (10) of section 896.101, Florida
 4671 Statutes, are reenacted to read:

4672 896.101 Florida Money Laundering Act; definitions;
 4673 penalties; injunctions; seizure warrants; immunity.-

4674 (2) As used in this section, the term:

4675 (g) "Specified unlawful activity" means any "racketeering
 4676 activity" as defined in s. 895.02.

4677 (10) Any financial institution, licensed money services
 4678 business, or other person served with and complying with the
 4679 terms of a warrant, temporary injunction, or other court order,
 4680 including any subpoena issued under s. 16.56 or s. 27.04,

4681 obtained in furtherance of an investigation of any crime in this
4682 section, including any crime listed as specified unlawful
4683 activity under this section or any felony violation of chapter
4684 560, has immunity from criminal liability and is not liable to
4685 any person for any lawful action taken in complying with the
4686 warrant, temporary injunction, or other court order, including
4687 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
4688 issued under s. 16.56 or s. 27.04 contains a nondisclosure
4689 provision, any financial institution, licensed money services
4690 business, employee or officer of a financial institution or
4691 licensed money services business, or any other person may not
4692 notify, directly or indirectly, any customer of that financial
4693 institution or money services business whose records are being
4694 sought by the subpoena, or any other person named in the
4695 subpoena, about the existence or the contents of that subpoena
4696 or about information that has been furnished to the state
4697 attorney or statewide prosecutor who issued the subpoena or
4698 other law enforcement officer named in the subpoena in response
4699 to the subpoena.

4700 Section 102. For the purpose of incorporating the
4701 amendments made by this act to sections 775.21 and 948.06,
4702 Florida Statutes, in references thereto, paragraphs (b) and (c)
4703 of subsection (1) of section 903.0351, Florida Statutes, are
4704 reenacted to read:

4705 903.0351 Restrictions on pretrial release pending

4706 | probation-violation hearing or community-control-violation
 4707 | hearing.—

4708 | (1) In the instance of an alleged violation of felony
 4709 | probation or community control, bail or any other form of
 4710 | pretrial release shall not be granted prior to the resolution of
 4711 | the probation-violation hearing or the community-control-
 4712 | violation hearing to:

4713 | (b) A person who is on felony probation or community
 4714 | control for any offense committed on or after the effective date
 4715 | of this act and who is arrested for a qualifying offense as
 4716 | defined in s. 948.06(8)(c); or

4717 | (c) A person who is on felony probation or community
 4718 | control and has previously been found by a court to be a
 4719 | habitual violent felony offender as defined in s. 775.084(1)(b),
 4720 | a three-time violent felony offender as defined in s.
 4721 | 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 4722 | arrested for committing a qualifying offense as defined in s.
 4723 | 948.06(8)(c) on or after the effective date of this act.

4724 | Section 103. For the purpose of incorporating the
 4725 | amendments made by this act to sections 775.21 and 943.0435,
 4726 | Florida Statutes, in references thereto, paragraph (m) of
 4727 | subsection (2) of section 903.046, Florida Statutes, is
 4728 | reenacted to read:

4729 | 903.046 Purpose of and criteria for bail determination.—

4730 | (2) When determining whether to release a defendant on

4731 bail or other conditions, and what that bail or those conditions
4732 may be, the court shall consider:

4733 (m) Whether the defendant, other than a defendant whose
4734 only criminal charge is a misdemeanor offense under chapter 316,
4735 is required to register as a sexual offender under s. 943.0435
4736 or a sexual predator under s. 775.21; and, if so, he or she is
4737 not eligible for release on bail or surety bond until the first
4738 appearance on the case in order to ensure the full participation
4739 of the prosecutor and the protection of the public.

4740 Section 104. For the purpose of incorporating the
4741 amendment made by this act to section 895.02, Florida Statutes,
4742 in a reference thereto, subsection (3) of section 905.34,
4743 Florida Statutes, is reenacted to read:

4744 905.34 Powers and duties; law applicable.—The jurisdiction
4745 of a statewide grand jury impaneled under this chapter shall
4746 extend throughout the state. The subject matter jurisdiction of
4747 the statewide grand jury shall be limited to the offenses of:

4748 (3) Any violation of the provisions of the Florida RICO
4749 (Racketeer Influenced and Corrupt Organization) Act, including
4750 any offense listed in the definition of racketeering activity in
4751 s. 895.02(8)(a), providing such listed offense is investigated
4752 in connection with a violation of s. 895.03 and is charged in a
4753 separate count of an information or indictment containing a
4754 count charging a violation of s. 895.03, the prosecution of
4755 which listed offense may continue independently if the

4756 prosecution of the violation of s. 895.03 is terminated for any
 4757 reason;
 4758
 4759 or any attempt, solicitation, or conspiracy to commit any
 4760 violation of the crimes specifically enumerated above, when any
 4761 such offense is occurring, or has occurred, in two or more
 4762 judicial circuits as part of a related transaction or when any
 4763 such offense is connected with an organized criminal conspiracy
 4764 affecting two or more judicial circuits. The statewide grand
 4765 jury may return indictments and presentments irrespective of the
 4766 county or judicial circuit where the offense is committed or
 4767 triable. If an indictment is returned, it shall be certified and
 4768 transferred for trial to the county where the offense was
 4769 committed. The powers and duties of, and law applicable to,
 4770 county grand juries shall apply to a statewide grand jury except
 4771 when such powers, duties, and law are inconsistent with the
 4772 provisions of ss. 905.31-905.40.

4773 Section 105. For the purpose of incorporating the
 4774 amendments made by this act to sections 775.21 and 847.0135,
 4775 Florida Statutes, in references thereto, paragraph (g) of
 4776 subsection (3) of section 921.0022, Florida Statutes, is
 4777 reenacted to read:

4778 921.0022 Criminal Punishment Code; offense severity
 4779 ranking chart.—

4780 (3) OFFENSE SEVERITY RANKING CHART

4781	(g) LEVEL 7		
4782	Florida	Felony	
4783	Statute	Degree	Description
	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
4784	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
4785	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
4786	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4787	402.319 (2)	2nd	Misrepresentation and negligence or intentional act

			resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4788	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4789	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4790	456.065 (2)	3rd	Practicing a health care profession without a license.
4791	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4792	458.327 (1)	3rd	Practicing medicine without a license.
4793	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
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4795	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4796	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4797	462.17	3rd	Practicing naturopathy without a license.
4798	463.015 (1)	3rd	Practicing optometry without a license.
4799	464.016 (1)	3rd	Practicing nursing without a license.
4800	465.015 (2)	3rd	Practicing pharmacy without a license.
4801	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4802	467.201	3rd	Practicing midwifery without a license.
	468.366	3rd	Delivering respiratory care

4803			services without a license.
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4804			
	483.901 (7)	3rd	Practicing medical physics without a license.
4805			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4806			
	484.053	3rd	Dispensing hearing aids without a license.
4807			
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
4808			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a

4809	560.125 (5) (a)	3rd	<p>money services business.</p> <p>Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
4810	655.50 (10) (b) 1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
4811	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
4812	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
4813	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or</p>

4814	782.051 (3)	2nd	<p>conceal a sexual predator.</p> <p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
4815	782.07 (1)	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
4816	782.071	2nd	<p>Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
4817	782.072	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>
4818	784.045 (1) (a) 1.	2nd	<p>Aggravated battery;</p>

4819			intentionally causing great bodily harm or disfigurement.
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4820			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4821			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4822			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4823			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4824			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4825			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4826			

4827	784.081 (1)	1st	Aggravated battery on specified official or employee.
4828	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
4829	784.083 (1)	1st	Aggravated battery on code inspector.
4830	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4831	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
4832	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).

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4833	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
4834	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4835	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4836	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4837	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

4838	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
4839	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4840	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4841	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4842	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
4843			

4844	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
4845	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
4846	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4847	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4848	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4849	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at

			\$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
4850	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4851	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4852	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4853	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4854	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics

			in stolen property.
4855	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4856	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4857	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4858	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4859	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
4860	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4861	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency

4862	817.535 (2) (a)	3rd	of an insuring entity which are a significant cause of the insolvency of that entity.
4863	817.611 (2) (b)	2nd	Filing false lien or other unauthorized document.
4864	825.102 (3) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
4865	825.103 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4866	827.03 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4867			Neglect of a child causing great bodily harm, disability, or disfigurement.

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4868	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4869	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4870	838.015	2nd	Bribery.
4871	838.016	2nd	Unlawful compensation or reward for official behavior.
4872	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4873	838.22	2nd	Bid tampering.
4874	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4875	843.0855 (3)	3rd	Unlawful simulation of legal process.
	843.0855 (4)	3rd	Intimidation of a public

4876	847.0135(3)	3rd	officer or employee.
4877	847.0135(4)	2nd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4878	872.06	2nd	Traveling to meet a minor to commit an unlawful sex act.
4879	874.05(2)(b)	1st	Abuse of a dead human body.
4880	874.10	1st, PBL	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4881	893.13(1)(c)1.	1st	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
			Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d),

4882	893.13(1)(e)1.	1st	<p>(2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p>
4883	893.13(4)(a)	1st	<p>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.</p>
4884	893.135(1)(a)1.	1st	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
4885	893.135(1)(a)1.	1st	<p>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p>

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4886	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4887	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4888	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4889	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4890	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4891	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine,

			more than 28 grams, less than 200 grams.
4892	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4893	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4894	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4895	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4896	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4897	893.135	1st	Trafficking in Phenethylamines,

4898	(1) (k) 2.a.		10 grams or more, less than 200 grams.
4899	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4900	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4901	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4902	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply

4903			with reporting requirements.
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
4904			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4905			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4906			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
4907			
	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4908			

4909	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4910	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4911	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4912	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4913
4914 Section 106. For the purpose of incorporating the
4915 amendment made by this act to section 775.21, Florida Statutes,
4916 in a reference thereto, paragraph (o) of subsection (6) of
4917 section 921.141, Florida Statutes, is reenacted to read:

4918 921.141 Sentence of death or life imprisonment for capital
4919 felonies; further proceedings to determine sentence.—

4920 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
4921 limited to the following:

4922 (o) The capital felony was committed by a person
4923 designated as a sexual predator pursuant to s. 775.21 or a
4924 person previously designated as a sexual predator who had the
4925 sexual predator designation removed.

4926 Section 107. For the purpose of incorporating the
4927 amendment made by this act to section 948.013, Florida Statutes,
4928 in a reference thereto, paragraph (n) of subsection (1) of
4929 section 921.187, Florida Statutes, is reenacted to read:

4930 921.187 Disposition and sentencing; alternatives;
4931 restitution.—

4932 (1) The alternatives provided in this section for the
4933 disposition of criminal cases shall be used in a manner that
4934 will best serve the needs of society, punish criminal offenders,
4935 and provide the opportunity for rehabilitation. If the offender
4936 does not receive a state prison sentence, the court may:

4937 (n) Impose split probation whereby upon satisfactory

4938 completion of half the term of probation, the Department of
4939 Corrections may place the offender on administrative probation
4940 pursuant to s. 948.013 for the remainder of the term of
4941 supervision.

4942 Section 108. For the purpose of incorporating the
4943 amendments made by this act to sections 775.21, 944.606, and
4944 944.607, Florida Statutes, in references thereto, subsection
4945 (3), paragraph (a) of subsection (4), and subsection (5) of
4946 section 943.0435, Florida Statutes, are reenacted to read:

4947 943.0435 Sexual offenders required to register with the
4948 department; penalty.—

4949 (3) Within 48 hours after the report required under
4950 subsection (2), a sexual offender shall report in person at a
4951 driver license office of the Department of Highway Safety and
4952 Motor Vehicles, unless a driver license or identification card
4953 that complies with the requirements of s. 322.141(3) was
4954 previously secured or updated under s. 944.607. At the driver
4955 license office the sexual offender shall:

4956 (a) If otherwise qualified, secure a Florida driver
4957 license, renew a Florida driver license, or secure an
4958 identification card. The sexual offender shall identify himself
4959 or herself as a sexual offender who is required to comply with
4960 this section and shall provide proof that the sexual offender
4961 reported as required in subsection (2). The sexual offender
4962 shall provide any of the information specified in subsection

4963 (2), if requested. The sexual offender shall submit to the
4964 taking of a photograph for use in issuing a driver license,
4965 renewed license, or identification card, and for use by the
4966 department in maintaining current records of sexual offenders.

4967 (b) Pay the costs assessed by the Department of Highway
4968 Safety and Motor Vehicles for issuing or renewing a driver
4969 license or identification card as required by this section. The
4970 driver license or identification card issued must be in
4971 compliance with s. 322.141(3).

4972 (c) Provide, upon request, any additional information
4973 necessary to confirm the identity of the sexual offender,
4974 including a set of fingerprints.

4975 (4) (a) Each time a sexual offender's driver license or
4976 identification card is subject to renewal, and, without regard
4977 to the status of the offender's driver license or identification
4978 card, within 48 hours after any change in the offender's
4979 permanent, temporary, or transient residence or change in the
4980 offender's name by reason of marriage or other legal process,
4981 the offender shall report in person to a driver license office,
4982 and is subject to the requirements specified in subsection (3).
4983 The Department of Highway Safety and Motor Vehicles shall
4984 forward to the department all photographs and information
4985 provided by sexual offenders. Notwithstanding the restrictions
4986 set forth in s. 322.142, the Department of Highway Safety and
4987 Motor Vehicles may release a reproduction of a color-photograph

4988 or digital-image license to the Department of Law Enforcement
4989 for purposes of public notification of sexual offenders as
4990 provided in this section and ss. 943.043 and 944.606. A sexual
4991 offender who is unable to secure or update a driver license or
4992 an identification card with the Department of Highway Safety and
4993 Motor Vehicles as provided in subsection (3) and this subsection
4994 shall also report any change in the sexual offender's permanent,
4995 temporary, or transient residence or change in the offender's
4996 name by reason of marriage or other legal process within 48
4997 hours after the change to the sheriff's office in the county
4998 where the offender resides or is located and provide
4999 confirmation that he or she reported such information to the
5000 Department of Highway Safety and Motor Vehicles. The reporting
5001 requirements under this paragraph do not negate the requirement
5002 for a sexual offender to obtain a Florida driver license or an
5003 identification card as required in this section.

5004 (5) This section does not apply to a sexual offender who
5005 is also a sexual predator, as defined in s. 775.21. A sexual
5006 predator must register as required under s. 775.21.

5007 Section 109. For the purpose of incorporating the
5008 amendments made by this act to sections 943.0435, 944.606, and
5009 944.607, Florida Statutes, in references thereto, subsection (2)
5010 of section 943.0436, Florida Statutes, is reenacted to read:

5011 943.0436 Duty of the court to uphold laws governing sexual
5012 predators and sexual offenders.—

5013 (2) If a person meets the criteria in chapter 775 for
5014 designation as a sexual predator or meets the criteria in s.
5015 943.0435, s. 944.606, s. 944.607, or any other law for
5016 classification as a sexual offender, the court may not enter an
5017 order, for the purpose of approving a plea agreement or for any
5018 other reason, which:

5019 (a) Exempts a person who meets the criteria for
5020 designation as a sexual predator or classification as a sexual
5021 offender from such designation or classification, or exempts
5022 such person from the requirements for registration or community
5023 and public notification imposed upon sexual predators and sexual
5024 offenders;

5025 (b) Restricts the compiling, reporting, or release of
5026 public records information that relates to sexual predators or
5027 sexual offenders; or

5028 (c) Prevents any person or entity from performing its
5029 duties or operating within its statutorily conferred authority
5030 as such duty or authority relates to sexual predators or sexual
5031 offenders.

5032 Section 110. For the purpose of incorporating the
5033 amendment made by this act to section 847.0135, Florida
5034 Statutes, in a reference thereto, paragraph (g) of subsection
5035 (2) of section 943.325, Florida Statutes, is reenacted to read:
5036 943.325 DNA database.—

5037 (2) DEFINITIONS.—As used in this section, the term:

5038 (g) "Qualifying offender" means any person, including
 5039 juveniles and adults, who is:
 5040 1.a. Committed to a county jail;
 5041 b. Committed to or under the supervision of the Department
 5042 of Corrections, including persons incarcerated in a private
 5043 correctional institution operated under contract pursuant to s.
 5044 944.105;
 5045 c. Committed to or under the supervision of the Department
 5046 of Juvenile Justice;
 5047 d. Transferred to this state under the Interstate Compact
 5048 on Juveniles, part XIII of chapter 985; or
 5049 e. Accepted under Article IV of the Interstate Corrections
 5050 Compact, part III of chapter 941; and who is:
 5051 2.a. Convicted of any felony offense or attempted felony
 5052 offense in this state or of a similar offense in another
 5053 jurisdiction;
 5054 b. Convicted of a misdemeanor violation of s. 784.048, s.
 5055 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 5056 offense that was found, pursuant to s. 874.04, to have been
 5057 committed for the purpose of benefiting, promoting, or
 5058 furthering the interests of a criminal gang as defined in s.
 5059 874.03; or
 5060 c. Arrested for any felony offense or attempted felony
 5061 offense in this state.
 5062 Section 111. For the purpose of incorporating the

5063 amendment made by this act to section 847.001, Florida Statutes,
 5064 in a reference thereto, subsection (2) of section 944.11,
 5065 Florida Statutes, is reenacted to read:

5066 944.11 Department to regulate admission of books.—

5067 (2) The department shall have the authority to prohibit
 5068 admission of reading materials or publications with content
 5069 which depicts sexual conduct as defined by s. 847.001 or
 5070 presents nudity in such a way as to create the appearance that
 5071 sexual conduct is imminent. The department shall have the
 5072 authority to prohibit admission of such materials at a
 5073 particular state correctional facility upon a determination by
 5074 the department that such material or publications would be
 5075 detrimental to the safety, security, order or rehabilitative
 5076 interests of a particular state correctional facility or would
 5077 create a risk of disorder at a particular state correctional
 5078 facility.

5079 Section 112. For the purpose of incorporating the
 5080 amendments made by this act to sections 775.21 and 943.0435,
 5081 Florida Statutes, in references thereto, paragraph (a) of
 5082 subsection (4) and subsection (9) of section 944.607, Florida
 5083 Statutes, are reenacted to read:

5084 944.607 Notification to Department of Law Enforcement of
 5085 information on sexual offenders.—

5086 (4) A sexual offender, as described in this section, who
 5087 is under the supervision of the Department of Corrections but is

5088 | not incarcerated shall register with the Department of
5089 | Corrections within 3 business days after sentencing for a
5090 | registrable offense and otherwise provide information as
5091 | required by this subsection.

5092 | (a) The sexual offender shall provide his or her name;
5093 | date of birth; social security number; race; sex; height;
5094 | weight; hair and eye color; tattoos or other identifying marks;
5095 | all electronic mail addresses and Internet identifiers required
5096 | to be provided pursuant to s. 943.0435(4)(e); employment
5097 | information required to be provided pursuant to s.
5098 | 943.0435(4)(e); all home telephone numbers and cellular
5099 | telephone numbers required to be provided pursuant to s.
5100 | 943.0435(4)(e); the make, model, color, vehicle identification
5101 | number (VIN), and license tag number of all vehicles owned;
5102 | permanent or legal residence and address of temporary residence
5103 | within the state or out of state while the sexual offender is
5104 | under supervision in this state, including any rural route
5105 | address or post office box; if no permanent or temporary
5106 | address, any transient residence within the state; and address,
5107 | location or description, and dates of any current or known
5108 | future temporary residence within the state or out of state. The
5109 | sexual offender shall also produce his or her passport, if he or
5110 | she has a passport, and, if he or she is an alien, shall produce
5111 | or provide information about documents establishing his or her
5112 | immigration status. The sexual offender shall also provide

5113 information about any professional licenses he or she has. The
5114 Department of Corrections shall verify the address of each
5115 sexual offender in the manner described in ss. 775.21 and
5116 943.0435. The department shall report to the Department of Law
5117 Enforcement any failure by a sexual predator or sexual offender
5118 to comply with registration requirements.

5119 (9) A sexual offender, as described in this section, who
5120 is under the supervision of the Department of Corrections but
5121 who is not incarcerated shall, in addition to the registration
5122 requirements provided in subsection (4), register and obtain a
5123 distinctive driver license or identification card in the manner
5124 provided in s. 943.0435(3), (4), and (5), unless the sexual
5125 offender is a sexual predator, in which case he or she shall
5126 register and obtain a distinctive driver license or
5127 identification card as required under s. 775.21. A sexual
5128 offender who fails to comply with the requirements of s.
5129 943.0435 is subject to the penalties provided in s. 943.0435(9).

5130 Section 113. For the purpose of incorporating the
5131 amendments made by this act to sections 775.21 and 944.607,
5132 Florida Statutes, in references thereto, subsection (7) of
5133 section 944.608, Florida Statutes, is reenacted to read:

5134 944.608 Notification to Department of Law Enforcement of
5135 information on career offenders.—

5136 (7) A career offender who is under the supervision of the
5137 department but who is not incarcerated shall, in addition to the

5138 registration requirements provided in subsection (3), register
5139 in the manner provided in s. 775.261(4)(c), unless the career
5140 offender is a sexual predator, in which case he or she shall
5141 register as required under s. 775.21, or is a sexual offender,
5142 in which case he or she shall register as required in s.
5143 944.607. A career offender who fails to comply with the
5144 requirements of s. 775.261(4) is subject to the penalties
5145 provided in s. 775.261(8).

5146 Section 114. For the purpose of incorporating the
5147 amendment made by this act to section 775.21, Florida Statutes,
5148 in a reference thereto, subsection (4) of section 944.609,
5149 Florida Statutes, is reenacted to read:

5150 944.609 Career offenders; notification upon release.—

5151 (4) The department or any law enforcement agency may
5152 notify the community and the public of a career offender's
5153 presence in the community. However, with respect to a career
5154 offender who has been found to be a sexual predator under s.
5155 775.21, the Department of Law Enforcement or any other law
5156 enforcement agency must inform the community and the public of
5157 the career offender's presence in the community, as provided in
5158 s. 775.21.

5159 Section 115. For the purpose of incorporating the
5160 amendment made by this act to section 947.1405, Florida
5161 Statutes, in a reference thereto, subsection (1) of section
5162 944.70, Florida Statutes, is reenacted to read:

5163 944.70 Conditions for release from incarceration.—
 5164 (1) (a) A person who is convicted of a crime committed on
 5165 or after October 1, 1983, but before January 1, 1994, may be
 5166 released from incarceration only:
 5167 1. Upon expiration of the person's sentence;
 5168 2. Upon expiration of the person's sentence as reduced by
 5169 accumulated gain-time;
 5170 3. As directed by an executive order granting clemency;
 5171 4. Upon attaining the provisional release date;
 5172 5. Upon placement in a conditional release program
 5173 pursuant to s. 947.1405; or
 5174 6. Upon the granting of control release pursuant to s.
 5175 947.146.
 5176 (b) A person who is convicted of a crime committed on or
 5177 after January 1, 1994, may be released from incarceration only:
 5178 1. Upon expiration of the person's sentence;
 5179 2. Upon expiration of the person's sentence as reduced by
 5180 accumulated meritorious or incentive gain-time;
 5181 3. As directed by an executive order granting clemency;
 5182 4. Upon placement in a conditional release program
 5183 pursuant to s. 947.1405 or a conditional medical release program
 5184 pursuant to s. 947.149; or
 5185 5. Upon the granting of control release, including
 5186 emergency control release, pursuant to s. 947.146.
 5187 Section 116. For the purpose of incorporating the

5188 amendment made by this act to section 947.1405, Florida
 5189 Statutes, in a reference thereto, paragraph (f) of subsection
 5190 (1) of section 947.13, Florida Statutes, is reenacted to read:

5191 947.13 Powers and duties of commission.—

5192 (1) The commission shall have the powers and perform the
 5193 duties of:

5194 (f) Establishing the terms and conditions of persons
 5195 released on conditional release under s. 947.1405, and
 5196 determining subsequent ineligibility for conditional release due
 5197 to a violation of the terms or conditions of conditional release
 5198 and taking action with respect to such a violation.

5199 Section 117. For the purpose of incorporating the
 5200 amendments made by this act to sections 775.21, 943.0435, and
 5201 943.4354, Florida Statutes, in references thereto, paragraph (c)
 5202 of subsection (2) and subsection (12) of section 947.1405,
 5203 Florida Statutes, are reenacted to read:

5204 947.1405 Conditional release program.—

5205 (2) Any inmate who:

5206 (c) Is found to be a sexual predator under s. 775.21 or
 5207 former s. 775.23,

5208
 5209 shall, upon reaching the tentative release date or provisional
 5210 release date, whichever is earlier, as established by the
 5211 Department of Corrections, be released under supervision subject
 5212 to specified terms and conditions, including payment of the cost

5213 of supervision pursuant to s. 948.09. Such supervision shall be
5214 applicable to all sentences within the overall term of sentences
5215 if an inmate's overall term of sentences includes one or more
5216 sentences that are eligible for conditional release supervision
5217 as provided herein. Effective July 1, 1994, and applicable for
5218 offenses committed on or after that date, the commission may
5219 require, as a condition of conditional release, that the
5220 releasee make payment of the debt due and owing to a county or
5221 municipal detention facility under s. 951.032 for medical care,
5222 treatment, hospitalization, or transportation received by the
5223 releasee while in that detention facility. The commission, in
5224 determining whether to order such repayment and the amount of
5225 such repayment, shall consider the amount of the debt, whether
5226 there was any fault of the institution for the medical expenses
5227 incurred, the financial resources of the releasee, the present
5228 and potential future financial needs and earning ability of the
5229 releasee, and dependents, and other appropriate factors. If any
5230 inmate placed on conditional release supervision is also subject
5231 to probation or community control, resulting from a probationary
5232 or community control split sentence within the overall term of
5233 sentences, the Department of Corrections shall supervise such
5234 person according to the conditions imposed by the court and the
5235 commission shall defer to such supervision. If the court revokes
5236 probation or community control and resentences the offender to a
5237 term of incarceration, such revocation also constitutes a

5238 sufficient basis for the revocation of the conditional release
5239 supervision on any nonprobationary or noncommunity control
5240 sentence without further hearing by the commission. If any such
5241 supervision on any nonprobationary or noncommunity control
5242 sentence is revoked, such revocation may result in a forfeiture
5243 of all gain-time, and the commission may revoke the resulting
5244 deferred conditional release supervision or take other action it
5245 considers appropriate. If the term of conditional release
5246 supervision exceeds that of the probation or community control,
5247 then, upon expiration of the probation or community control,
5248 authority for the supervision shall revert to the commission and
5249 the supervision shall be subject to the conditions imposed by
5250 the commission. A panel of no fewer than two commissioners shall
5251 establish the terms and conditions of any such release. If the
5252 offense was a controlled substance violation, the conditions
5253 shall include a requirement that the offender submit to random
5254 substance abuse testing intermittently throughout the term of
5255 conditional release supervision, upon the direction of the
5256 correctional probation officer as defined in s. 943.10(3). The
5257 commission shall also determine whether the terms and conditions
5258 of such release have been violated and whether such violation
5259 warrants revocation of the conditional release.

5260 (12) In addition to all other conditions imposed, for a
5261 releasee who is subject to conditional release for a crime that
5262 was committed on or after May 26, 2010, and who has been

5263 convicted at any time of committing, or attempting, soliciting,
5264 or conspiring to commit, any of the criminal offenses listed in
5265 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5266 jurisdiction against a victim who was under 18 years of age at
5267 the time of the offense, if the releasee has not received a
5268 pardon for any felony or similar law of another jurisdiction
5269 necessary for the operation of this subsection, if a conviction
5270 of a felony or similar law of another jurisdiction necessary for
5271 the operation of this subsection has not been set aside in any
5272 postconviction proceeding, or if the releasee has not been
5273 removed from the requirement to register as a sexual offender or
5274 sexual predator pursuant to s. 943.04354, the commission must
5275 impose the following conditions:

5276 (a) A prohibition on visiting schools, child care
5277 facilities, parks, and playgrounds without prior approval from
5278 the releasee's supervising officer. The commission may also
5279 designate additional prohibited locations to protect a victim.
5280 The prohibition ordered under this paragraph does not prohibit
5281 the releasee from visiting a school, child care facility, park,
5282 or playground for the sole purpose of attending a religious
5283 service as defined in s. 775.0861 or picking up or dropping off
5284 the releasee's child or grandchild at a child care facility or
5285 school.

5286 (b) A prohibition on distributing candy or other items to
5287 children on Halloween; wearing a Santa Claus costume, or other

5288 | costume to appeal to children, on or preceding Christmas;
 5289 | wearing an Easter Bunny costume, or other costume to appeal to
 5290 | children, on or preceding Easter; entertaining at children's
 5291 | parties; or wearing a clown costume without prior approval from
 5292 | the commission.

5293 |
 5294 | Section 118. For the purpose of incorporating the
 5295 | amendment made by this act to section 947.1405, Florida
 5296 | Statutes, in references thereto, subsections (1), (2), and (7)
 5297 | of section 947.141, Florida Statutes, are reenacted to read:

5298 | 947.141 Violations of conditional release, control
 5299 | release, or conditional medical release or addiction-recovery
 5300 | supervision.—

5301 | (1) If a member of the commission or a duly authorized
 5302 | representative of the commission has reasonable grounds to
 5303 | believe that an offender who is on release supervision under s.
 5304 | 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
 5305 | the terms and conditions of the release in a material respect,
 5306 | such member or representative may cause a warrant to be issued
 5307 | for the arrest of the releasee; if the offender was found to be
 5308 | a sexual predator, the warrant must be issued.

5309 | (2) Upon the arrest on a felony charge of an offender who
 5310 | is on release supervision under s. 947.1405, s. 947.146, s.
 5311 | 947.149, or s. 944.4731, the offender must be detained without
 5312 | bond until the initial appearance of the offender at which a

5313 | judicial determination of probable cause is made. If the trial
5314 | court judge determines that there was no probable cause for the
5315 | arrest, the offender may be released. If the trial court judge
5316 | determines that there was probable cause for the arrest, such
5317 | determination also constitutes reasonable grounds to believe
5318 | that the offender violated the conditions of the release. Within
5319 | 24 hours after the trial court judge's finding of probable
5320 | cause, the detention facility administrator or designee shall
5321 | notify the commission and the department of the finding and
5322 | transmit to each a facsimile copy of the probable cause
5323 | affidavit or the sworn offense report upon which the trial court
5324 | judge's probable cause determination is based. The offender must
5325 | continue to be detained without bond for a period not exceeding
5326 | 72 hours excluding weekends and holidays after the date of the
5327 | probable cause determination, pending a decision by the
5328 | commission whether to issue a warrant charging the offender with
5329 | violation of the conditions of release. Upon the issuance of the
5330 | commission's warrant, the offender must continue to be held in
5331 | custody pending a revocation hearing held in accordance with
5332 | this section.

5333 | (7) If a law enforcement officer has probable cause to
5334 | believe that an offender who is on release supervision under s.
5335 | 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5336 | the terms and conditions of his or her release by committing a
5337 | felony offense, the officer shall arrest the offender without a

5338 | warrant, and a warrant need not be issued in the case.

5339 | Section 119. For the purpose of incorporating the
5340 | amendment made by this act to section 775.21, Florida Statutes,
5341 | in references thereto, paragraphs (b) and (d) of subsection (8)
5342 | of section 948.06, Florida Statutes, are reenacted to read:

5343 | 948.06 Violation of probation or community control;
5344 | revocation; modification; continuance; failure to pay
5345 | restitution or cost of supervision.—

5346 | (8)

5347 | (b) For purposes of this section and ss. 903.0351,
5348 | 948.064, and 921.0024, the term "violent felony offender of
5349 | special concern" means a person who is on:

5350 | 1. Felony probation or community control related to the
5351 | commission of a qualifying offense committed on or after the
5352 | effective date of this act;

5353 | 2. Felony probation or community control for any offense
5354 | committed on or after the effective date of this act, and has
5355 | previously been convicted of a qualifying offense;

5356 | 3. Felony probation or community control for any offense
5357 | committed on or after the effective date of this act, and is
5358 | found to have violated that probation or community control by
5359 | committing a qualifying offense;

5360 | 4. Felony probation or community control and has
5361 | previously been found by a court to be a habitual violent felony
5362 | offender as defined in s. 775.084(1)(b) and has committed a

5363 | qualifying offense on or after the effective date of this act;

5364 | 5. Felony probation or community control and has
5365 | previously been found by a court to be a three-time violent
5366 | felony offender as defined in s. 775.084(1)(c) and has committed
5367 | a qualifying offense on or after the effective date of this act;
5368 | or

5369 | 6. Felony probation or community control and has
5370 | previously been found by a court to be a sexual predator under
5371 | s. 775.21 and has committed a qualifying offense on or after the
5372 | effective date of this act.

5373 | (d) In the case of an alleged violation of probation or
5374 | community control other than a failure to pay costs, fines, or
5375 | restitution, the following individuals shall remain in custody
5376 | pending the resolution of the probation or community control
5377 | violation:

5378 | 1. A violent felony offender of special concern, as
5379 | defined in this section;

5380 | 2. A person who is on felony probation or community
5381 | control for any offense committed on or after the effective date
5382 | of this act and who is arrested for a qualifying offense as
5383 | defined in this section; or

5384 | 3. A person who is on felony probation or community
5385 | control and has previously been found by a court to be a
5386 | habitual violent felony offender as defined in s. 775.084(1)(b),
5387 | a three-time violent felony offender as defined in s.

5388 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 5389 arrested for committing a qualifying offense as defined in this
 5390 section on or after the effective date of this act.

5391
 5392 The court shall not dismiss the probation or community control
 5393 violation warrant pending against an offender enumerated in this
 5394 paragraph without holding a recorded violation-of-probation
 5395 hearing at which both the state and the offender are
 5396 represented.

5397 Section 120. For the purpose of incorporating the
 5398 amendments made by this act to sections 775.21, 943.0435, and
 5399 944.607, Florida Statutes, in references thereto, section
 5400 948.063, Florida Statutes, is reenacted to read:

5401 948.063 Violations of probation or community control by
 5402 designated sexual offenders and sexual predators.—

5403 (1) If probation or community control for any felony
 5404 offense is revoked by the court pursuant to s. 948.06(2)(e) and
 5405 the offender is designated as a sexual offender pursuant to s.
 5406 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
 5407 775.21 for unlawful sexual activity involving a victim 15 years
 5408 of age or younger and the offender is 18 years of age or older,
 5409 and if the court imposes a subsequent term of supervision
 5410 following the revocation of probation or community control, the
 5411 court must order electronic monitoring as a condition of the
 5412 subsequent term of probation or community control.

5413 (2) If the probationer or offender is required to register
5414 as a sexual predator under s. 775.21 or as a sexual offender
5415 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5416 involving a victim 15 years of age or younger and the
5417 probationer or offender is 18 years of age or older and has
5418 violated the conditions of his or her probation or community
5419 control, but the court does not revoke the probation or
5420 community control, the court shall nevertheless modify the
5421 probation or community control to include electronic monitoring
5422 for any probationer or offender not then subject to electronic
5423 monitoring.

5424 Section 121. For the purpose of incorporating the
5425 amendment made by this act to section 775.21, Florida Statutes,
5426 in a reference thereto, subsection (4) of section 948.064,
5427 Florida Statutes, is reenacted to read:

5428 948.064 Notification of status as a violent felony
5429 offender of special concern.—

5430 (4) The state attorney, or the statewide prosecutor if
5431 applicable, shall advise the court at each critical stage in the
5432 judicial process, at which the state attorney or statewide
5433 prosecutor is represented, whether an alleged or convicted
5434 offender is a violent felony offender of special concern; a
5435 person who is on felony probation or community control for any
5436 offense committed on or after the effective date of this act and
5437 who is arrested for a qualifying offense; or a person who is on

5438 felony probation or community control and has previously been
 5439 found by a court to be a habitual violent felony offender as
 5440 defined in s. 775.084(1)(b), a three-time violent felony
 5441 offender as defined in s. 775.084(1)(c), or a sexual predator
 5442 under s. 775.21, and who is arrested for committing a qualifying
 5443 offense on or after the effective date of this act.

5444 Section 122. For the purpose of incorporating the
 5445 amendment made by this act to section 948.06, Florida Statutes,
 5446 in a reference thereto, paragraph (a) of subsection (7) of
 5447 section 948.08, Florida Statutes, is reenacted to read:

5448 948.08 Pretrial intervention program.—

5449 (7) (a) Notwithstanding any provision of this section, a
 5450 person who is charged with a felony, other than a felony listed
 5451 in s. 948.06(8)(c), and identified as a veteran, as defined in
 5452 s. 1.01, including a veteran who is discharged or released under
 5453 a general discharge, or servicemember, as defined in s. 250.01,
 5454 who suffers from a military service-related mental illness,
 5455 traumatic brain injury, substance abuse disorder, or
 5456 psychological problem, is eligible for voluntary admission into
 5457 a pretrial veterans' treatment intervention program approved by
 5458 the chief judge of the circuit, upon motion of either party or
 5459 the court's own motion, except:

5460 1. If a defendant was previously offered admission to a
 5461 pretrial veterans' treatment intervention program at any time
 5462 before trial and the defendant rejected that offer on the

5463 record, the court may deny the defendant's admission to such a
5464 program.

5465 2. If a defendant previously entered a court-ordered
5466 veterans' treatment program, the court may deny the defendant's
5467 admission into the pretrial veterans' treatment program.

5468 Section 123. For the purpose of incorporating the
5469 amendment made by this act to section 775.21, Florida Statutes,
5470 in a reference thereto, subsection (3) of section 948.12,
5471 Florida Statutes, is reenacted to read:

5472 948.12 Intensive supervision for postprison release of
5473 violent offenders.—It is the finding of the Legislature that the
5474 population of violent offenders released from state prison into
5475 the community poses the greatest threat to the public safety of
5476 the groups of offenders under community supervision. Therefore,
5477 for the purpose of enhanced public safety, any offender released
5478 from state prison who:

5479 (3) Has been found to be a sexual predator pursuant to s.
5480 775.21,

5481
5482 and who has a term of probation to follow the period of
5483 incarceration shall be provided intensive supervision by
5484 experienced correctional probation officers. Subject to specific
5485 appropriation by the Legislature, caseloads may be restricted to
5486 a maximum of 40 offenders per officer to provide for enhanced
5487 public safety as well as to effectively monitor conditions of

5488 | electronic monitoring or curfews, if such was ordered by the
 5489 | court.

5490 | Section 124. For the purpose of incorporating the
 5491 | amendments made by this act to sections 775.21 and 943.0435,
 5492 | Florida Statutes, in references thereto, paragraph (b) of
 5493 | subsection (3) and subsection (4) of section 948.30, Florida
 5494 | Statutes, are reenacted to read:

5495 | 948.30 Additional terms and conditions of probation or
 5496 | community control for certain sex offenses.—Conditions imposed
 5497 | pursuant to this section do not require oral pronouncement at
 5498 | the time of sentencing and shall be considered standard
 5499 | conditions of probation or community control for offenders
 5500 | specified in this section.

5501 | (3) Effective for a probationer or community controllee
 5502 | whose crime was committed on or after September 1, 2005, and
 5503 | who:

5504 | (b) Is designated a sexual predator pursuant to s. 775.21;
 5505 | or

5506 |
 5507 | the court must order, in addition to any other provision of this
 5508 | section, mandatory electronic monitoring as a condition of the
 5509 | probation or community control supervision.

5510 | (4) In addition to all other conditions imposed, for a
 5511 | probationer or community controllee who is subject to
 5512 | supervision for a crime that was committed on or after May 26,

5513 2010, and who has been convicted at any time of committing, or
5514 attempting, soliciting, or conspiring to commit, any of the
5515 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5516 similar offense in another jurisdiction, against a victim who
5517 was under the age of 18 at the time of the offense; if the
5518 offender has not received a pardon for any felony or similar law
5519 of another jurisdiction necessary for the operation of this
5520 subsection, if a conviction of a felony or similar law of
5521 another jurisdiction necessary for the operation of this
5522 subsection has not been set aside in any postconviction
5523 proceeding, or if the offender has not been removed from the
5524 requirement to register as a sexual offender or sexual predator
5525 pursuant to s. 943.04354, the court must impose the following
5526 conditions:

5527 (a) A prohibition on visiting schools, child care
5528 facilities, parks, and playgrounds, without prior approval from
5529 the offender's supervising officer. The court may also designate
5530 additional locations to protect a victim. The prohibition
5531 ordered under this paragraph does not prohibit the offender from
5532 visiting a school, child care facility, park, or playground for
5533 the sole purpose of attending a religious service as defined in
5534 s. 775.0861 or picking up or dropping off the offender's
5535 children or grandchildren at a child care facility or school.

5536 (b) A prohibition on distributing candy or other items to
5537 children on Halloween; wearing a Santa Claus costume, or other

5538 costume to appeal to children, on or preceding Christmas;
5539 wearing an Easter Bunny costume, or other costume to appeal to
5540 children, on or preceding Easter; entertaining at children's
5541 parties; or wearing a clown costume; without prior approval from
5542 the court.

5543 Section 125. For the purpose of incorporating the
5544 amendments made by this act to sections 775.21, 943.0435,
5545 944.606, and 944.607, Florida Statutes, in references thereto,
5546 section 948.31, Florida Statutes, is reenacted to read:

5547 948.31 Evaluation and treatment of sexual predators and
5548 offenders on probation or community control.—The court may
5549 require any probationer or community controllee who is required
5550 to register as a sexual predator under s. 775.21 or sexual
5551 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5552 an evaluation, at the probationer or community controllee's
5553 expense, by a qualified practitioner to determine whether such
5554 probationer or community controllee needs sexual offender
5555 treatment. If the qualified practitioner determines that sexual
5556 offender treatment is needed and recommends treatment, the
5557 probationer or community controllee must successfully complete
5558 and pay for the treatment. Such treatment must be obtained from
5559 a qualified practitioner as defined in s. 948.001. Treatment may
5560 not be administered by a qualified practitioner who has been
5561 convicted or adjudicated delinquent of committing, or
5562 attempting, soliciting, or conspiring to commit, any offense

5563 that is listed in s. 943.0435(1)(h)1.a.(I).

5564 Section 126. For the purpose of incorporating the
5565 amendment made by this act to section 775.0877, Florida
5566 Statutes, in a reference thereto, section 951.27, Florida
5567 Statutes, is reenacted to read:

5568 951.27 Blood tests of inmates.—

5569 (1) Each county and each municipal detention facility
5570 shall have a written procedure developed, in consultation with
5571 the facility medical provider, establishing conditions under
5572 which an inmate will be tested for infectious disease, including
5573 human immunodeficiency virus pursuant to s. 775.0877, which
5574 procedure is consistent with guidelines of the Centers for
5575 Disease Control and Prevention and recommendations of the
5576 Correctional Medical Authority. It is not unlawful for the
5577 person receiving the test results to divulge the test results to
5578 the sheriff or chief correctional officer.

5579 (2) Except as otherwise provided in this subsection,
5580 serologic blood test results obtained pursuant to subsection (1)
5581 are confidential and exempt from the provisions of s. 119.07(1)
5582 and s. 24(a), Art. I of the State Constitution. However, such
5583 results may be provided to employees or officers of the sheriff
5584 or chief correctional officer who are responsible for the
5585 custody and care of the affected inmate and have a need to know
5586 such information, and as provided in ss. 775.0877 and 960.003.
5587 In addition, upon request of the victim or the victim's legal

5588 guardian, or the parent or legal guardian of the victim if the
5589 victim is a minor, the results of any HIV test performed on an
5590 inmate who has been arrested for any sexual offense involving
5591 oral, anal, or vaginal penetration by, or union with, the sexual
5592 organ of another, shall be disclosed to the victim or the
5593 victim's legal guardian, or to the parent or legal guardian of
5594 the victim if the victim is a minor. In such cases, the county
5595 or municipal detention facility shall furnish the test results
5596 to the Department of Health, which is responsible for disclosing
5597 the results to public health agencies as provided in s. 775.0877
5598 and to the victim or the victim's legal guardian, or the parent
5599 or legal guardian of the victim if the victim is a minor, as
5600 provided in s. 960.003(3).

5601 (3) The results of any serologic blood test on an inmate
5602 are a part of that inmate's permanent medical file. Upon
5603 transfer of the inmate to any other correctional facility, such
5604 file is also transferred, and all relevant authorized persons
5605 must be notified of positive HIV test results, as required in s.
5606 775.0877.

5607 Section 127. For the purpose of incorporating the
5608 amendment made by this act to section 775.0877, Florida
5609 Statutes, in references thereto, paragraphs (a) and (b) of
5610 subsection (2) and paragraph (a) of subsection (3) of section
5611 960.003, Florida Statutes, are reenacted to read:

5612 960.003 Hepatitis and HIV testing for persons charged with

5613 or alleged by petition for delinquency to have committed certain
5614 offenses; disclosure of results to victims.—

5615 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5616 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5617 (a) In any case in which a person has been charged by
5618 information or indictment with or alleged by petition for
5619 delinquency to have committed any offense enumerated in s.
5620 775.0877(1)(a)-(n), which involves the transmission of body
5621 fluids from one person to another, upon request of the victim or
5622 the victim's legal guardian, or of the parent or legal guardian
5623 of the victim if the victim is a minor, the court shall order
5624 such person to undergo hepatitis and HIV testing within 48 hours
5625 after the information, indictment, or petition for delinquency
5626 is filed. In the event the victim or, if the victim is a minor,
5627 the victim's parent or legal guardian requests hepatitis and HIV
5628 testing after 48 hours have elapsed from the filing of the
5629 indictment, information, or petition for delinquency, the
5630 testing shall be done within 48 hours after the request.

5631 (b) However, when a victim of any sexual offense
5632 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
5633 the time the offense was committed or when a victim of any
5634 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
5635 825.1025 is a disabled adult or elderly person as defined in s.
5636 825.1025 regardless of whether the offense involves the
5637 transmission of bodily fluids from one person to another, then

5638 upon the request of the victim or the victim's legal guardian,
5639 or of the parent or legal guardian, the court shall order such
5640 person to undergo hepatitis and HIV testing within 48 hours
5641 after the information, indictment, or petition for delinquency
5642 is filed. In the event the victim or, if the victim is a minor,
5643 the victim's parent or legal guardian requests hepatitis and HIV
5644 testing after 48 hours have elapsed from the filing of the
5645 indictment, information, or petition for delinquency, the
5646 testing shall be done within 48 hours after the request. The
5647 testing shall be performed under the direction of the Department
5648 of Health in accordance with s. 381.004. The results of a
5649 hepatitis and HIV test performed on a defendant or juvenile
5650 offender pursuant to this subsection shall not be admissible in
5651 any criminal or juvenile proceeding arising out of the alleged
5652 offense.

5653 (3) DISCLOSURE OF RESULTS.—

5654 (a) The results of the test shall be disclosed no later
5655 than 2 weeks after the court receives such results, under the
5656 direction of the Department of Health, to the person charged
5657 with or alleged by petition for delinquency to have committed or
5658 to the person convicted of or adjudicated delinquent for any
5659 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5660 transmission of body fluids from one person to another, and,
5661 upon request, to the victim or the victim's legal guardian, or
5662 the parent or legal guardian of the victim if the victim is a

5663 minor, and to public health agencies pursuant to s. 775.0877. If
5664 the alleged offender is a juvenile, the test results shall also
5665 be disclosed to the parent or guardian. When the victim is a
5666 victim as described in paragraph (2)(b), the test results must
5667 also be disclosed no later than 2 weeks after the court receives
5668 such results, to the person charged with or alleged by petition
5669 for delinquency to have committed or to the person convicted of
5670 or adjudicated delinquent for any offense enumerated in s.
5671 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5672 offense involves the transmission of bodily fluids from one
5673 person to another, and, upon request, to the victim or the
5674 victim's legal guardian, or the parent or legal guardian of the
5675 victim, and to public health agencies pursuant to s. 775.0877.
5676 Otherwise, hepatitis and HIV test results obtained pursuant to
5677 this section are confidential and exempt from the provisions of
5678 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5679 shall not be disclosed to any other person except as expressly
5680 authorized by law or court order.

5681 Section 128. For the purpose of incorporating the
5682 amendment made by this act to section 39.01, Florida Statutes,
5683 in a reference thereto, subsection (5) of section 960.065,
5684 Florida Statutes, is reenacted to read:

5685 960.065 Eligibility for awards.—

5686 (5) A person is not ineligible for an award pursuant to
5687 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that

5688 | person is a victim of sexual exploitation of a child as defined
 5689 | in s. 39.01(70)(g).

5690 | Section 129. For the purpose of incorporating the
 5691 | amendment made by this act to section 39.01, Florida Statutes,
 5692 | in a reference thereto, subsection (2) of section 984.03,
 5693 | Florida Statutes, is reenacted to read:

5694 | 984.03 Definitions.—When used in this chapter, the term:

5695 | (2) "Abuse" means any willful act that results in any
 5696 | physical, mental, or sexual injury that causes or is likely to
 5697 | cause the child's physical, mental, or emotional health to be
 5698 | significantly impaired. Corporal discipline of a child by a
 5699 | parent or guardian for disciplinary purposes does not in itself
 5700 | constitute abuse when it does not result in harm to the child as
 5701 | defined in s. 39.01.

5702 | Section 130. For the purpose of incorporating the
 5703 | amendment made by this act to section 985.475, Florida Statutes,
 5704 | in a reference thereto, paragraph (c) of subsection (5) of
 5705 | section 985.0301, Florida Statutes, is reenacted to read:

5706 | 985.0301 Jurisdiction.—

5707 | (5)

5708 | (c) The court shall retain jurisdiction over a juvenile
 5709 | sexual offender, as defined in s. 985.475, who has been placed
 5710 | on community-based treatment alternative with supervision or who
 5711 | has been placed in a program or facility for juvenile sexual
 5712 | offenders, pursuant to s. 985.48, until the juvenile sexual

5713 offender reaches 21 years of age, specifically for the purpose
 5714 of allowing the juvenile to complete the program.

5715 Section 131. For the purpose of incorporating the
 5716 amendments made by this act to sections 775.21, 943.0435,
 5717 944.606 and 944.607, Florida Statutes, in references thereto,
 5718 paragraph (b) of subsection (6) of section 985.04, Florida
 5719 Statutes, is reenacted to read:

5720 985.04 Oaths; records; confidential information.—

5721 (6)

5722 (b) Sexual offender and predator registration information
 5723 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 5724 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 5725 otherwise provided by law.

5726 Section 132. For the purpose of incorporating the
 5727 amendment made by this act to section 985.475, Florida Statutes,
 5728 in a reference thereto, paragraph (c) of subsection (1) of
 5729 section 985.441, Florida Statutes, is reenacted to read:

5730 985.441 Commitment.—

5731 (1) The court that has jurisdiction of an adjudicated
 5732 delinquent child may, by an order stating the facts upon which a
 5733 determination of a sanction and rehabilitative program was made
 5734 at the disposition hearing:

5735 (c) Commit the child to the department for placement in a
 5736 program or facility for juvenile sexual offenders in accordance
 5737 with s. 985.48, subject to specific appropriation for such a

5738 program or facility.

5739 1. The child may only be committed for such placement
5740 pursuant to determination that the child is a juvenile sexual
5741 offender under the criteria specified in s. 985.475.

5742 2. Any commitment of a juvenile sexual offender to a
5743 program or facility for juvenile sexual offenders must be for an
5744 indeterminate period of time, but the time may not exceed the
5745 maximum term of imprisonment that an adult may serve for the
5746 same offense.

5747 Section 133. For the purpose of incorporating the
5748 amendments made by this act to sections 775.21 and 943.0435
5749 Florida Statutes, in references thereto, subsection (9) of
5750 section 985.4815, Florida Statutes, is reenacted to read:

5751 985.4815 Notification to Department of Law Enforcement of
5752 information on juvenile sexual offenders.—

5753 (9) A sexual offender, as described in this section, who
5754 is under the care, jurisdiction, or supervision of the
5755 department but who is not incarcerated shall, in addition to the
5756 registration requirements provided in subsection (4), register
5757 in the manner provided in s. 943.0435(3), (4), and (5), unless
5758 the sexual offender is a sexual predator, in which case he or
5759 she shall register as required under s. 775.21. A sexual
5760 offender who fails to comply with the requirements of s.
5761 943.0435 is subject to the penalties provided in s. 943.0435(9).

5762 Section 134. For the purpose of incorporating the

5763 amendment made by this act to section 943.0435, Florida
5764 Statutes, in a reference thereto, paragraph (g) of subsection
5765 (2) of section 1012.467, Florida Statutes, is reenacted to read:
5766 1012.467 Noninstructional contractors who are permitted
5767 access to school grounds when students are present; background
5768 screening requirements.—

5769 (2)

5770 (g) A noninstructional contractor for whom a criminal
5771 history check is required under this section may not have been
5772 convicted of any of the following offenses designated in the
5773 Florida Statutes, any similar offense in another jurisdiction,
5774 or any similar offense committed in this state which has been
5775 redesignated from a former provision of the Florida Statutes to
5776 one of the following offenses:

5777 1. Any offense listed in s. 943.0435(1)(h)1., relating to
5778 the registration of an individual as a sexual offender.

5779 2. Section 393.135, relating to sexual misconduct with
5780 certain developmentally disabled clients and the reporting of
5781 such sexual misconduct.

5782 3. Section 394.4593, relating to sexual misconduct with
5783 certain mental health patients and the reporting of such sexual
5784 misconduct.

5785 4. Section 775.30, relating to terrorism.

5786 5. Section 782.04, relating to murder.

5787 6. Section 787.01, relating to kidnapping.

5788 | 7. Any offense under chapter 800, relating to lewdness and
5789 | indecent exposure.
5790 | 8. Section 826.04, relating to incest.
5791 | 9. Section 827.03, relating to child abuse, aggravated
5792 | child abuse, or neglect of a child.
5793 | Section 135. This act shall take effect October 1, 2017.