

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 which 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 the existence or contents of the
67 subpoenas in certain circumstances; providing
68 exceptions to such nondisclosure requirement;
69 requiring certain notice to be provided in a subpoena
70 that contains a nondisclosure requirement; 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 the subpoenas; providing penalties
77 | for a violation of the subpoena or nondisclosure
78 | requirement; providing immunity for certain persons
79 | complying with the subpoenas in certain circumstances;
80 | providing for judicial review and extension of such
81 | nondisclosure requirement and specifying requirements
82 | therefor; amending s. 796.001, F.S.; conforming
83 | provisions to changes made by the act; repealing s.
84 | 827.071, F.S., relating to sexual performance by a
85 | child; amending s. 847.001, F.S.; revising
86 | definitions; creating s. 847.003, F.S.; providing
87 | definitions; prohibiting a person from using a child
88 | in a sexual performance or promoting a sexual
89 | performance by a child; providing penalties; amending
90 | s. 847.0135, F.S.; providing for separate offenses of
91 | computer pornography and child exploitation under
92 | certain circumstances; conforming provisions to
93 | changes made by the act; amending s. 847.01357, F.S.;
94 | conforming provisions to changes made by the act;
95 | amending s. 847.0137, F.S.; revising and providing
96 | definitions; prohibiting a person from possessing,
97 | with the intent to promote, child pornography;
98 | prohibiting a person from knowingly possessing,
99 | controlling, or intentionally viewing child
100 | pornography; providing penalties; providing

101 application and construction; providing for separate
102 offenses of transmission of child pornography under
103 certain circumstances; amending ss. 856.022, 895.02,
104 905.34, and 934.07, F.S.; conforming provisions to
105 changes made by the act; amending s. 938.085, F.S.;
106 revising the offenses for which a surcharge to be
107 deposited into the Rape Crisis Program Trust Fund
108 shall be imposed; conforming provisions to changes
109 made by the act; amending s. 938.10, F.S.; revising
110 the offenses for which an additional court cost shall
111 be imposed; conforming provisions to changes made by
112 the act; amending ss. 943.0435, 943.04354, 943.0585,
113 943.059, 944.606, 944.607, and 947.1405, F.S.;
114 conforming provisions to changes made by the act;
115 amending s. 948.013, F.S.; revising the list of
116 offenses that make an offender ineligible for
117 placement on administrative probation during specified
118 time periods; amending ss. 948.03, and 948.04, F.S.;
119 conforming provisions to changes made by the act;
120 amending s. 948.06, F.S.; revising the offenses that
121 constitute a qualifying offense for purposes relating
122 to a violation of probation or community control;
123 conforming provisions to changes made by the act;
124 amending ss. 948.062, 948.101, 948.30, 948.32, 960.03,
125 and 960.197, F.S.; conforming provisions to changes

126 made by the act; amending s. 985.04, F.S.; revising
127 the types of offenses committed by a child in certain
128 custody or supervision of the Department of Juvenile
129 Justice which require the department to provide notice
130 to the school superintendent; conforming provisions to
131 changes made by the act; amending ss. 985.475 and
132 1012.315, F.S.; conforming provisions to changes made
133 by the act; amending s. 921.0022, F.S.; ranking the
134 offense of solicitation of a child via a computer
135 service while misrepresenting one's age on the offense
136 severity ranking chart; conforming provisions to
137 changes made by the act; providing a directive to the
138 Division of Law Revision and Information; reenacting
139 ss. 39.402(9) (a), 39.506(6), 39.509(6) (b),
140 39.521(3) (d), 39.524(1), 39.806(1) (d) and (n),
141 63.089(4) (b), 63.092(3), 68.07(3) (i) and (6),
142 92.55(1) (b), 92.605(1) (b), 322.141(3), 381.004(2) (h),
143 384.29(1) (c) and (3), 390.01114(2) (b) and (e),
144 393.067(4) (h), (7), and (9), 394.495(4) (p),
145 394.9125(2) (a), 397.4872(2) (a) and (c), 409.1678
146 (1) (c) and (6) (a) and (b), 435.07(4) (b), 655.50(3) (g),
147 741.313(1) (e), 775.084(4) (j), 775.0862(2),
148 775.13(4) (e) and (f), 775.21(3) (b), (5) (d), (6) (f),
149 and (10) (c), 775.24(2), 775.25, 775.261(3) (b),
150 784.049(2) (d), 794.011(2) (a), (3), (4), and (5),

151 794.03, 794.075(1), 847.002(1)(b), (2), and (3),
 152 847.012(3)(b), 847.01357(3), 847.0138(2) and (3),
 153 896.101(2)(g) and (10), 903.0351(1)(b) and (c),
 154 903.046(2)(m), 905.34(3), 921.0022(3)(g),
 155 921.141(6)(o), 921.187(1)(n), 943.0435(3), (4)(a), and
 156 (5), 943.0436(2), 943.325(2)(g), 944.11(2),
 157 944.607(4)(a) and (9), 944.608(7), 944.609(4),
 158 944.70(1), 947.13(1)(f), 947.1405(2)(c) and (12),
 159 947.141(1), (2), and (7), 948.06(8)(b) and (d),
 160 948.063, 948.064(4), 948.08(7)(a), 948.12(3),
 161 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)
 162 and (b) and (3)(a), 960.065(5), 984.03(2),
 163 985.0301(5)(c), 985.04(6)(b), 985.441(1)(c),
 164 985.4815(9), and 1012.467(2)(g), F.S., relating to
 165 placement in a shelter, arraignment hearings,
 166 grandparents rights, disposition hearings, safe-harbor
 167 placement, grounds for termination of parental rights,
 168 proceedings to terminate parental rights pending
 169 adoption, report to the court of intended placement by
 170 an adoption entity, change of name, proceedings
 171 involving certain victims or witnesses, production of
 172 certain records, color or markings of certain licenses
 173 or identification cards, HIV testing, confidentiality,
 174 the Parental Notice of Abortion Act, facility
 175 licensure, the child and adolescent mental health

176 system of care, authority of a State Attorney to refer
177 a person for civil commitment, exemption from
178 disqualification, specialized residential options for
179 children who are victims of sexual exploitation,
180 exemptions from disqualification, Florida Control of
181 Money Laundering and Terrorist Financing in Financial
182 Institutions Act, unlawful action against employees
183 seeking protection, violent career criminals, habitual
184 felony offenders, and habitual violent felony
185 offenders, sexual offenses against students by
186 authority figures, registration of convicted felons,
187 the Florida Sexual Predators Act, duty of the court
188 to uphold laws governing sexual predators and sexual
189 offenders, prosecutions for acts or omissions, career
190 offender registration, sexual cyberharassment, sexual
191 battery, publishing or broadcasting information
192 identifying sexual offense victims, sexual predators
193 and erectile dysfunction drugs, child pornography
194 prosecutions, sale or distribution of harmful
195 materials to minors or using minors in production,
196 civil remedies for exploited children, transmission of
197 material harmful to minors to a minor by electronic
198 devices, the Florida Money Laundering Act,
199 restrictions on pretrial release pending probation-
200 violation hearings or community-control-violation

201 | hearings, purposes of and criteria for bail
202 | determination, the powers and duties of a statewide
203 | grand jury, the offense severity ranking chart of the
204 | Criminal Punishment Code, sentence of death or life
205 | imprisonment for capital felonies, disposition and
206 | sentencing alternatives, sexual offenders required to
207 | register with the Department of Law Enforcement, duty
208 | of the court to uphold laws governing sexual predators
209 | and sexual offenders, DNA database, regulation by the
210 | Department of Corrections of the admission of books,
211 | notification to the Department of Law Enforcement of
212 | information on sexual offenders, notification to the
213 | Department of Law Enforcement concerning career
214 | offenders, career offenders and notification upon
215 | release, conditions for release from incarceration,
216 | powers and duties of the Florida Commission on
217 | Offender Review, conditional release program,
218 | violations of conditional release, control release, or
219 | conditional medical release or addiction-recovery
220 | supervision, violation of probation or community
221 | control, violations of probation or community control
222 | by designated sexual offenders and predators,
223 | notification of status as a violent felony offender of
224 | special concern, pretrial intervention program,
225 | intensive supervision for postprison release of

226 | violent offenders, additional terms and conditions of
 227 | probation or community control for certain sex
 228 | offenses, evaluation and treatment of sexual predators
 229 | and offenders on probation or community control, blood
 230 | tests of inmates, hepatitis and HIV testing for
 231 | persons charged with or alleged by petition for
 232 | delinquency to have committed certain offenses,
 233 | eligibility for victim assistance awards, definitions
 234 | relating to children and families in need of services,
 235 | jurisdiction, oaths, records, and confidential
 236 | information, commitment, notification to Department of
 237 | Law Enforcement of information on juvenile sexual
 238 | offenders, and contractors permitted access to school
 239 | grounds, respectively, to incorporate the amendments
 240 | made by the act in cross-references to amended
 241 | provisions; providing an effective date.

242 |

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

244 |

245 | Section 1. Paragraph (a) of subsection (1) of section
 246 | 16.56, Florida Statutes, is amended, and paragraph (b) of that
 247 | subsection is republished, to read:

248 | 16.56 Office of Statewide Prosecution.—

249 | (1) There is created in the Department of Legal Affairs an
 250 | Office of Statewide Prosecution. The office shall be a separate

251 "budget entity" as that term is defined in chapter 216. The
 252 office may:

253 (a) Investigate and prosecute the offenses of:

254 1. Bribery, burglary, criminal usury, extortion, gambling,
 255 kidnapping, larceny, murder, prostitution, perjury, robbery,
 256 carjacking, and home-invasion robbery;

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

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

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

268 5. Any violation of the Florida Antitrust Act of 1980, as
 269 amended;

270 6. Any crime involving, or resulting in, fraud or deceit
 271 upon any person;

272 7. Any violation of s. 847.0135, relating to computer
 273 pornography and child exploitation ~~prevention~~, or any offense
 274 related to a violation of former s. 827.071, s. 847.003, s.
 275 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the

276 crime is facilitated by or connected to the use of the Internet
 277 or any device capable of electronic data storage or
 278 transmission;

279 8. Any violation of chapter 815;
 280 9. Any criminal violation of part I of chapter 499;
 281 10. Any violation of the Florida Motor Fuel Tax Relief Act
 282 of 2004;
 283 11. Any criminal violation of s. 409.920 or s. 409.9201;
 284 12. Any crime involving voter registration, voting, or
 285 candidate or issue petition activities;
 286 13. Any criminal violation of the Florida Money Laundering
 287 Act;
 288 14. Any criminal violation of the Florida Securities and
 289 Investor Protection Act; or
 290 15. Any violation of chapter 787, as well as any and all
 291 offenses related to a violation of chapter 787;

292
 293 or any attempt, solicitation, or conspiracy to commit any of the
 294 crimes specifically enumerated above. The office shall have such
 295 power only when any such offense is occurring, or has occurred,
 296 in two or more judicial circuits as part of a related
 297 transaction, or when any such offense is connected with an
 298 organized criminal conspiracy affecting two or more judicial
 299 circuits. Informations or indictments charging such offenses
 300 shall contain general allegations stating the judicial circuits

301 and counties in which crimes are alleged to have occurred or the
 302 judicial circuits and counties in which crimes affecting such
 303 circuits or counties are alleged to have been connected with an
 304 organized criminal conspiracy.

305 (b) Investigate and prosecute any crime enumerated in
 306 paragraph (a) facilitated by or connected to the use of the
 307 Internet. Any such crime is a crime occurring in every judicial
 308 circuit within the state.

309 Section 2. Paragraph (c) of subsection (30) and paragraph
 310 (g) of subsection (70) of section 39.01, Florida Statutes, are
 311 amended to read:

312 39.01 Definitions.—When used in this chapter, unless the
 313 context otherwise requires:

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

316 (c) Allows, encourages, or forces the sexual exploitation
 317 of a child, which includes allowing, encouraging, or forcing a
 318 child to:

- 319 1. Solicit for or engage in prostitution; or
- 320 2. Engage in a sexual performance, as defined by former s.
 321 827.071 or s. 847.003 ~~chapter 827.~~

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

324 (g) The sexual exploitation of a child, which includes the
 325 act of a child offering to engage in or engaging in

326 | prostitution, or the act of allowing, encouraging, or forcing a
 327 | child to:

- 328 | 1. Solicit for or engage in prostitution;
- 329 | 2. Engage in a sexual performance, as defined by former s.
 330 | 827.071 or s. 847.003 ~~chapter 827~~; or
- 331 | 3. Participate in the trade of human trafficking as
 332 | provided in s. 787.06(3)(g).

333 | Section 3. Paragraph (b) of subsection (4) of section
 334 | 39.0132, Florida Statutes, is amended to read:

335 | 39.0132 Oaths, records, and confidential information.—
 336 | (4)

337 | (b) The department shall disclose to the school
 338 | superintendent the presence of a ~~any~~ child in the care and
 339 | custody or under the jurisdiction or supervision of the
 340 | department who has a known history of criminal sexual behavior
 341 | with other juveniles; is an alleged juvenile sex offender, as
 342 | defined in s. 39.01; or has pled guilty or nolo contendere to,
 343 | or has been found to have committed, a violation of chapter 794,
 344 | chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 345 | 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 346 | adjudication. An ~~Any~~ employee of a district school board who
 347 | knowingly and willfully discloses such information to an
 348 | unauthorized person commits a misdemeanor of the second degree,
 349 | punishable as provided in s. 775.082 or s. 775.083.

350 | Section 4. Paragraph (a) of subsection (3) of section

351 39.0139, Florida Statutes, is amended to read:

352 39.0139 Visitation or other contact; restrictions.—

353 (3) PRESUMPTION OF DETRIMENT.—

354 (a) A rebuttable presumption of detriment to a child is
355 created when:

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

359 2. A parent or caregiver has been found guilty of,
360 regardless of adjudication, or has entered a plea of guilty or
361 nolo contendere to, charges under the following statutes or
362 substantially similar statutes of other jurisdictions:

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

365 b. Section 794.011, relating to sexual battery;

366 c. Section 798.02, relating to lewd and lascivious
367 behavior;

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

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

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

372 g. Section 847.003, relating to sexual performance by a
373 child;

374 h. Section 847.0135, excluding s. 847.0135(6), relating to
375 computer pornography and child exploitation; or

376 i. Section 847.0137, relating to child pornography; or
 377 3. A court of competent jurisdiction has determined a
 378 parent or caregiver to be a sexual predator as defined in s.
 379 775.21 or a parent or caregiver has received a substantially
 380 similar designation under laws of another jurisdiction.

381 Section 5. Paragraph (b) of subsection (2) of section
 382 39.301, Florida Statutes, is amended to read:

383 39.301 Initiation of protective investigations.—

384 (2)

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

387 1. A child is known or suspected to be the victim of child
 388 abuse, as defined in s. 827.03, or of neglect of a child, as
 389 defined in s. 827.03.

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

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

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

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

400 6. A child is known or suspected to be a victim of human

401 trafficking, as provided in s. 787.06.

402 Section 6. Paragraph (a) of subsection (6) of section
403 39.509, Florida Statutes, is amended to read:

404 39.509 Grandparents rights.—Notwithstanding any other
405 provision of law, a maternal or paternal grandparent as well as
406 a stepgrandparent is entitled to reasonable visitation with his
407 or her grandchild who has been adjudicated a dependent child and
408 taken from the physical custody of the parent unless the court
409 finds that such visitation is not in the best interest of the
410 child or that such visitation would interfere with the goals of
411 the case plan. Reasonable visitation may be unsupervised and,
412 where appropriate and feasible, may be frequent and continuing.
413 Any order for visitation or other contact must conform to the
414 provisions of s. 39.0139.

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

418 (a) The finding of guilt, regardless of adjudication, or
419 entry or plea of guilty or nolo contendere to charges under the
420 following statutes, or similar statutes of other jurisdictions:
421 s. 787.04, relating to removing minors from the state or
422 concealing minors contrary to court order; s. 794.011, relating
423 to sexual battery; s. 798.02, relating to lewd and lascivious
424 behavior; chapter 800, relating to lewdness and indecent
425 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,

426 relating to the abuse of children; s. 847.003, relating to
427 sexual performance by a child; s. 847.0135, excluding s.
428 847.0135(6), relating to computer pornography and child
429 exploitation; or s. 847.0137, relating to child pornography.

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

432 90.404 Character evidence; when admissible.—

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

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

439 2. For the purposes of this paragraph, the term "child
440 molestation" means conduct proscribed by s. 787.025(2)(c), s.
441 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
442 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
443 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
444 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
445 against a person 16 years of age or younger.

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

451 2. For the purposes of this paragraph, the term "sexual
 452 offense" means conduct proscribed by s. 787.025(2)(c), s.
 453 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
 454 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
 455 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
 456 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
 457 985.701(1).

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

460 92.56 Judicial proceedings and court records involving
 461 sexual offenses and human trafficking.—

462 (2) A defendant charged with a crime described in s.
 463 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or
 464 (g); chapter 794; or chapter 800; ~~or~~ with child abuse or ~~or~~
 465 aggravated child abuse, ~~or sexual performance by a child as~~
 466 described in chapter 827; with sexual performance by a child as
 467 described in former s. 827.071; or with a sexual offense
 468 described in chapter 847~~;~~ may apply to the trial court for an
 469 order of disclosure of information in court records held
 470 confidential and exempt pursuant to s. 119.0714(1)(h) or
 471 maintained as confidential and exempt pursuant to court order
 472 under this section. Such identifying information concerning the
 473 victim may be released to the defendant or his or her attorney
 474 in order to prepare the defense. The confidential and exempt
 475 status of this information may not be construed to prevent the

476 disclosure of the victim's identity to the defendant; however,
477 the defendant may not disclose the victim's identity to any
478 person other than the defendant's attorney or any other person
479 directly involved in the preparation of the defense. A willful
480 and knowing disclosure of the identity of the victim to any
481 other person by the defendant constitutes contempt.

482 (3) The state may use a pseudonym instead of the victim's
483 name to designate the victim of a crime described in s.
484 787.06(3)(a)1., (c)1., or (e)1.;in s. 787.06(3)(b), (d), (f),
485 or (g); or in chapter 794; or chapter 800; ~~or~~ of child abuse
486 or aggravated child abuse, ~~or sexual performance by a child as~~
487 described in chapter 827; of sexual performance by a child as
488 described in former s. 827.071; ~~or of a sexual offense any~~
489 ~~crime involving the production, possession, or promotion of~~
490 ~~child pornography as described in chapter 847,~~ in all court
491 records and records of court proceedings, both civil and
492 criminal.

493 (5) This section does not prohibit the publication or
494 broadcast of the substance of trial testimony in a prosecution
495 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.;in
496 s. 787.06(3)(b), (d), (f), or (g); chapter 794; or chapter
497 800; for ~~or~~ a crime of child abuse or aggravated child abuse ~~or~~
498 ~~sexual performance by a child,~~ as described in chapter 827;
499 for sexual performance by a child as described in former s.
500 827.071; or for a sexual offense described in chapter 847, but

501 the publication or broadcast may not include an identifying
 502 photograph, an identifiable voice, or the name or address of the
 503 victim, unless the victim has consented in writing to the
 504 publication and filed such consent with the court or unless the
 505 court has declared such records not confidential and exempt as
 506 provided for in subsection (1).

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

509 92.561 Prohibition on reproduction of child pornography.—

510 (1) In a criminal proceeding, any property or material
 511 that portrays sexual performance by a child as defined in former
 512 s. 827.071 or s. 847.003, or constitutes child pornography as
 513 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in
 514 the care, custody, and control of a law enforcement agency, the
 515 state attorney, or the court.

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

518 92.565 Admissibility of confession in sexual abuse cases.—

519 (2) In any criminal action in which the defendant is
 520 charged with a crime against a victim under s. 794.011; s.
 521 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
 522 s. 827.04, involving sexual abuse; former s. 827.071; s.
 523 847.003; ~~or~~ s. 847.0135(5); ~~or~~ s. 847.0137(2), or any other
 524 crime involving sexual abuse of another, or with any attempt,
 525 solicitation, or conspiracy to commit any of these crimes, the

526 defendant's memorialized confession or admission is admissible
527 during trial without the state having to prove a corpus delicti
528 of the crime if the court finds in a hearing conducted outside
529 the presence of the jury that the state is unable to show the
530 existence of each element of the crime, and having so found,
531 further finds that the defendant's confession or admission is
532 trustworthy. Factors which may be relevant in determining
533 whether the state is unable to show the existence of each
534 element of the crime include, but are not limited to, the fact
535 that, at the time the crime was committed, the victim was:

- 536 (a) Physically helpless, mentally incapacitated, or
537 mentally defective, as those terms are defined in s. 794.011;
538 (b) Physically incapacitated due to age, infirmity, or any
539 other cause; or
540 (c) Less than 12 years of age.

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

543 435.04 Level 2 screening standards.—

544 (2) The security background investigations under this
545 section must ensure that no persons subject to the provisions of
546 this section have been arrested for and are awaiting final
547 disposition of, have been found guilty of, regardless of
548 adjudication, or entered a plea of nolo contendere or guilty to,
549 or have been adjudicated delinquent and the record has not been
550 sealed or expunged for, any offense prohibited under any of the

551 following provisions of state law or similar law of another
552 jurisdiction:

553 (ll) Former s. Section ~~827.071~~, relating to sexual
554 performance by a child.

555 (qq) Chapter 847, relating to obscenity and child
556 exploitation ~~obscene literature~~.

557 Section 12. Paragraph (c) of subsection (4) of section
558 435.07, Florida Statutes, is amended to read:

559 435.07 Exemptions from disqualification.—Unless otherwise
560 provided by law, the provisions of this section apply to
561 exemptions from disqualification for disqualifying offenses
562 revealed pursuant to background screenings required under this
563 chapter, regardless of whether those disqualifying offenses are
564 listed in this chapter or other laws.

565 (4)

566 (c) Disqualification from employment under this chapter
567 may not be removed from, and an exemption may not be granted to,
568 any current or prospective child care personnel, as defined in
569 s. 402.302(3), and such a person is disqualified from employment
570 as child care personnel, regardless of any previous exemptions
571 from disqualification, if the person has been registered as a
572 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
573 been arrested for and is awaiting final disposition of, has been
574 convicted or found guilty of, or entered a plea of guilty or
575 nolo contendere to, regardless of adjudication, or has been

576 adjudicated delinquent and the record has not been sealed or
577 expunged for, any offense prohibited under any of the following
578 provisions of state law or a similar law of another
579 jurisdiction:

580 1. A felony offense prohibited under any of the following
581 statutes:

582 a. Chapter 741, relating to domestic violence.

583 b. Section 782.04, relating to murder.

584 c. Section 782.07, relating to manslaughter, aggravated
585 manslaughter of an elderly person or disabled adult, aggravated
586 manslaughter of a child, or aggravated manslaughter of an
587 officer, a firefighter, an emergency medical technician, or a
588 paramedic.

589 d. Section 784.021, relating to aggravated assault.

590 e. Section 784.045, relating to aggravated battery.

591 f. Section 787.01, relating to kidnapping.

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

594 h. Section 787.04(2), relating to leading, taking,
595 enticing, or removing a minor beyond the state limits, or
596 concealing the location of a minor, with criminal intent pending
597 custody proceedings.

598 i. Section 787.04(3), relating to leading, taking,
599 enticing, or removing a minor beyond the state limits, or
600 concealing the location of a minor, with criminal intent pending

601 dependency proceedings or proceedings concerning alleged abuse
 602 or neglect of a minor.

603 j. Section 794.011, relating to sexual battery.

604 k. Former s. 794.041, relating to sexual activity with or
 605 solicitation of a child by a person in familial or custodial
 606 authority.

607 l. Section 794.05, relating to unlawful sexual activity
 608 with certain minors.

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

610 n. Section 806.01, relating to arson.

611 o. Section 826.04, relating to incest.

612 p. Section 827.03, relating to child abuse, aggravated
 613 child abuse, or neglect of a child.

614 q. Section 827.04, relating to contributing to the
 615 delinquency or dependency of a child.

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

618 s. Chapter 847, relating to obscenity and child
 619 exploitation pornography.

620 t. Section 985.701, relating to sexual misconduct in
 621 juvenile justice programs.

622 2. A misdemeanor offense prohibited under any of the
 623 following statutes:

624 a. Section 784.03, relating to battery, if the victim of
 625 the offense was a minor.

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

628 c. Chapter 847, relating to obscenity and child
629 exploitation ~~pornography~~.

630 3. A criminal act committed in another state or under
631 federal law which, if committed in this state, constitutes an
632 offense prohibited under any statute listed in subparagraph 1.
633 or subparagraph 2.

634 Section 13. Paragraphs (o) and (q) of subsection (5) of
635 section 456.074, Florida Statutes, are amended, paragraphs (r)
636 and (s) of that subsection are redesignated as paragraphs (s)
637 and (t), respectively, and a new paragraph (r) is added to that
638 subsection, to read:

639 456.074 Certain health care practitioners; immediate
640 suspension of license.—

641 (5) The department shall issue an emergency order
642 suspending the license of a massage therapist or establishment
643 as defined in chapter 480 upon receipt of information that the
644 massage therapist, a person with an ownership interest in the
645 establishment, or, for a corporation that has more than \$250,000
646 of business assets in this state, the owner, officer, or
647 individual directly involved in the management of the
648 establishment has been convicted or found guilty of, or has
649 entered a plea of guilty or nolo contendere to, regardless of
650 adjudication, a violation of s. 796.07(2)(a) which is

651 reclassified under s. 796.07(7) or a felony offense under any of
652 the following provisions of state law or a similar provision in
653 another jurisdiction:

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

656 (q) Section 847.0135, relating to computer pornography and
657 child exploitation.

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

659 Section 14. Paragraphs (o) and (q) of subsection (7) of
660 section 480.041, Florida Statutes, are amended, paragraphs (r)
661 and (s) of that subsection are redesignated as paragraphs (s)
662 and (t), respectively, and a new paragraph (r) is added to that
663 subsection, to read:

664 480.041 Massage therapists; qualifications; licensure;
665 endorsement.—

666 (7) The board shall deny an application for a new or
667 renewal license if an applicant has been convicted or found
668 guilty of, or enters a plea of guilty or nolo contendere to,
669 regardless of adjudication, a violation of s. 796.07(2)(a) which
670 is reclassified under s. 796.07(7) or a felony offense under any
671 of the following provisions of state law or a similar provision
672 in another jurisdiction:

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

675 (q) Section 847.0135, relating to computer pornography and

676 child exploitation.

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

678 Section 15. Paragraphs (o) and (q) of subsection (8) of
 679 section 480.043, Florida Statutes, are amended, paragraphs (r)
 680 and (s) of that subsection are redesignated as paragraphs (s)
 681 and (t), respectively, and a new paragraph (r) is added to that
 682 subsection, to read:

683 480.043 Massage establishments; requisites; licensure;
 684 inspection.—

685 (8) The department shall deny an application for a new or
 686 renewal license if a person with an ownership interest in the
 687 establishment or, for a corporation that has more than \$250,000
 688 of business assets in this state, the owner, officer, or
 689 individual directly involved in the management of the
 690 establishment has been convicted or found guilty of, or entered
 691 a plea of guilty or nolo contendere to, regardless of
 692 adjudication, a violation of s. 796.07(2)(a) which is
 693 reclassified under s. 796.07(7) or a felony offense under any of
 694 the following provisions of state law or a similar provision in
 695 another jurisdiction:

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

698 (q) Section 847.0135, relating to computer pornography and
 699 child exploitation.

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

701 Section 16. Paragraph (b) of subsection (3) of section
 702 743.067, Florida Statutes, is amended to read:

703 743.067 Unaccompanied homeless youths.—

704 (3) An unaccompanied homeless youth may:

705 (b) Notwithstanding s. 394.4625(1), consent to medical,
 706 dental, psychological, substance abuse, and surgical diagnosis
 707 and treatment, including preventative care and care by a
 708 facility licensed under chapter 394, chapter 395, or chapter 397
 709 and any forensic medical examination for the purpose of
 710 investigating any felony offense under chapter 784, chapter 787,
 711 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
 712 847.0137, for:

- 713 1. Himself or herself; or
- 714 2. His or her child, if the unaccompanied homeless youth
 715 is unmarried, is the parent of the child, and has actual custody
 716 of the child.

717 Section 17. Paragraph (a) of subsection (1) of section
 718 772.102, Florida Statutes, is amended to read:

719 772.102 Definitions.—As used in this chapter, the term:

720 (1) "Criminal activity" means to commit, to attempt to
 721 commit, to conspire to commit, or to solicit, coerce, or
 722 intimidate another person to commit:

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

- 725 1. Section 210.18, relating to evasion of payment of

726 cigarette taxes.

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

728 3. Section 440.105 or s. 440.106, relating to workers'

729 compensation.

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

731 5. Chapter 517, relating to securities transactions.

732 6. Section 550.235 or s. 550.3551, relating to dogracing

733 and horseracing.

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

735 8. Chapter 552, relating to the manufacture, distribution,

736 and use of explosives.

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

738 10. Section 624.401, relating to transacting insurance

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

740 to operating an unauthorized multiple-employer welfare

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

742 aiding an unauthorized insurer.

743 11. Chapter 687, relating to interest and usurious

744 practices.

745 12. Section 721.08, s. 721.09, or s. 721.13, relating to

746 real estate timeshare plans.

747 13. Chapter 782, relating to homicide.

748 14. Chapter 784, relating to assault and battery.

749 15. Chapter 787, relating to kidnapping or human

750 trafficking.

- 751 16. Chapter 790, relating to weapons and firearms.
- 752 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
753 relating to prostitution.
- 754 18. Chapter 806, relating to arson.
- 755 19. Section 810.02(2)(c), relating to specified burglary
756 of a dwelling or structure.
- 757 20. Chapter 812, relating to theft, robbery, and related
758 crimes.
- 759 21. Chapter 815, relating to computer-related crimes.
- 760 22. Chapter 817, relating to fraudulent practices, false
761 pretenses, fraud generally, and credit card crimes.
- 762 23. Former s. Section 827.071, relating to commercial
763 sexual exploitation of children.
- 764 24. Chapter 831, relating to forgery and counterfeiting.
- 765 25. Chapter 832, relating to issuance of worthless checks
766 and drafts.
- 767 26. Section 836.05, relating to extortion.
- 768 27. Chapter 837, relating to perjury.
- 769 28. Chapter 838, relating to bribery and misuse of public
770 office.
- 771 29. Chapter 843, relating to obstruction of justice.
- 772 30. Section 847.003, relating to sexual performance by a
773 child.
- 774 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
775 or s. 847.07, relating to obscene literature and profanity.

776 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 777 s. 849.25, relating to gambling.

778 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and
 779 control.

780 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
 781 victims, or informants.

782 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering
 783 with jurors and evidence.

784 Section 18. Paragraph (a) of subsection (9) of section
 785 775.082, Florida Statutes, is amended to read:

786 775.082 Penalties; applicability of sentencing structures;
 787 mandatory minimum sentences for certain reoffenders previously
 788 released from prison.—

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

- 791 a. Treason;
- 792 b. Murder;
- 793 c. Manslaughter;
- 794 d. Sexual battery;
- 795 e. Carjacking;
- 796 f. Home-invasion robbery;
- 797 g. Robbery;
- 798 h. Arson;
- 799 i. Kidnapping;
- 800 j. Aggravated assault with a deadly weapon;

- 801 k. Aggravated battery;
- 802 l. Aggravated stalking;
- 803 m. Aircraft piracy;
- 804 n. Unlawful throwing, placing, or discharging of a
- 805 destructive device or bomb;
- 806 o. Any felony that involves the use or threat of physical
- 807 force or violence against an individual;
- 808 p. Armed burglary;
- 809 q. Burglary of a dwelling or burglary of an occupied
- 810 structure; or
- 811 r. Any felony violation of s. 790.07, s. 800.04, s.
- 812 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
- 813 847.0137(2);
- 814
- 815 within 3 years after being released from a state correctional
- 816 facility operated by the Department of Corrections or a private
- 817 vendor or within 3 years after being released 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 2. "Prison releasee reoffender" also means any defendant
- 824 who commits or attempts to commit any offense listed in sub-
- 825 subparagraphs (a)1.a.-r. while the defendant was serving a

826 | prison sentence or on escape status from a state correctional
827 | facility operated by the Department of Corrections or a private
828 | vendor or while the defendant was on escape status from a
829 | correctional institution of another state, the District of
830 | Columbia, the United States, any possession or territory of the
831 | United States, or any foreign jurisdiction, following
832 | incarceration for an offense for which the sentence is
833 | punishable by more than 1 year in this state.

834 | 3. If the state attorney determines that a defendant is a
835 | prison releasee reoffender as defined in subparagraph 1., the
836 | state attorney may seek to have the court sentence the defendant
837 | as a prison releasee reoffender. Upon proof from the state
838 | attorney that establishes by a preponderance of the evidence
839 | that a defendant is a prison releasee reoffender as defined in
840 | this section, such defendant is not eligible for sentencing
841 | under the sentencing guidelines and must be sentenced as
842 | follows:

843 | a. For a felony punishable by life, by a term of
844 | imprisonment for life;

845 | b. For a felony of the first degree, by a term of
846 | imprisonment of 30 years;

847 | c. For a felony of the second degree, by a term of
848 | imprisonment of 15 years; and

849 | d. For a felony of the third degree, by a term of
850 | imprisonment of 5 years.

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

854 775.0847 Possession or promotion of certain visual
855 depictions ~~images~~ of child pornography; reclassification.-

856 (1) For purposes of this section:

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

860 (f) "Sexual conduct" means actual or simulated sexual
861 intercourse, deviate sexual intercourse, sexual bestiality,
862 masturbation, or sadomasochistic abuse; actual or simulated lewd
863 exhibition of the genitals; actual physical contact with a
864 person's clothed or unclothed genitals, pubic area, buttocks,
865 or, if such person is a female, breast with the intent to arouse
866 or gratify the sexual desire of either party; or any act or
867 conduct which constitutes sexual battery or simulates that
868 sexual battery is being or will be committed. A mother's
869 breastfeeding of her baby does not under any circumstance
870 constitute "sexual conduct."

871 (g) "Visual depiction" has the same meaning provided in s.
872 847.0137.

873 (2) A violation of former s. 827.071, s. 847.003, s.
874 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
875 the next higher degree as provided in subsection (3) if:

876 (a) The offender possesses 10 or more visual depictions
 877 ~~images~~ of any form of child pornography regardless of content;
 878 and

879 (b) The content of at least one visual depiction ~~image~~
 880 contains one or more of the following:

- 881 1. A child who is younger than the age of 5.
- 882 2. Sadomasochistic abuse involving a child.
- 883 3. Sexual battery involving a child.
- 884 4. Sexual bestiality involving a child.
- 885 5. Any movie involving a child, regardless of length and
 886 regardless of whether the movie contains sound.

887 Section 20. Paragraph (1) of subsection (1) of section
 888 775.0877, Florida Statutes, is amended to read:

889 775.0877 Criminal transmission of HIV; procedures;
 890 penalties.—

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

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

898
 899 the court shall order the offender to undergo HIV testing, to be
 900 performed under the direction of the Department of Health in

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

911 Section 21. Paragraph (a) of subsection (4) and paragraph
912 (b) of subsection (10) of section 775.21, Florida Statutes, are
913 amended to read:

914 775.21 The Florida Sexual Predators Act.—

915 (4) SEXUAL PREDATOR CRITERIA.—

916 (a) For a current offense committed on or after October 1,
917 1993, upon conviction, an offender shall be designated as a
918 "sexual predator" under subsection (5), and subject to
919 registration under subsection (6) and community and public
920 notification under subsection (7) if:

921 1. The felony is:

922 a. A capital, life, or first degree felony violation, or
923 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
924 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
925 violation of a similar law of another jurisdiction; or

926 b. Any felony violation, or any attempt thereof, of s.
927 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
928 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
929 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
930 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
931 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
932 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
933 s. 847.0145; s. 895.03, if the court makes a written finding
934 that the racketeering activity involved at least one sexual
935 offense listed in this sub-subparagraph or at least one offense
936 listed in this sub-subparagraph with sexual intent or motive; s.
937 916.1075(2); or s. 985.701(1); or a violation of a similar law
938 of another jurisdiction, and the offender has previously been
939 convicted of or found to have committed, or has pled nolo
940 contendere or guilty to, regardless of adjudication, any
941 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
942 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
943 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
944 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
945 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
946 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
947 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
948 written finding that the racketeering activity involved at least
949 one sexual offense listed in this sub-subparagraph or at least
950 one offense listed in this sub-subparagraph with sexual intent

951 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
952 similar law of another jurisdiction;

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

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

959 (10) PENALTIES.—

960 (b) A sexual predator who has been convicted of or found
961 to have committed, or has pled nolo contendere or guilty to,
962 regardless of adjudication, any violation, or attempted
963 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
964 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
965 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
966 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
967 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a
968 similar law of another jurisdiction when the victim of the
969 offense was a minor, and who works, whether for compensation or
970 as a volunteer, at any business, school, child care facility,
971 park, playground, or other place where children regularly
972 congregate, commits a felony of the third degree, punishable as
973 provided in s. 775.082, s. 775.083, or s. 775.084.

974 Section 22. Subsection (2) and paragraphs (a) and (c) of
975 subsection (3) of section 775.215, Florida Statutes, are amended

976 to read:

977 775.215 Residency restriction for persons convicted of
 978 certain sex offenses.—

979 (2) (a) A person who has been convicted of a violation of
 980 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 981 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
 982 whether adjudication has been withheld, in which the victim of
 983 the offense was less than 16 years of age, may not reside within
 984 1,000 feet of any school, child care facility, park, or
 985 playground. However, a person does not violate this subsection
 986 and may not be forced to relocate if he or she is living in a
 987 residence that meets the requirements of this subsection and a
 988 school, child care facility, park, or playground is subsequently
 989 established within 1,000 feet of his or her residence.

990 (b) A person who violates this subsection and whose
 991 conviction under 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 was
 993 classified as a felony of the first degree or higher commits a
 994 felony of the third degree, punishable as provided in s. 775.082
 995 or s. 775.083. A person who violates this subsection and whose
 996 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
 997 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
 998 classified as a felony of the second or third degree commits a
 999 misdemeanor of the first degree, punishable as provided in s.
 1000 775.082 or s. 775.083.

1001 (c) This subsection applies to any person convicted of a
 1002 violation of s. 794.011, s. 800.04, former s. 827.071, s.
 1003 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
 1004 offenses that occur on or after October 1, 2004, excluding
 1005 persons who have been removed from the requirement to register
 1006 as a sexual offender or sexual predator pursuant to s.
 1007 943.04354.

1008 (3) (a) A person who has been convicted of an offense in
 1009 another jurisdiction that is similar to a violation of s.
 1010 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 1011 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
 1012 whether adjudication has been withheld, in which the victim of
 1013 the offense was less than 16 years of age, may not reside within
 1014 1,000 feet of any school, child care facility, park, or
 1015 playground. However, a person does not violate this subsection
 1016 and may not be forced to relocate if he or she is living in a
 1017 residence that meets the requirements of this subsection and a
 1018 school, child care facility, park, or playground is subsequently
 1019 established within 1,000 feet of his or her residence.

1020 (c) This subsection applies to any person convicted of an
 1021 offense in another jurisdiction that is similar to a violation
 1022 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 1023 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
 1024 occurred on or after May 26, 2010, excluding persons who have
 1025 been removed from the requirement to register as a sexual

1026 offender or sexual predator pursuant to s. 943.04354.

1027 Section 23. Paragraph (c) of subsection (1) of section
1028 784.046, Florida Statutes, is amended to read:

1029 784.046 Action by victim of repeat violence, sexual
1030 violence, or dating violence for protective injunction; dating
1031 violence investigations, notice to victims, and reporting;
1032 pretrial release violations; public records exemption.—

1033 (1) As used in this section, the term:

1034 (c) "Sexual violence" means any one incident of:

1035 1. Sexual battery, as defined in chapter 794;

1036 2. A lewd or lascivious act, as defined in chapter 800,
1037 committed upon or in the presence of a person younger than 16
1038 years of age;

1039 3. Luring or enticing a child, as described in chapter
1040 787;

1041 4. Sexual performance by a child, as described in former
1042 s. 827.071 or s. 847.003 ~~chapter 827~~; or

1043 5. Any other forcible felony wherein a sexual act is
1044 committed or attempted,

1045
1046 regardless of whether criminal charges based on the incident
1047 were filed, reduced, or dismissed by the state attorney.

1048 Section 24. Subsection (2) of section 794.0115, Florida
1049 Statutes, is amended to read:

1050 794.0115 Dangerous sexual felony offender; mandatory

1051 sentencing.—

1052 (2) Any person who is convicted of a violation of s.

1053 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

1054 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),

1055 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or

1056 of any similar offense under a former designation, which offense

1057 the person committed when he or she was 18 years of age or

1058 older, and the person:

1059 (a) Caused serious personal injury to the victim as a

1060 result of the commission of the offense;

1061 (b) Used or threatened to use a deadly weapon during the

1062 commission of the offense;

1063 (c) Victimized more than one person during the course of

1064 the criminal episode applicable to the offense;

1065 (d) Committed the offense while under the jurisdiction of

1066 a court for a felony offense under the laws of this state, for

1067 an offense that is a felony in another jurisdiction, or for an

1068 offense that would be a felony if that offense were committed in

1069 this state; or

1070 (e) Has previously been convicted of a violation of s.

1071 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

1072 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),

1073 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of

1074 any offense under a former statutory designation which is

1075 similar in elements to an offense described in this paragraph;

1076 or of any offense that is a felony in another jurisdiction, or
 1077 would be a felony if that offense were committed in this state,
 1078 and which is similar in elements to an offense described in this
 1079 paragraph,

1080
 1081 is a dangerous sexual felony offender, who must be sentenced to
 1082 a mandatory minimum term of 25 years imprisonment up to, and
 1083 including, life imprisonment. If the offense described in this
 1084 subsection was committed on or after October 1, 2014, a person
 1085 who qualifies as a dangerous sexual felony offender pursuant to
 1086 this subsection must be sentenced to a mandatory minimum term of
 1087 50 years imprisonment up to, and including, life imprisonment.

1088 Section 25. Subsection (1) of section 794.024, Florida
 1089 Statutes, is amended to read:

1090 794.024 Unlawful to disclose identifying information.—

1091 (1) A public employee or officer who has access to the
 1092 photograph, name, or address of a person who is alleged to be
 1093 the victim of an offense described in this chapter, chapter 800,
 1094 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual
 1095 offense described in chapter 847 may not willfully and knowingly
 1096 disclose it to a person who is not assisting in the
 1097 investigation or prosecution of the alleged offense or to any
 1098 person other than the defendant, the defendant's attorney, a
 1099 person specified in an order entered by the court having
 1100 jurisdiction of the alleged offense, or organizations authorized

1101 to receive such information made exempt by s. 119.071(2)(h), or
1102 to a rape crisis center or sexual assault counselor, as defined
1103 in s. 90.5035(1)(b), who will be offering services to the
1104 victim.

1105 Section 26. Subsection (1) of section 794.056, Florida
1106 Statutes, is amended to read:

1107 794.056 Rape Crisis Program Trust Fund.—

1108 (1) The Rape Crisis Program Trust Fund is created within
1109 the Department of Health for the purpose of providing funds for
1110 rape crisis centers in this state. Trust fund moneys shall be
1111 used exclusively for the purpose of providing services for
1112 victims of sexual assault. Funds credited to the trust fund
1113 consist of those funds collected as an additional court
1114 assessment in each case in which a defendant pleads guilty or
1115 nolo contendere to, or is found guilty of, regardless of
1116 adjudication, an offense provided in s. 775.21(6) and (10)(a),
1117 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
1118 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
1119 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
1120 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
1121 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
1122 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
1123 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
1124 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
1125 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),

1126 (7), (8), (9) (a), (13), and (14) (c); or s. 985.701(1). Funds
1127 credited to the trust fund also shall include revenues provided
1128 by law, moneys appropriated by the Legislature, and grants from
1129 public or private entities.

1130 Section 27. Section 794.10, Florida Statutes, is created
1131 to read:

1132 794.10 Investigative subpoenas in certain cases involving
1133 child victims.—

1134 (1) DEFINITIONS.—As used in this section, the term:

1135 (a) "Child" means a person who is less than 18 years of
1136 age.

1137 (b) "Child sexual offender" means a person who is required
1138 to register as a sexual predator under s. 775.21 or as a sexual
1139 offender under s. 943.0435 if at least one of the offenses that
1140 qualified the person for such registration requirement involved
1141 a victim who was a child at the time of the offense.

1142 (c) "Criminal justice agency" means a law enforcement
1143 agency, court, or prosecutor in this state.

1144 (d) "Sexual exploitation or abuse of a child" means a
1145 criminal offense based on any conduct described in s. 39.01(70).

1146 (2) AUTHORIZATION.—

1147 (a) In any investigation of:

1148 1. An offense involving the sexual exploitation or abuse
1149 of a child;

1150 2. A sexual offense allegedly committed by a child sexual

1151 offender who has not registered as required under s. 775.21 or
1152 s. 943.0435; or

1153 3. An offense under chapter 847 involving a child victim
1154 which is not otherwise included in subparagraph 1. or
1155 subparagraph 2.,

1156
1157 a criminal justice agency may issue in writing and cause to be
1158 served a subpoena requiring the production of any record,
1159 object, or other information or testimony described in paragraph
1160 (b).

1161 (b) A subpoena issued under this section may require:

1162 1. The production of any record, object, or other
1163 information relevant to the investigation.

1164 2. Testimony by the custodian of the record, object, or
1165 other information concerning its production and authenticity.

1166 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this
1167 section shall describe any record, object, or other information
1168 required to be produced and prescribe a reasonable return date
1169 within which the record, object, or other information can be
1170 assembled and made available.

1171 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this
1172 section shall be reimbursed for fees and mileage at the same
1173 rate at which witnesses in the courts of this state are
1174 reimbursed.

1175 (5) PETITIONS BEFORE RETURN DATE.—At any time before the

1176 return date specified in the subpoena, the recipient of the
1177 subpoena may, in the circuit court of the county in which the
1178 recipient conducts business or resides, petition for an order
1179 modifying or setting aside the subpoena or the requirement for
1180 nondisclosure of certain information under subsection (6).

1181 (6) NONDISCLOSURE.—

1182 (a)1. If a subpoena issued under this section is
1183 accompanied by a written certification under subparagraph 2. and
1184 notice under paragraph (c), the recipient of the subpoena, and a
1185 person to whom information is disclosed under subparagraph
1186 (b)1., shall not disclose, for a period of 180 days, to any
1187 person the existence or contents of the subpoena.

1188 2. The requirement in subparagraph 1. applies if the
1189 criminal justice agency that issued the subpoena certifies in
1190 writing that the disclosure may result in one or more of the
1191 following circumstances:

1192 a. Endangering a person's life or physical safety;
1193 b. Encouraging a person's flight from prosecution;
1194 c. Destruction of or tampering with evidence;
1195 d. Intimidation of potential witnesses; or
1196 e. Otherwise seriously jeopardizing an investigation or
1197 unduly delaying a trial.

1198 (b)1. A recipient of a subpoena may disclose information
1199 subject to the nondisclosure requirement in subparagraph (a)1.
1200 to:

1201 a. A person to whom disclosure is necessary in order to
 1202 comply with the subpoena;

1203 b. An attorney in order to obtain legal advice or
 1204 assistance regarding the subpoena; or

1205 c. Any other person as authorized by the criminal justice
 1206 agency that issued the subpoena.

1207 2. A recipient of a subpoena who discloses to a person
 1208 described in subparagraph 1. information subject to the
 1209 nondisclosure requirement shall notify such person of the
 1210 nondisclosure requirement by providing the person with a copy of
 1211 the subpoena. A person to whom information is disclosed under
 1212 subparagraph 1. is subject to the nondisclosure requirement in
 1213 subparagraph (a)1.

1214 3. At the request of the criminal justice agency that
 1215 issued the subpoena, a recipient of a subpoena who discloses or
 1216 intends to disclose to a person described in sub-subparagraph
 1217 1.a. or sub-subparagraph 1.b. information subject to the
 1218 nondisclosure requirement shall provide to the criminal justice
 1219 agency the identity of the person to whom such disclosure was or
 1220 will be made.

1221 (c)1. The nondisclosure requirement imposed under
 1222 paragraph (a) is subject to judicial review under subsection
 1223 (13).

1224 2. A subpoena issued under this section, in connection
 1225 with which a nondisclosure requirement under paragraph (a) is

1226 imposed, shall include:

1227 a. Notice of the nondisclosure requirement and the
1228 availability of judicial review.

1229 b. Notice that a violation of the nondisclosure
1230 requirement is subject to the penalties provided in paragraph
1231 (11) (b) .

1232 (d) The nondisclosure requirement in paragraph (a) may be
1233 extended under subsection (13) .

1234 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this
1235 section shall not require the production of anything that is
1236 protected from production under the standards applicable to a
1237 subpoena duces tecum issued by a court of this state.

1238 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding
1239 resulting from the production of any record, object, or other
1240 information under this section does not arise within a
1241 reasonable period of time after such production, the criminal
1242 justice agency to which it was delivered shall, upon written
1243 demand made by the person producing it, return the record,
1244 object, or other information to such person, unless the record
1245 was a copy and not an original.

1246 (9) TIME OF PRODUCTION.—A subpoena issued under this
1247 section may require production of any record, object, or other
1248 information as soon as possible, but the recipient of the
1249 subpoena must have at least 24 hours after he or she is served
1250 to produce the record, object, or other information.

1251 (10) SERVICE.—A subpoena issued under this section may be
 1252 served as provided in chapter 48.

1253 (11) ENFORCEMENT.—

1254 (a) If a recipient of a subpoena under this section
 1255 refuses to comply with the subpoena, the criminal justice agency
 1256 may invoke the aid of any circuit court described in subsection
 1257 (5) or of the circuit court of the county in which the
 1258 authorized investigation is being conducted. Such court may
 1259 issue an order requiring the recipient of a subpoena to appear
 1260 before the criminal justice agency that issued the subpoena to
 1261 produce any record, object, or other information or to testify
 1262 concerning the production and authenticity of the record,
 1263 object, or other information. Any failure to comply with an
 1264 order under this paragraph may be punished by the court as a
 1265 contempt of court. All process in any such case may be served in
 1266 any county in which such person may be found.

1267 (b) A recipient of a subpoena, or a person to whom
 1268 information is disclosed under subparagraph(6)(b)1., who
 1269 knowingly violates:

1270 1. A nondisclosure requirement imposed under paragraph
 1271 (6)(a) commits a noncriminal violation punishable as provided in
 1272 s. 775.083. Each person to whom a disclosure is made in
 1273 violation of this subparagraph constitutes a separate violation
 1274 subject to a separate fine.

1275 2. A nondisclosure requirement ordered by the court under

1276 this section may be held in contempt of court.

1277 (12) IMMUNITY.—Notwithstanding any other law, any person,
1278 including any officer, agent, or employee, receiving a subpoena
1279 under this section who complies in good faith with the subpoena
1280 and produces or discloses any record, object, or other
1281 information sought is not liable in any court in this state to
1282 any customer or other person for such production or disclosure.

1283 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1284 (a)1.a. If a recipient of a subpoena under this section,
1285 or a person to whom information is disclosed under subparagraph
1286 (6) (b)1., wishes to have a court review a nondisclosure
1287 requirement under subsection (6), such recipient or person may
1288 notify the criminal justice agency issuing the subpoena or file
1289 a petition for judicial review in the circuit court described in
1290 subsection (5).

1291 b. Within 30 days after the date on which the criminal
1292 justice agency receives the notification under sub-subparagraph
1293 a., the criminal justice agency shall apply for an order
1294 prohibiting the disclosure of the existence or contents of the
1295 subpoena. An application under this sub-subparagraph may be
1296 filed in the circuit court described in subsection (5) or in the
1297 circuit court of the county in which the authorized
1298 investigation is being conducted.

1299 c. The nondisclosure requirement shall remain in effect
1300 during the pendency of proceedings relating to the requirement.

1301 d. A circuit court that receives a petition under sub-
1302 subparagraph a. or an application under sub-subparagraph b.
1303 shall rule on such petition or application as expeditiously as
1304 possible.

1305 2. An application for a nondisclosure order or extension
1306 thereof or a response to a petition filed under this paragraph
1307 must include a certification from the criminal justice agency
1308 that issued the subpoena indicating that the disclosure of such
1309 information may result in one or more of the circumstances
1310 described in subparagraph (6) (a)2.

1311 3. A circuit court shall issue a nondisclosure order or
1312 extension thereof under this paragraph if it determines that
1313 there is reason to believe that disclosure of such information
1314 may result in one or more of the circumstances described in
1315 subparagraph (6) (a)2.

1316 4. Upon a showing that any of the circumstances described
1317 in subparagraph (6) (a)2. continue to exist, a circuit court may
1318 issue an ex parte order extending a nondisclosure order imposed
1319 under this section for an additional 180 days. There is no limit
1320 on the number of nondisclosure extensions that may be granted
1321 under this subparagraph.

1322 (b) In all proceedings under this subsection, subject to
1323 any right to an open hearing in a contempt proceeding, a circuit
1324 court must close any hearing to the extent necessary to prevent
1325 the unauthorized disclosure of a request for records, objects,

1326 or other information made to any person under this section.
1327 Petitions, filings, records, orders, certifications, and
1328 subpoenas must also be kept under seal to the extent and as long
1329 as necessary to prevent the unauthorized disclosure of any
1330 information under this section.

1331 Section 28. Section 796.001, Florida Statutes, is amended
1332 to read:

1333 796.001 Offenses by adults involving minors; intent.—It is
1334 the intent of the Legislature that adults who involve minors in
1335 any behavior prohibited under this chapter be prosecuted under
1336 other laws of this state, such as, but not limited to, s.
1337 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
1338 ~~chapter 827~~, and chapter 847. The Legislature finds that
1339 prosecution of such adults under this chapter is inappropriate
1340 since a minor is unable to consent to such behavior.

1341 Section 29. Section 827.071, Florida Statutes, is
1342 repealed.

1343 Section 30. Subsections (3), (8), and (16) of section
1344 847.001, Florida Statutes, are amended to read:

1345 847.001 Definitions.—As used in this chapter, the term:

1346 (3) "Child pornography" has the same meaning as provided
1347 in s. 847.0137 ~~means any image depicting a minor engaged in~~
1348 ~~sexual conduct.~~

1349 (8) "Minor" or "child" means a ~~any~~ person under the age of
1350 18 years.

1351 (16) "Sexual conduct" means actual or simulated sexual
 1352 intercourse, deviate sexual intercourse, sexual bestiality,
 1353 masturbation, or sadomasochistic abuse; actual or simulated lewd
 1354 exhibition of the genitals; actual physical contact with a
 1355 person's clothed or unclothed genitals, pubic area, buttocks,
 1356 or, if such person is a female, breast with the intent to arouse
 1357 or gratify the sexual desire of either party; or any act or
 1358 conduct which constitutes sexual battery or simulates that
 1359 sexual battery is being or will be committed. A mother's
 1360 breastfeeding of her baby does not under any circumstance
 1361 constitute "sexual conduct."

1362 Section 31. Section 847.003, Florida Statutes, is created
 1363 to read:

1364 847.003 Sexual performance by a child; penalties.-

1365 (1) As used in this section, the term:

1366 (a) "Performance" means a play, motion picture,
 1367 photograph, or dance or other visual representation exhibited
 1368 before an audience.

1369 (b) "Promote" means to procure, manufacture, issue, sell,
 1370 give, provide, lend, mail, deliver, transfer, transmute,
 1371 publish, distribute, circulate, disseminate, present, exhibit,
 1372 or advertise or to offer or agree to do the same.

1373 (c) "Sexual performance" means a performance or part
 1374 thereof which includes sexual conduct by a child.

1375 (2) A person who, knowing the character and content

1376 thereof, employs, authorizes, or induces a child to engage in a
 1377 sexual performance or, being a parent, legal guardian, or
 1378 custodian of such child, consents to the participation by such
 1379 child in a sexual performance commits the offense of use of a
 1380 child in a sexual performance, a felony of the second degree,
 1381 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1382 (3) A person who, knowing the character and content
 1383 thereof, produces, directs, or promotes a performance that
 1384 includes sexual conduct by a child commits the offense of
 1385 promoting a sexual performance by a child, a felony of the
 1386 second degree, punishable as provided in s. 775.082, s. 775.083,
 1387 or s. 775.084.

1388 Section 32. Subsections (2), (3), and (4) of section
 1389 847.0135, Florida Statutes, are amended to read:

1390 847.0135 Computer pornography; child exploitation
 1391 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1392 (2) COMPUTER PORNOGRAPHY.—A person who:

1393 (a) Knowingly compiles, enters into, or transmits by use
 1394 of computer;

1395 (b) Makes, prints, publishes, or reproduces by other
 1396 computerized means;

1397 (c) Knowingly causes or allows to be entered into or
 1398 transmitted by use of computer; or

1399 (d) Buys, sells, receives, exchanges, or disseminates,
 1400

1401 a ~~any~~ notice, statement, or advertisement of a ~~any~~ minor's name,
 1402 telephone number, place of residence, physical characteristics,
 1403 or other descriptive or identifying information for purposes of
 1404 facilitating, encouraging, offering, or soliciting sexual
 1405 conduct of or with a ~~any~~ minor, or the visual depiction of such
 1406 conduct, commits a felony of the third degree, punishable as
 1407 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 1408 an undercover operative or law enforcement officer was involved
 1409 in the detection and investigation of an offense under this
 1410 section shall not constitute a defense to a prosecution under
 1411 this section.

1412 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES

1413 PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online
 1414 service, Internet service, local bulletin board service, or ~~any~~
 1415 other device capable of electronic data storage or transmission
 1416 to:

1417 (a) Seduce, solicit, lure, or entice, or attempt to
 1418 seduce, solicit, lure, or entice, a child or another person
 1419 believed by the person to be a child, to commit an ~~any~~ illegal
 1420 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1421 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1422 in ~~any~~ unlawful sexual conduct with a child or with another
 1423 person believed by the person to be a child; or

1424 (b) Solicit, lure, or entice, or attempt to solicit, lure,
 1425 or entice a parent, legal guardian, or custodian of a child or a

1426 person believed to be a parent, legal guardian, or custodian of
1427 a child to consent to the participation of such child in an ~~any~~
1428 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
1429 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage
1430 in ~~any~~ sexual conduct,
1431
1432 commits a felony of the third degree, punishable as provided in
1433 s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in
1434 violating this subsection, misrepresents his or her age, commits
1435 a felony of the second degree, punishable as provided in s.
1436 775.082, s. 775.083, or s. 775.084. Each separate use of a
1437 computer online service, Internet service, local bulletin board
1438 service, or ~~any~~ other device capable of electronic data storage
1439 or transmission wherein an offense described in this section is
1440 committed may be charged as a separate offense.

1441 (4) TRAVELING TO MEET A MINOR.—A ~~Any~~ person who travels
1442 any distance either within this state, to this state, or from
1443 this state by any means, who attempts to do so, or who causes
1444 another to do so or to attempt to do so for the purpose of
1445 engaging in an ~~any~~ illegal act described in chapter 794, chapter
1446 800, former s. 827.071 ~~or chapter 827, s. 847.003, or s.~~
1447 847.0137, or to otherwise engage in other unlawful sexual
1448 conduct with a child or with another person believed by the
1449 person to be a child after using a computer online service,
1450 Internet service, local bulletin board service, or ~~any~~ other

1451 device capable of electronic data storage or transmission to:
 1452 (a) Seduce, solicit, lure, or entice or attempt to seduce,
 1453 solicit, lure, or entice a child or another person believed by
 1454 the person to be a child, to engage in an any illegal act
 1455 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1456 ~~chapter 827~~, s. 847.003, or s. 847.0137, or to otherwise engage
 1457 in other unlawful sexual conduct with a child; or
 1458 (b) Solicit, lure, or entice or attempt to solicit, lure,
 1459 or entice a parent, legal guardian, or custodian of a child or a
 1460 person believed to be a parent, legal guardian, or custodian of
 1461 a child to consent to the participation of such child in an any
 1462 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1463 ~~chapter 827~~, s. 847.003, or s. 847.0137, or to otherwise engage
 1464 in any sexual conduct,
 1465
 1466 commits a felony of the second degree, punishable as provided in
 1467 s. 775.082, s. 775.083, or s. 775.084.
 1468 Section 33. Subsection (1) of section 847.01357, Florida
 1469 Statutes, is amended to read:
 1470 847.01357 Exploited children's civil remedy.—
 1471 (1) A Any person who, while under the age of 18, was a
 1472 victim of a sexual abuse crime listed in chapter 794, chapter
 1473 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
 1474 portion of such abuse was used in the production of child
 1475 pornography, and who suffers personal or psychological injury as

1476 a result of the production, promotion, or possession of such
1477 images or movies, may bring an action in an appropriate state
1478 court against the producer, promoter, or possessor of such
1479 images or movies, regardless of whether the victim is now an
1480 adult. In any action brought under this section, a prevailing
1481 plaintiff shall recover the actual damages such person sustained
1482 and the cost of the suit, including reasonable attorney
1483 ~~attorney's~~ fees. A Any victim who is awarded damages under this
1484 section shall be deemed to have sustained damages of at least
1485 \$150,000.

1486 Section 34. Section 847.0137, Florida Statutes, is amended
1487 to read:

1488 847.0137 Child pornography; Transmission of pornography by
1489 ~~electronic device or equipment~~ prohibited acts; penalties.-

1490 (1) For purposes of this section, the term:

1491 (a) ~~"Minor" means any person less than 18 years of age.~~

1492 "Child pornography" means a visual depiction of sexual conduct,
1493 in which:

1494 1. The production of such visual depiction involves the
1495 use of a minor engaging in sexual conduct; or

1496 2. Such visual depiction has been created, adapted, or
1497 modified to appear that an identifiable minor is engaging in
1498 sexual conduct.

1499 (b) "Identifiable minor" means a person who is
1500 recognizable as an actual person by the person's face, likeness,

1501 or other distinguishing characteristic, such as a unique
 1502 birthmark, or other recognizable feature and:

1503 1. Who was a minor at the time the visual depiction was
 1504 created, adapted, or modified; or

1505 2. Whose image as a minor was used in creating, adapting,
 1506 or modifying the visual depiction.

1507
 1508 This paragraph does not require proof of the actual identity of
 1509 the identifiable minor.

1510 (c) "Intentionally view" means to deliberately,
 1511 purposefully, and voluntarily view. Proof of intentional viewing
 1512 requires establishing that a person deliberately, purposefully,
 1513 and voluntarily viewed more than one visual depiction over any
 1514 period of time.

1515 (d) "Promote" means to procure, manufacture, issue, sell,
 1516 give, provide, lend, mail, deliver, transfer, transmute,
 1517 publish, distribute, circulate, disseminate, present, exhibit,
 1518 or advertise or to offer or agree to do the same.

1519 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
 1520 be delivered, including the act of providing access for
 1521 receiving and causing to be delivered, a visual depiction ~~any~~
 1522 image, information, or data ~~from one or more persons or places~~
 1523 ~~to one or more other persons or places~~ over or through any
 1524 medium, including the Internet or an interconnected network, by
 1525 use of ~~any~~ electronic equipment or other device.

1526 (f) "Visual depiction" includes, but is not limited to, a
1527 photograph, picture, image, motion picture, film, video,
1528 representation, or computer or computer-generated image or
1529 picture, whether made or produced by electronic, mechanical, or
1530 other means. The term also includes undeveloped film and
1531 videotape, data stored on computer disk or by electronic means
1532 which is capable of conversion into a visual image, and data
1533 that is capable of conversion into a visual image that has been
1534 transmitted by any means, whether stored in a permanent or
1535 nonpermanent format.

1536 (2) (a) It is unlawful for a person to possess, with the
1537 intent to promote, child pornography. The possession of three or
1538 more visual depictions of child pornography is prima facie
1539 evidence of an intent to promote. A person who violates this
1540 paragraph commits a felony of the second degree, punishable as
1541 provided in s. 775.082, s. 775.083, or s. 775.084.

1542 (b) It is unlawful for a person to knowingly possess,
1543 control, or intentionally view child pornography. The
1544 possession, control, or intentional viewing of each visual
1545 depiction of child pornography is a separate offense. If the
1546 visual depiction includes sexual conduct by more than one minor,
1547 each minor in each visual depiction that is knowingly possessed,
1548 controlled, or intentionally viewed is a separate offense. A
1549 person who violates this paragraph commits a felony of the third
1550 degree, punishable as provided in s. 775.082, s. 775.083, or s.

1551 775.084.

1552 (c) This subsection does not apply to child pornography
 1553 possessed, controlled, or intentionally viewed as part of a law
 1554 enforcement investigation.

1555 (d) Prosecution of a person for an offense under this
 1556 subsection does not prohibit prosecution of that person in this
 1557 state for a violation of any law of this state, including a law
 1558 providing for greater penalties than prescribed in this section
 1559 or for any other crime punishing the sexual performance or
 1560 sexual exploitation of children.

1561 (3) (a) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, a any
 1562 person in this state who knew or reasonably should have known
 1563 that he or she was transmitting child pornography, ~~as defined in~~
 1564 ~~s. 847.001,~~ to another person in this state or in another
 1565 jurisdiction commits a felony of the third degree, punishable as
 1566 provided in s. 775.082, s. 775.083, or s. 775.084.

1567 (b) ~~(3)~~ Notwithstanding ss. 847.012 and 847.0133, a any
 1568 person in any jurisdiction other than this state who knew or
 1569 reasonably should have known that he or she was transmitting
 1570 child pornography, ~~as defined in s. 847.001,~~ to another any
 1571 person in this state commits a felony of the third degree,
 1572 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1573 (c) ~~(4)~~ This subsection does ~~section shall~~ not be construed
 1574 to prohibit prosecution of a person in this state or another
 1575 jurisdiction for a violation of any law of this state, including

1576 a law providing for greater penalties than prescribed in this
 1577 subsection ~~section~~, for the transmission of child pornography,
 1578 ~~as defined in s. 847.001,~~ to another ~~any~~ person in this state.

1579 (d) ~~(5)~~ A person is subject to prosecution in this state
 1580 pursuant to chapter 910 for any act or conduct proscribed by
 1581 this subsection ~~section~~, including a person in a jurisdiction
 1582 other than this state, if the act or conduct violates paragraph
 1583 (b) ~~subsection (3)~~.

1584 (e) ~~This subsection does~~ ~~The provisions of this section do~~
 1585 not apply to subscription-based transmissions such as list
 1586 servers.

1587 Section 35. Subsection (1) of section 856.022, Florida
 1588 Statutes, is amended to read:

1589 856.022 Loitering or prowling by certain offenders in
 1590 close proximity to children; penalty.—

1591 (1) Except as provided in subsection (2), this section
 1592 applies to a person convicted of committing, or attempting,
 1593 soliciting, or conspiring to commit, any of the criminal
 1594 offenses proscribed in the following statutes in this state or
 1595 similar offenses in another jurisdiction against a victim who
 1596 was under 18 years of age at the time of the offense: s. 787.01,
 1597 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 1598 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1599 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1600 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,

1601 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1602 s. 985.701(1); or any similar offense committed in this state
1603 which has been redesignated from a former statute number to one
1604 of those listed in this subsection, if the person has not
1605 received a pardon for any felony or similar law of another
1606 jurisdiction necessary for the operation of this subsection and
1607 a conviction of a felony or similar law of another jurisdiction
1608 necessary for the operation of this subsection has not been set
1609 aside in any postconviction proceeding.

1610 Section 36. Paragraph (a) of subsection (8) of section
1611 895.02, Florida Statutes, is amended to read:

1612 895.02 Definitions.—As used in ss. 895.01-895.08, the
1613 term:

1614 (8) "Racketeering activity" means to commit, to attempt to
1615 commit, to conspire to commit, or to solicit, coerce, or
1616 intimidate another person to commit:

1617 (a) Any crime that is chargeable by petition, indictment,
1618 or information under the following provisions of the Florida
1619 Statutes:

1620 1. Section 210.18, relating to evasion of payment of
1621 cigarette taxes.

1622 2. Section 316.1935, relating to fleeing or attempting to
1623 elude a law enforcement officer and aggravated fleeing or
1624 eluding.

1625 3. Section 403.727(3)(b), relating to environmental

- 1626 control.
- 1627 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 1628 fraud.
- 1629 5. Section 414.39, relating to public assistance fraud.
- 1630 6. Section 440.105 or s. 440.106, relating to workers'
- 1631 compensation.
- 1632 7. Section 443.071(4), relating to creation of a
- 1633 fictitious employer scheme to commit reemployment assistance
- 1634 fraud.
- 1635 8. Section 465.0161, relating to distribution of medicinal
- 1636 drugs without a permit as an Internet pharmacy.
- 1637 9. Section 499.0051, relating to crimes involving
- 1638 contraband, adulterated, or misbranded drugs.
- 1639 10. Part IV of chapter 501, relating to telemarketing.
- 1640 11. Chapter 517, relating to sale of securities and
- 1641 investor protection.
- 1642 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1643 and horseracing.
- 1644 13. Chapter 550, relating to jai alai frontons.
- 1645 14. Section 551.109, relating to slot machine gaming.
- 1646 15. Chapter 552, relating to the manufacture,
- 1647 distribution, and use of explosives.
- 1648 16. Chapter 560, relating to money transmitters, if the
- 1649 violation is punishable as a felony.
- 1650 17. Chapter 562, relating to beverage law enforcement.

1651 18. Section 624.401, relating to transacting insurance
 1652 without a certificate of authority, s. 624.437(4)(c)1., relating
 1653 to operating an unauthorized multiple-employer welfare
 1654 arrangement, or s. 626.902(1)(b), relating to representing or
 1655 aiding an unauthorized insurer.

1656 19. Section 655.50, relating to reports of currency
 1657 transactions, when such violation is punishable as a felony.

1658 20. Chapter 687, relating to interest and usurious
 1659 practices.

1660 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 1661 real estate timeshare plans.

1662 22. Section 775.13(5)(b), relating to registration of
 1663 persons found to have committed any offense for the purpose of
 1664 benefiting, promoting, or furthering the interests of a criminal
 1665 gang.

1666 23. Section 777.03, relating to commission of crimes by
 1667 accessories after the fact.

1668 24. Chapter 782, relating to homicide.

1669 25. Chapter 784, relating to assault and battery.

1670 26. Chapter 787, relating to kidnapping or human
 1671 trafficking.

1672 27. Chapter 790, relating to weapons and firearms.

1673 28. Chapter 794, relating to sexual battery, but only if
 1674 such crime was committed with the intent to benefit, promote, or
 1675 further the interests of a criminal gang, or for the purpose of

1676 | increasing a criminal gang member's own standing or position
 1677 | within a criminal gang.
 1678 | 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 1679 | 796.05, or s. 796.07, relating to prostitution.
 1680 | 30. Chapter 806, relating to arson and criminal mischief.
 1681 | 31. Chapter 810, relating to burglary and trespass.
 1682 | 32. Chapter 812, relating to theft, robbery, and related
 1683 | crimes.
 1684 | 33. Chapter 815, relating to computer-related crimes.
 1685 | 34. Chapter 817, relating to fraudulent practices, false
 1686 | pretenses, fraud generally, and credit card crimes.
 1687 | 35. Chapter 825, relating to abuse, neglect, or
 1688 | exploitation of an elderly person or disabled adult.
 1689 | 36. Former s. ~~Section~~ 827.071, relating to commercial
 1690 | sexual exploitation of children.
 1691 | 37. Section 828.122, relating to fighting or baiting
 1692 | animals.
 1693 | 38. Chapter 831, relating to forgery and counterfeiting.
 1694 | 39. Chapter 832, relating to issuance of worthless checks
 1695 | and drafts.
 1696 | 40. Section 836.05, relating to extortion.
 1697 | 41. Chapter 837, relating to perjury.
 1698 | 42. Chapter 838, relating to bribery and misuse of public
 1699 | office.
 1700 | 43. Chapter 843, relating to obstruction of justice.

1701 44. Section 847.003, relating to sexual performance by a
 1702 child.

1703 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1704 or s. 847.07, relating to obscene literature and profanity.

1705 ~~46.45.~~ Chapter 849, relating to gambling, lottery,
 1706 gambling or gaming devices, slot machines, or any of the
 1707 provisions within that chapter.

1708 ~~47.46.~~ Chapter 874, relating to criminal gangs.

1709 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
 1710 control.

1711 ~~49.48.~~ Chapter 896, relating to offenses related to
 1712 financial transactions.

1713 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
 1714 with or harassing a witness, victim, or informant, and
 1715 retaliation against a witness, victim, or informant.

1716 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
 1717 with jurors and evidence.

1718 Section 37. Subsection (8) of section 905.34, Florida
 1719 Statutes, is amended to read:

1720 905.34 Powers and duties; law applicable.—The jurisdiction
 1721 of a statewide grand jury impaneled under this chapter shall
 1722 extend throughout the state. The subject matter jurisdiction of
 1723 the statewide grand jury shall be limited to the offenses of:

1724 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
 1725 or s. 847.0138 relating to computer pornography and child

1726 exploitation prevention, or any offense related to a violation
1727 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
1728 violation of former s. 827.071 ~~chapter 827~~ where the crime is
1729 facilitated by or connected to the use of the Internet or any
1730 device capable of electronic data storage or transmission;
1731
1732 or any attempt, solicitation, or conspiracy to commit any
1733 violation of the crimes specifically enumerated above, when any
1734 such offense is occurring, or has occurred, in two or more
1735 judicial circuits as part of a related transaction or when any
1736 such offense is connected with an organized criminal conspiracy
1737 affecting two or more judicial circuits. The statewide grand
1738 jury may return indictments and presentments irrespective of the
1739 county or judicial circuit where the offense is committed or
1740 triable. If an indictment is returned, it shall be certified and
1741 transferred for trial to the county where the offense was
1742 committed. The powers and duties of, and law applicable to,
1743 county grand juries shall apply to a statewide grand jury except
1744 when such powers, duties, and law are inconsistent with the
1745 provisions of ss. 905.31-905.40.

1746 Section 38. Paragraph (a) of subsection (1) of section
1747 934.07, Florida Statutes, is amended to read:

1748 934.07 Authorization for interception of wire, oral, or
1749 electronic communications.—

1750 (1) The Governor, the Attorney General, the statewide

1751 prosecutor, or any state attorney may authorize an application
1752 to a judge of competent jurisdiction for, and such judge may
1753 grant in conformity with ss. 934.03-934.09 an order authorizing
1754 or approving the interception of, wire, oral, or electronic
1755 communications by:

1756 (a) The Department of Law Enforcement or any law
1757 enforcement agency as defined in s. 934.02 having responsibility
1758 for the investigation of the offense as to which the application
1759 is made when such interception may provide or has provided
1760 evidence of the commission of the offense of murder, kidnapping,
1761 aircraft piracy, arson, gambling, robbery, burglary, theft,
1762 dealing in stolen property, criminal usury, bribery, or
1763 extortion; any felony violation of ss. 790.161-790.166,
1764 inclusive; any violation of s. 787.06; any violation of chapter
1765 893; any violation of the provisions of the Florida Anti-Fencing
1766 Act; any violation of chapter 895; any violation of chapter 896;
1767 any violation of chapter 815; any violation of chapter 847; any
1768 violation of former s. 827.071; any violation of s. 944.40; or
1769 any conspiracy or solicitation to commit any violation of the
1770 laws of this state relating to the crimes specifically
1771 enumerated in this paragraph.

1772 Section 39. Section 938.085, Florida Statutes, is amended
1773 to read:

1774 938.085 Additional cost to fund rape crisis centers.—In
1775 addition to any sanction imposed when a person pleads guilty or

1776 nolo contendere to, or is found guilty of, regardless of
 1777 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1778 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1779 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1780 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1781 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1782 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1783 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1784 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1785 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
 1786 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1787 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1788 shall impose a surcharge of \$151. Payment of the surcharge shall
 1789 be a condition of probation, community control, or any other
 1790 court-ordered supervision. The sum of \$150 of the surcharge
 1791 shall be deposited into the Rape Crisis Program Trust Fund
 1792 established within the Department of Health by chapter 2003-140,
 1793 Laws of Florida. The clerk of the court shall retain \$1 of each
 1794 surcharge that the clerk of the court collects as a service
 1795 charge of the clerk's office.

1796 Section 40. Subsection (1) of section 938.10, Florida
 1797 Statutes, is amended to read:

1798 938.10 Additional court cost imposed in cases of certain
 1799 crimes.—

1800 (1) If a person pleads guilty or nolo contendere to, or is

1801 found guilty of, regardless of adjudication, any offense against
 1802 a minor in violation of s. 784.085, chapter 787, chapter 794,
 1803 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
 1804 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
 1805 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
 1806 893.147(3), or s. 985.701, or any offense in violation of s.
 1807 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1808 court shall impose a court cost of \$151 against the offender in
 1809 addition to any other cost or penalty required by law.

1810 Section 41. Paragraph (h) of subsection (1) of section
 1811 943.0435, Florida Statutes, is amended to read:

1812 943.0435 Sexual offenders required to register with the
 1813 department; penalty.—

1814 (1) As used in this section, the term:

1815 (h)1. "Sexual offender" means a person who meets the
 1816 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1817 subparagraph c., or sub-subparagraph d., as follows:

1818 a.(I) Has been convicted of committing, or attempting,
 1819 soliciting, or conspiring to commit, any of the criminal
 1820 offenses proscribed in the following statutes in this state or
 1821 similar offenses in another jurisdiction: s. 393.135(2); s.
 1822 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1823 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1824 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1825 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.

1826 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
1827 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1828 847.0138; s. 847.0145; s. 895.03, if the court makes a written
1829 finding that the racketeering activity involved at least one
1830 sexual offense listed in this sub-sub-subparagraph or at least
1831 one offense listed in this sub-sub-subparagraph with sexual
1832 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
1833 similar offense committed in this state which has been
1834 redesignated from a former statute number to one of those listed
1835 in this sub-sub-subparagraph; and

1836 (II) Has been released on or after October 1, 1997, from
1837 the sanction imposed for any conviction of an offense described
1838 in sub-sub-subparagraph (I). For purposes of sub-sub-
1839 subparagraph (I), a sanction imposed in this state or in any
1840 other jurisdiction includes, but is not limited to, a fine,
1841 probation, community control, parole, conditional release,
1842 control release, or incarceration in a state prison, federal
1843 prison, private correctional facility, or local detention
1844 facility;

1845 b. Establishes or maintains a residence in this state and
1846 who has not been designated as a sexual predator by a court of
1847 this state but who has been designated as a sexual predator, as
1848 a sexually violent predator, or by another sexual offender
1849 designation in another state or jurisdiction and was, as a
1850 result of such designation, subjected to registration or

1851 community or public notification, or both, or would be if the
 1852 person were a resident of that state or jurisdiction, without
 1853 regard to whether the person otherwise meets the criteria for
 1854 registration as a sexual offender;

1855 c. Establishes or maintains a residence in this state who
 1856 is in the custody or control of, or under the supervision of,
 1857 any other state or jurisdiction as a result of a conviction for
 1858 committing, or attempting, soliciting, or conspiring to commit,
 1859 any of the criminal offenses proscribed in the following
 1860 statutes or similar offense in another jurisdiction: s.
 1861 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1862 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
 1863 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
 1864 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
 1865 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
 1866 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1867 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
 1868 makes a written finding that the racketeering activity involved
 1869 at least one sexual offense listed in this sub-subparagraph or
 1870 at least one offense listed in this sub-subparagraph with sexual
 1871 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
 1872 similar offense committed in this state which has been
 1873 redesignated from a former statute number to one of those listed
 1874 in this sub-subparagraph; or

1875 d. On or after July 1, 2007, has been adjudicated

1876 delinquent for committing, or attempting, soliciting, or
 1877 conspiring to commit, any of the criminal offenses proscribed in
 1878 the following statutes in this state or similar offenses in
 1879 another jurisdiction when the juvenile was 14 years of age or
 1880 older at the time of the offense:

1881 (I) Section 794.011, excluding s. 794.011(10);

1882 (II) Section 800.04(4)(a)2. where the victim is under 12
 1883 years of age or where the court finds sexual activity by the use
 1884 of force or coercion;

1885 (III) Section 800.04(5)(c)1. where the court finds
 1886 molestation involving unclothed genitals;

1887 (IV) Section 800.04(5)(d) where the court finds the use of
 1888 force or coercion and unclothed genitals; or

1889 (V) Any similar offense committed in this state which has
 1890 been redesignated from a former statute number to one of those
 1891 listed in this sub-subparagraph.

1892 2. For all qualifying offenses listed in sub-subparagraph
 1893 1.d., the court shall make a written finding of the age of the
 1894 offender at the time of the offense.

1895
 1896 For each violation of a qualifying offense listed in this
 1897 subsection, except for a violation of s. 794.011, the court
 1898 shall make a written finding of the age of the victim at the
 1899 time of the offense. For a violation of s. 800.04(4), the court
 1900 shall also make a written finding indicating whether the offense

1901 involved sexual activity and indicating whether the offense
 1902 involved force or coercion. For a violation of s. 800.04(5), the
 1903 court shall also make a written finding that the offense did or
 1904 did not involve unclothed genitals or genital area and that the
 1905 offense did or did not involve the use of force or coercion.

1906 Section 42. Paragraph (a) of subsection (1) and subsection
 1907 (3) of section 943.04354, Florida Statutes, are amended to read:

1908 943.04354 Removal of the requirement to register as a
 1909 sexual offender or sexual predator in special circumstances.—

1910 (1) For purposes of this section, a person shall be
 1911 considered for removal of the requirement to register as a
 1912 sexual offender or sexual predator only if the person:

1913 (a) Was convicted, regardless of adjudication, or
 1914 adjudicated delinquent of a violation of s. 800.04, former s.
 1915 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
 1916 a similar offense in another jurisdiction and if the person does
 1917 not have any other conviction, regardless of adjudication, or
 1918 adjudication of delinquency for a violation of s. 794.011, s.
 1919 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 1920 847.0137(2) or for a similar offense in another jurisdiction;

1921 (3) If a person provides to the Department of Law
 1922 Enforcement a certified copy of the court's order removing the
 1923 requirement that the person register as a sexual offender or
 1924 sexual predator for the violation of s. 794.011, s. 800.04,
 1925 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.

1926 | 847.0137(2) or a similar offense in another jurisdiction, the
1927 | registration requirement will not apply to the person and the
1928 | department shall remove all information about the person from
1929 | the public registry of sexual offenders and sexual predators
1930 | maintained by the department. However, the removal of this
1931 | information from the public registry does not mean that the
1932 | public is denied access to information about the person's
1933 | criminal history or record that is otherwise available as a
1934 | public record.

1935 | Section 43. Section 943.0585, Florida Statutes, is amended
1936 | to read:

1937 | 943.0585 Court-ordered expunction of criminal history
1938 | records.—The courts of this state have jurisdiction over their
1939 | own procedures, including the maintenance, expunction, and
1940 | correction of judicial records containing criminal history
1941 | information to the extent such procedures are not inconsistent
1942 | with the conditions, responsibilities, and duties established by
1943 | this section. Any court of competent jurisdiction may order a
1944 | criminal justice agency to expunge the criminal history record
1945 | of a minor or an adult who complies with the requirements of
1946 | this section. The court shall not order a criminal justice
1947 | agency to expunge a criminal history record until the person
1948 | seeking to expunge a criminal history record has applied for and
1949 | received a certificate of eligibility for expunction pursuant to
1950 | subsection (2) or subsection (5). A criminal history record that

1951 | relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1952 | chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1953 | s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1954 | 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
1955 | s. 916.1075, a violation enumerated in s. 907.041, or any
1956 | violation specified as a predicate offense for registration as a
1957 | sexual predator pursuant to s. 775.21, without regard to whether
1958 | that offense alone is sufficient to require such registration,
1959 | or for registration as a sexual offender pursuant to s.
1960 | 943.0435, may not be expunged, without regard to whether
1961 | adjudication was withheld, if the defendant was found guilty of
1962 | or pled guilty or nolo contendere to the offense, or if the
1963 | defendant, as a minor, was found to have committed, or pled
1964 | guilty or nolo contendere to committing, the offense as a
1965 | delinquent act. The court may only order expunction of a
1966 | criminal history record pertaining to one arrest or one incident
1967 | of alleged criminal activity, except as provided in this
1968 | section. The court may, at its sole discretion, order the
1969 | expunction of a criminal history record pertaining to more than
1970 | one arrest if the additional arrests directly relate to the
1971 | original arrest. If the court intends to order the expunction of
1972 | records pertaining to such additional arrests, such intent must
1973 | be specified in the order. A criminal justice agency may not
1974 | expunge any record pertaining to such additional arrests if the
1975 | order to expunge does not articulate the intention of the court

1976 | to expunge a record pertaining to more than one arrest. This
 1977 | section does not prevent the court from ordering the expunction
 1978 | of only a portion of a criminal history record pertaining to one
 1979 | arrest or one incident of alleged criminal activity.

1980 | Notwithstanding any law to the contrary, a criminal justice
 1981 | agency may comply with laws, court orders, and official requests
 1982 | of other jurisdictions relating to expunction, correction, or
 1983 | confidential handling of criminal history records or information
 1984 | derived therefrom. This section does not confer any right to the
 1985 | expunction of any criminal history record, and any request for
 1986 | expunction of a criminal history record may be denied at the
 1987 | sole discretion of the court.

1988 | (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
 1989 | petition to a court to expunge a criminal history record is
 1990 | complete only when accompanied by:

1991 | (a) A valid certificate of eligibility for expunction
 1992 | issued by the department pursuant to subsection (2).

1993 | (b) The petitioner's sworn statement attesting that the
 1994 | petitioner:

1995 | 1. Has never, prior to the date on which the petition is
 1996 | filed, been adjudicated guilty of a criminal offense or
 1997 | comparable ordinance violation, or been adjudicated delinquent
 1998 | for committing any felony or a misdemeanor specified in s.
 1999 | 943.051(3)(b).

2000 | 2. Has not been adjudicated guilty of, or adjudicated

2001 delinquent for committing, any of the acts stemming from the
 2002 arrest or alleged criminal activity to which the petition
 2003 pertains.

2004 3. Has never secured a prior sealing or expunction of a
 2005 criminal history record under this section, s. 943.059, former
 2006 s. 893.14, former s. 901.33, or former s. 943.058, unless
 2007 expunction is sought of a criminal history record previously
 2008 sealed for 10 years pursuant to paragraph (2) (h) and the record
 2009 is otherwise eligible for expunction.

2010 4. Is eligible for such an expunction to the best of his
 2011 or her knowledge or belief and does not have any other petition
 2012 to expunge or any petition to seal pending before any court.

2013
 2014 Any person who knowingly provides false information on such
 2015 sworn statement to the court commits a felony of the third
 2016 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2017 775.084.

2018 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 2019 petitioning the court to expunge a criminal history record, a
 2020 person seeking to expunge a criminal history record shall apply
 2021 to the department for a certificate of eligibility for
 2022 expunction. The department shall, by rule adopted pursuant to
 2023 chapter 120, establish procedures pertaining to the application
 2024 for and issuance of certificates of eligibility for expunction.
 2025 A certificate of eligibility for expunction is valid for 12

2026 months after the date stamped on the certificate when issued by
2027 the department. After that time, the petitioner must reapply to
2028 the department for a new certificate of eligibility. Eligibility
2029 for a renewed certification of eligibility must be based on the
2030 status of the applicant and the law in effect at the time of the
2031 renewal application. The department shall issue a certificate of
2032 eligibility for expunction to a person who is the subject of a
2033 criminal history record if that person:

2034 (a) Has obtained, and submitted to the department, a
2035 written, certified statement from the appropriate state attorney
2036 or statewide prosecutor which indicates:

2037 1. That an indictment, information, or other charging
2038 document was not filed or issued in the case.

2039 2. That an indictment, information, or other charging
2040 document, if filed or issued in the case, was dismissed or nolle
2041 prosequi by the state attorney or statewide prosecutor, or was
2042 dismissed by a court of competent jurisdiction, and that none of
2043 the charges related to the arrest or alleged criminal activity
2044 to which the petition to expunge pertains resulted in a trial,
2045 without regard to whether the outcome of the trial was other
2046 than an adjudication of guilt.

2047 3. That the criminal history record does not relate to a
2048 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2049 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
2050 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.

2051 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
2052 a violation enumerated in s. 907.041, or any violation specified
2053 as a predicate offense for registration as a sexual predator
2054 pursuant to s. 775.21, without regard to whether that offense
2055 alone is sufficient to require such registration, or for
2056 registration as a sexual offender pursuant to s. 943.0435, where
2057 the defendant was found guilty of, or pled guilty or nolo
2058 contendere to any such offense, or that the defendant, as a
2059 minor, was found to have committed, or pled guilty or nolo
2060 contendere to committing, such an offense as a delinquent act,
2061 without regard to whether adjudication was withheld.

2062 (b) Remits a \$75 processing fee to the department for
2063 placement in the Department of Law Enforcement Operating Trust
2064 Fund, unless such fee is waived by the executive director.

2065 (c) Has submitted to the department a certified copy of
2066 the disposition of the charge to which the petition to expunge
2067 pertains.

2068 (d) Has never, prior to the date on which the application
2069 for a certificate of eligibility is filed, been adjudicated
2070 guilty of a criminal offense or comparable ordinance violation,
2071 or been adjudicated delinquent for committing any felony or a
2072 misdemeanor specified in s. 943.051(3)(b).

2073 (e) Has not been adjudicated guilty of, or adjudicated
2074 delinquent for committing, any of the acts stemming from the
2075 arrest or alleged criminal activity to which the petition to

2076 expunge pertains.

2077 (f) Has never secured a prior sealing or expunction of a
 2078 criminal history record under this section, s. 943.059, former
 2079 s. 893.14, former s. 901.33, or former s. 943.058, unless
 2080 expunction is sought of a criminal history record previously
 2081 sealed for 10 years pursuant to paragraph (h) and the record is
 2082 otherwise eligible for expunction.

2083 (g) Is no longer under court supervision applicable to the
 2084 disposition of the arrest or alleged criminal activity to which
 2085 the petition to expunge pertains.

2086 (h) Has previously obtained a court order sealing the
 2087 record under this section, former s. 893.14, former s. 901.33,
 2088 or former s. 943.058 for a minimum of 10 years because
 2089 adjudication was withheld or because all charges related to the
 2090 arrest or alleged criminal activity to which the petition to
 2091 expunge pertains were not dismissed prior to trial, without
 2092 regard to whether the outcome of the trial was other than an
 2093 adjudication of guilt. The requirement for the record to have
 2094 previously been sealed for a minimum of 10 years does not apply
 2095 when a plea was not entered or all charges related to the arrest
 2096 or alleged criminal activity to which the petition to expunge
 2097 pertains were dismissed prior to trial.

2098 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2099 (a) In judicial proceedings under this section, a copy of
 2100 the completed petition to expunge shall be served upon the

2101 appropriate state attorney or the statewide prosecutor and upon
2102 the arresting agency; however, it is not necessary to make any
2103 agency other than the state a party. The appropriate state
2104 attorney or the statewide prosecutor and the arresting agency
2105 may respond to the court regarding the completed petition to
2106 expunge.

2107 (b) If relief is granted by the court, the clerk of the
2108 court shall certify copies of the order to the appropriate state
2109 attorney or the statewide prosecutor and the arresting agency.
2110 The arresting agency is responsible for forwarding the order to
2111 any other agency to which the arresting agency disseminated the
2112 criminal history record information to which the order pertains.
2113 The department shall forward the order to expunge to the Federal
2114 Bureau of Investigation. The clerk of the court shall certify a
2115 copy of the order to any other agency which the records of the
2116 court reflect has received the criminal history record from the
2117 court.

2118 (c) For an order to expunge entered by a court prior to
2119 July 1, 1992, the department shall notify the appropriate state
2120 attorney or statewide prosecutor of an order to expunge which is
2121 contrary to law because the person who is the subject of the
2122 record has previously been convicted of a crime or comparable
2123 ordinance violation or has had a prior criminal history record
2124 sealed or expunged. Upon receipt of such notice, the appropriate
2125 state attorney or statewide prosecutor shall take action, within

2126 60 days, to correct the record and petition the court to void
2127 the order to expunge. The department shall seal the record until
2128 such time as the order is voided by the court.

2129 (d) On or after July 1, 1992, the department or any other
2130 criminal justice agency is not required to act on an order to
2131 expunge entered by a court when such order does not comply with
2132 the requirements of this section. Upon receipt of such an order,
2133 the department must notify the issuing court, the appropriate
2134 state attorney or statewide prosecutor, the petitioner or the
2135 petitioner's attorney, and the arresting agency of the reason
2136 for noncompliance. The appropriate state attorney or statewide
2137 prosecutor shall take action within 60 days to correct the
2138 record and petition the court to void the order. No cause of
2139 action, including contempt of court, shall arise against any
2140 criminal justice agency for failure to comply with an order to
2141 expunge when the petitioner for such order failed to obtain the
2142 certificate of eligibility as required by this section or such
2143 order does not otherwise comply with the requirements of this
2144 section.

2145 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
2146 criminal history record of a minor or an adult which is ordered
2147 expunged by a court of competent jurisdiction pursuant to this
2148 section must be physically destroyed or obliterated by any
2149 criminal justice agency having custody of such record; except
2150 that any criminal history record in the custody of the

2151 department must be retained in all cases. A criminal history
2152 record ordered expunged that is retained by the department is
2153 confidential and exempt from the provisions of s. 119.07(1) and
2154 s. 24(a), Art. I of the State Constitution and not available to
2155 any person or entity except upon order of a court of competent
2156 jurisdiction. A criminal justice agency may retain a notation
2157 indicating compliance with an order to expunge.

2158 (a) The person who is the subject of a criminal history
2159 record that is expunged under this section or under other
2160 provisions of law, including former s. 893.14, former s. 901.33,
2161 and former s. 943.058, may lawfully deny or fail to acknowledge
2162 the arrests covered by the expunged record, except when the
2163 subject of the record:

- 2164 1. Is a candidate for employment with a criminal justice
2165 agency;
- 2166 2. Is a defendant in a criminal prosecution;
- 2167 3. Concurrently or subsequently petitions for relief under
2168 this section, s. 943.0583, or s. 943.059;
- 2169 4. Is a candidate for admission to The Florida Bar;
- 2170 5. Is seeking to be employed or licensed by or to contract
2171 with the Department of Children and Families, the Division of
2172 Vocational Rehabilitation within the Department of Education,
2173 the Agency for Health Care Administration, the Agency for
2174 Persons with Disabilities, the Department of Health, the
2175 Department of Elderly Affairs, or the Department of Juvenile

2176 Justice or to be employed or used by such contractor or licensee
 2177 in a sensitive position having direct contact with children, the
 2178 disabled, or the elderly;

2179 6. Is seeking to be employed or licensed by the Department
 2180 of Education, any district school board, any university
 2181 laboratory school, any charter school, any private or parochial
 2182 school, or any local governmental entity that licenses child
 2183 care facilities;

2184 7. Is seeking to be licensed by the Division of Insurance
 2185 Agent and Agency Services within the Department of Financial
 2186 Services; or

2187 8. Is seeking to be appointed as a guardian pursuant to s.
 2188 744.3125.

2189 (b) Subject to the exceptions in paragraph (a), a person
 2190 who has been granted an expunction under this section, former s.
 2191 893.14, former s. 901.33, or former s. 943.058 may not be held
 2192 under any provision of law of this state to commit perjury or to
 2193 be otherwise liable for giving a false statement by reason of
 2194 such person's failure to recite or acknowledge an expunged
 2195 criminal history record.

2196 (c) Information relating to the existence of an expunged
 2197 criminal history record which is provided in accordance with
 2198 paragraph (a) is confidential and exempt from the provisions of
 2199 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 2200 except that the department shall disclose the existence of a

2201 criminal history record ordered expunged to the entities set
2202 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
2203 respective licensing, access authorization, and employment
2204 purposes, and to criminal justice agencies for their respective
2205 criminal justice purposes. It is unlawful for any employee of an
2206 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2207 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2208 subparagraph (a)8. to disclose information relating to the
2209 existence of an expunged criminal history record of a person
2210 seeking employment, access authorization, or licensure with such
2211 entity or contractor, except to the person to whom the criminal
2212 history record relates or to persons having direct
2213 responsibility for employment, access authorization, or
2214 licensure decisions. Any person who violates this paragraph
2215 commits a misdemeanor of the first degree, punishable as
2216 provided in s. 775.082 or s. 775.083.

2217 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
2218 eligibility requirements prescribed in paragraph (1)(b) and
2219 subsection (2), the department shall issue a certificate of
2220 eligibility for expunction under this subsection to a person who
2221 is the subject of a criminal history record if that person:

2222 (a) Has obtained, and submitted to the department, on a
2223 form provided by the department, a written, certified statement
2224 from the appropriate state attorney or statewide prosecutor
2225 which states whether an information, indictment, or other

2226 | charging document was not filed or was dismissed by the state
 2227 | attorney, or dismissed by the court, because it was found that
 2228 | the person acted in lawful self-defense pursuant to the
 2229 | provisions related to justifiable use of force in chapter 776.

2230 | (b) Each petition to a court to expunge a criminal history
 2231 | record pursuant to this subsection is complete only when
 2232 | accompanied by:

2233 | 1. A valid certificate of eligibility for expunction
 2234 | issued by the department pursuant to this subsection.

2235 | 2. The petitioner's sworn statement attesting that the
 2236 | petitioner is eligible for such an expunction to the best of his
 2237 | or her knowledge or belief.

2238 |
 2239 | Any person who knowingly provides false information on such
 2240 | sworn statement to the court commits a felony of the third
 2241 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2242 | 775.084.

2243 | (c) This subsection does not confer any right to the
 2244 | expunction of a criminal history record, and any request for
 2245 | expunction of a criminal history record may be denied at the
 2246 | discretion of the court.

2247 | (d) Subsections (3) and (4) shall apply to expunction
 2248 | ordered under this subsection.

2249 | (e) The department shall, by rule adopted pursuant to
 2250 | chapter 120, establish procedures pertaining to the application

2251 for and issuance of certificates of eligibility for expunction
 2252 under this subsection.

2253 (6) STATUTORY REFERENCES.—Any reference to any other
 2254 chapter, section, or subdivision of the Florida Statutes in this
 2255 section constitutes a general reference under the doctrine of
 2256 incorporation by reference.

2257 Section 44. Section 943.059, Florida Statutes, is amended
 2258 to read:

2259 943.059 Court-ordered sealing of criminal history
 2260 records.—The courts of this state shall continue to have
 2261 jurisdiction over their own procedures, including the
 2262 maintenance, sealing, and correction of judicial records
 2263 containing criminal history information to the extent such
 2264 procedures are not inconsistent with the conditions,
 2265 responsibilities, and duties established by this section. Any
 2266 court of competent jurisdiction may order a criminal justice
 2267 agency to seal the criminal history record of a minor or an
 2268 adult who complies with the requirements of this section. The
 2269 court shall not order a criminal justice agency to seal a
 2270 criminal history record until the person seeking to seal a
 2271 criminal history record has applied for and received a
 2272 certificate of eligibility for sealing pursuant to subsection
 2273 (2). A criminal history record that relates to a violation of s.
 2274 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 2275 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.

2276 | 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
2277 | 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
2278 | enumerated in s. 907.041, or any violation specified as a
2279 | predicate offense for registration as a sexual predator pursuant
2280 | to s. 775.21, without regard to whether that offense alone is
2281 | sufficient to require such registration, or for registration as
2282 | a sexual offender pursuant to s. 943.0435, may not be sealed,
2283 | without regard to whether adjudication was withheld, if the
2284 | defendant was found guilty of or pled guilty or nolo contendere
2285 | to the offense, or if the defendant, as a minor, was found to
2286 | have committed or pled guilty or nolo contendere to committing
2287 | the offense as a delinquent act. The court may only order
2288 | sealing of a criminal history record pertaining to one arrest or
2289 | one incident of alleged criminal activity, except as provided in
2290 | this section. The court may, at its sole discretion, order the
2291 | sealing of a criminal history record pertaining to more than one
2292 | arrest if the additional arrests directly relate to the original
2293 | arrest. If the court intends to order the sealing of records
2294 | pertaining to such additional arrests, such intent must be
2295 | specified in the order. A criminal justice agency may not seal
2296 | any record pertaining to such additional arrests if the order to
2297 | seal does not articulate the intention of the court to seal
2298 | records pertaining to more than one arrest. This section does
2299 | not prevent the court from ordering the sealing of only a
2300 | portion of a criminal history record pertaining to one arrest or

2301 one incident of alleged criminal activity. Notwithstanding any
 2302 law to the contrary, a criminal justice agency may comply with
 2303 laws, court orders, and official requests of other jurisdictions
 2304 relating to sealing, correction, or confidential handling of
 2305 criminal history records or information derived therefrom. This
 2306 section does not confer any right to the sealing of any criminal
 2307 history record, and any request for sealing a criminal history
 2308 record may be denied at the sole discretion of the court.

2309 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 2310 petition to a court to seal a criminal history record is
 2311 complete only when accompanied by:

2312 (a) A valid certificate of eligibility for sealing issued
 2313 by the department pursuant to subsection (2).

2314 (b) The petitioner's sworn statement attesting that the
 2315 petitioner:

2316 1. Has never, prior to the date on which the petition is
 2317 filed, been adjudicated guilty of a criminal offense or
 2318 comparable ordinance violation, or been adjudicated delinquent
 2319 for committing any felony or a misdemeanor specified in s.
 2320 943.051(3)(b).

2321 2. Has not been adjudicated guilty of or adjudicated
 2322 delinquent for committing any of the acts stemming from the
 2323 arrest or alleged criminal activity to which the petition to
 2324 seal pertains.

2325 3. Has never secured a prior sealing or expunction of a

2326 criminal history record under this section, s. 943.0585, former
2327 s. 893.14, former s. 901.33, or former s. 943.058.

2328 4. Is eligible for such a sealing to the best of his or
2329 her knowledge or belief and does not have any other petition to
2330 seal or any petition to expunge pending before any court.

2331
2332 Any person who knowingly provides false information on such
2333 sworn statement to the court commits a felony of the third
2334 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2335 775.084.

2336 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2337 petitioning the court to seal a criminal history record, a
2338 person seeking to seal a criminal history record shall apply to
2339 the department for a certificate of eligibility for sealing. The
2340 department shall, by rule adopted pursuant to chapter 120,
2341 establish procedures pertaining to the application for and
2342 issuance of certificates of eligibility for sealing. A
2343 certificate of eligibility for sealing is valid for 12 months
2344 after the date stamped on the certificate when issued by the
2345 department. After that time, the petitioner must reapply to the
2346 department for a new certificate of eligibility. Eligibility for
2347 a renewed certification of eligibility must be based on the
2348 status of the applicant and the law in effect at the time of the
2349 renewal application. The department shall issue a certificate of
2350 eligibility for sealing to a person who is the subject of a

2351 criminal history record provided that such person:

2352 (a) Has submitted to the department a certified copy of
 2353 the disposition of the charge to which the petition to seal
 2354 pertains.

2355 (b) Remits a \$75 processing fee to the department for
 2356 placement in the Department of Law Enforcement Operating Trust
 2357 Fund, unless such fee is waived by the executive director.

2358 (c) Has never, prior to the date on which the application
 2359 for a certificate of eligibility is filed, been adjudicated
 2360 guilty of a criminal offense or comparable ordinance violation,
 2361 or been adjudicated delinquent for committing any felony or a
 2362 misdemeanor specified in s. 943.051(3)(b).

2363 (d) Has not been adjudicated guilty of or adjudicated
 2364 delinquent for committing any of the acts stemming from the
 2365 arrest or alleged criminal activity to which the petition to
 2366 seal pertains.

2367 (e) Has never secured a prior sealing or expunction of a
 2368 criminal history record under this section, s. 943.0585, former
 2369 s. 893.14, former s. 901.33, or former s. 943.058.

2370 (f) Is no longer under court supervision applicable to the
 2371 disposition of the arrest or alleged criminal activity to which
 2372 the petition to seal pertains.

2373 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2374 (a) In judicial proceedings under this section, a copy of
 2375 the completed petition to seal shall be served upon the

2376 appropriate state attorney or the statewide prosecutor and upon
2377 the arresting agency; however, it is not necessary to make any
2378 agency other than the state a party. The appropriate state
2379 attorney or the statewide prosecutor and the arresting agency
2380 may respond to the court regarding the completed petition to
2381 seal.

2382 (b) If relief is granted by the court, the clerk of the
2383 court shall certify copies of the order to the appropriate state
2384 attorney or the statewide prosecutor and to the arresting
2385 agency. The arresting agency is responsible for forwarding the
2386 order to any other agency to which the arresting agency
2387 disseminated the criminal history record information to which
2388 the order pertains. The department shall forward the order to
2389 seal to the Federal Bureau of Investigation. The clerk of the
2390 court shall certify a copy of the order to any other agency
2391 which the records of the court reflect has received the criminal
2392 history record from the court.

2393 (c) For an order to seal entered by a court prior to July
2394 1, 1992, the department shall notify the appropriate state
2395 attorney or statewide prosecutor of any order to seal which is
2396 contrary to law because the person who is the subject of the
2397 record has previously been convicted of a crime or comparable
2398 ordinance violation or has had a prior criminal history record
2399 sealed or expunged. Upon receipt of such notice, the appropriate
2400 state attorney or statewide prosecutor shall take action, within

2401 60 days, to correct the record and petition the court to void
2402 the order to seal. The department shall seal the record until
2403 such time as the order is voided by the court.

2404 (d) On or after July 1, 1992, the department or any other
2405 criminal justice agency is not required to act on an order to
2406 seal entered by a court when such order does not comply with the
2407 requirements of this section. Upon receipt of such an order, the
2408 department must notify the issuing court, the appropriate state
2409 attorney or statewide prosecutor, the petitioner or the
2410 petitioner's attorney, and the arresting agency of the reason
2411 for noncompliance. The appropriate state attorney or statewide
2412 prosecutor shall take action within 60 days to correct the
2413 record and petition the court to void the order. No cause of
2414 action, including contempt of court, shall arise against any
2415 criminal justice agency for failure to comply with an order to
2416 seal when the petitioner for such order failed to obtain the
2417 certificate of eligibility as required by this section or when
2418 such order does not comply with the requirements of this
2419 section.

2420 (e) An order sealing a criminal history record pursuant to
2421 this section does not require that such record be surrendered to
2422 the court, and such record shall continue to be maintained by
2423 the department and other criminal justice agencies.

2424 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2425 history record of a minor or an adult which is ordered sealed by

2426 a court pursuant to this section is confidential and exempt from
 2427 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2428 Constitution and is available only to the person who is the
 2429 subject of the record, to the subject's attorney, to criminal
 2430 justice agencies for their respective criminal justice purposes,
 2431 which include conducting a criminal history background check for
 2432 approval of firearms purchases or transfers as authorized by
 2433 state or federal law, to judges in the state courts system for
 2434 the purpose of assisting them in their case-related
 2435 decisionmaking responsibilities, as set forth in s. 943.053(5),
 2436 or to those entities set forth in subparagraphs (a)1., 4., 5.,
 2437 6., 8., 9., and 10. for their respective licensing, access
 2438 authorization, and employment purposes.

2439 (a) The subject of a criminal history record sealed under
 2440 this section or under other provisions of law, including former
 2441 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 2442 deny or fail to acknowledge the arrests covered by the sealed
 2443 record, except when the subject of the record:

- 2444 1. Is a candidate for employment with a criminal justice
 2445 agency;
- 2446 2. Is a defendant in a criminal prosecution;
- 2447 3. Concurrently or subsequently petitions for relief under
 2448 this section, s. 943.0583, or s. 943.0585;
- 2449 4. Is a candidate for admission to The Florida Bar;
- 2450 5. Is seeking to be employed or licensed by or to contract

2451 with the Department of Children and Families, the Division of
 2452 Vocational Rehabilitation within the Department of Education,
 2453 the Agency for Health Care Administration, the Agency for
 2454 Persons with Disabilities, the Department of Health, the
 2455 Department of Elderly Affairs, or the Department of Juvenile
 2456 Justice or to be employed or used by such contractor or licensee
 2457 in a sensitive position having direct contact with children, the
 2458 disabled, or the elderly;

2459 6. Is seeking to be employed or licensed by the Department
 2460 of Education, a district school board, a university laboratory
 2461 school, a charter school, a private or parochial school, or a
 2462 local governmental entity that licenses child care facilities;

2463 7. Is attempting to purchase a firearm from a licensed
 2464 importer, licensed manufacturer, or licensed dealer and is
 2465 subject to a criminal history check under state or federal law;

2466 8. Is seeking to be licensed by the Division of Insurance
 2467 Agent and Agency Services within the Department of Financial
 2468 Services;

2469 9. Is seeking to be appointed as a guardian pursuant to s.
 2470 744.3125; or

2471 10. Is seeking to be licensed by the Bureau of License
 2472 Issuance of the Division of Licensing within the Department of
 2473 Agriculture and Consumer Services to carry a concealed weapon or
 2474 concealed firearm. This subparagraph applies only in the
 2475 determination of an applicant's eligibility under s. 790.06.

2476 (b) Subject to the exceptions in paragraph (a), a person
2477 who has been granted a sealing under this section, former s.
2478 893.14, former s. 901.33, or former s. 943.058 may not be held
2479 under any provision of law of this state to commit perjury or to
2480 be otherwise liable for giving a false statement by reason of
2481 such person's failure to recite or acknowledge a sealed criminal
2482 history record.

2483 (c) Information relating to the existence of a sealed
2484 criminal record provided in accordance with the provisions of
2485 paragraph (a) is confidential and exempt from the provisions of
2486 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2487 except that the department shall disclose the sealed criminal
2488 history record to the entities set forth in subparagraphs (a)1.,
2489 4., 5., 6., 8., 9., and 10. for their respective licensing,
2490 access authorization, and employment purposes. An employee of an
2491 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2492 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2493 subparagraph (a)9., or subparagraph (a)10. may not disclose
2494 information relating to the existence of a sealed criminal
2495 history record of a person seeking employment, access
2496 authorization, or licensure with such entity or contractor,
2497 except to the person to whom the criminal history record relates
2498 or to persons having direct responsibility for employment,
2499 access authorization, or licensure decisions. A person who
2500 violates the provisions of this paragraph commits a misdemeanor

2501 of the first degree, punishable as provided in s. 775.082 or s.
2502 775.083.

2503 (5) STATUTORY REFERENCES.—Any reference to any other
2504 chapter, section, or subdivision of the Florida Statutes in this
2505 section constitutes a general reference under the doctrine of
2506 incorporation by reference.

2507 Section 45. Paragraph (f) of subsection (1) of section
2508 944.606, Florida Statutes, is amended to read:

2509 944.606 Sexual offenders; notification upon release.—

2510 (1) As used in this section, the term:

2511 (f) "Sexual offender" means a person who has been
2512 convicted of committing, or attempting, soliciting, or
2513 conspiring to commit, any of the criminal offenses proscribed in
2514 the following statutes in this state or similar offenses in
2515 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
2516 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
2517 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
2518 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
2519 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
2520 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
2521 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
2522 if the court makes a written finding that the racketeering
2523 activity involved at least one sexual offense listed in this
2524 paragraph or at least one offense listed in this paragraph with
2525 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or

2526 any similar offense committed in this state which has been
 2527 redesignated from a former statute number to one of those listed
 2528 in this subsection, when the department has received verified
 2529 information regarding such conviction; an offender's
 2530 computerized criminal history record is not, in and of itself,
 2531 verified information.

2532 Section 46. Paragraph (f) of subsection (1) of section
 2533 944.607, Florida Statutes, is amended to read:

2534 944.607 Notification to Department of Law Enforcement of
 2535 information on sexual offenders.—

2536 (1) As used in this section, the term:

2537 (f) "Sexual offender" means a person who is in the custody
 2538 or control of, or under the supervision of, the department or is
 2539 in the custody of a private correctional facility:

2540 1. On or after October 1, 1997, as a result of a
 2541 conviction for committing, or attempting, soliciting, or
 2542 conspiring to commit, any of the criminal offenses proscribed in
 2543 the following statutes in this state or similar offenses in
 2544 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2545 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2546 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2547 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2548 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2549 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2550 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,

2551 if the court makes a written finding that the racketeering
2552 activity involved at least one sexual offense listed in this
2553 subparagraph or at least one offense listed in this subparagraph
2554 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
2555 or any similar offense committed in this state which has been
2556 redesignated from a former statute number to one of those listed
2557 in this paragraph; or

2558 2. Who establishes or maintains a residence in this state
2559 and who has not been designated as a sexual predator by a court
2560 of this state but who has been designated as a sexual predator,
2561 as a sexually violent predator, or by another sexual offender
2562 designation in another state or jurisdiction and was, as a
2563 result of such designation, subjected to registration or
2564 community or public notification, or both, or would be if the
2565 person were a resident of that state or jurisdiction, without
2566 regard as to whether the person otherwise meets the criteria for
2567 registration as a sexual offender.

2568 Section 47. Subsections (7), (10), and (14) of section
2569 947.1405, Florida Statutes, are amended, and subsection (15) is
2570 added to that section, to read:

2571 947.1405 Conditional release program.—

2572 (7)(a) Any inmate who is convicted of a crime committed on
2573 or after October 1, 1995, or who has been previously convicted
2574 of a crime committed on or after October 1, 1995, in violation
2575 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or

2576 s. 847.0145, and is subject to conditional release supervision,
2577 shall have, in addition to any other conditions imposed, the
2578 following special conditions imposed by the commission:

2579 1. A mandatory curfew from 10 p.m. to 6 a.m. The
2580 commission may designate another 8-hour period if the offender's
2581 employment precludes the above specified time, and such
2582 alternative is recommended by the Department of Corrections. If
2583 the commission determines that imposing a curfew would endanger
2584 the victim, the commission may consider alternative sanctions.

2585 2. If the victim was under the age of 18, a prohibition on
2586 living within 1,000 feet of a school, child care facility, park,
2587 playground, designated public school bus stop, or other place
2588 where children regularly congregate. A releasee who is subject
2589 to this subparagraph may not relocate to a residence that is
2590 within 1,000 feet of a public school bus stop. Beginning October
2591 1, 2004, the commission or the department may not approve a
2592 residence that is located within 1,000 feet of a school, child
2593 care facility, park, playground, designated school bus stop, or
2594 other place where children regularly congregate for any releasee
2595 who is subject to this subparagraph. On October 1, 2004, the
2596 department shall notify each affected school district of the
2597 location of the residence of a releasee 30 days prior to release
2598 and thereafter, if the releasee relocates to a new residence,
2599 shall notify any affected school district of the residence of
2600 the releasee within 30 days after relocation. If, on October 1,

2601 2004, any public school bus stop is located within 1,000 feet of
2602 the existing residence of such releasee, the district school
2603 board shall relocate that school bus stop. Beginning October 1,
2604 2004, a district school board may not establish or relocate a
2605 public school bus stop within 1,000 feet of the residence of a
2606 releasee who is subject to this subparagraph. The failure of the
2607 district school board to comply with this subparagraph shall not
2608 result in a violation of conditional release supervision. A
2609 releasee who is subject to this subparagraph may not be forced
2610 to relocate and does not violate his or her conditional release
2611 supervision if he or she is living in a residence that meets the
2612 requirements of this subparagraph and a school, child care
2613 facility, park, playground, designated public school bus stop,
2614 or other place where children regularly congregate is
2615 subsequently established within 1,000 feet of his or her
2616 residence.

2617 3. Active participation in and successful completion of a
2618 sex offender treatment program with qualified practitioners
2619 specifically trained to treat sex offenders, at the releasee's
2620 own expense. If a qualified practitioner is not available within
2621 a 50-mile radius of the releasee's residence, the offender shall
2622 participate in other appropriate therapy.

2623 4. A prohibition on any contact with the victim, directly
2624 or indirectly, including through a third person, unless approved
2625 by the victim, a qualified practitioner in the sexual offender

2626 treatment program, and the sentencing court.

2627 5. If the victim was under the age of 18, a prohibition
2628 against contact with children under the age of 18 without review
2629 and approval by the commission. The commission may approve
2630 supervised contact with a child under the age of 18 if the
2631 approval is based upon a recommendation for contact issued by a
2632 qualified practitioner who is basing the recommendation on a
2633 risk assessment. Further, the sex offender must be currently
2634 enrolled in or have successfully completed a sex offender
2635 therapy program. The commission may not grant supervised contact
2636 with a child if the contact is not recommended by a qualified
2637 practitioner and may deny supervised contact with a child at any
2638 time. When considering whether to approve supervised contact
2639 with a child, the commission must review and consider the
2640 following:

2641 a. A risk assessment completed by a qualified
2642 practitioner. The qualified practitioner must prepare a written
2643 report that must include the findings of the assessment and
2644 address each of the following components:

2645 (I) The sex offender's current legal status;

2646 (II) The sex offender's history of adult charges with
2647 apparent sexual motivation;

2648 (III) The sex offender's history of adult charges without
2649 apparent sexual motivation;

2650 (IV) The sex offender's history of juvenile charges,

2651 whenever available;

2652 (V) The sex offender's offender treatment history,
2653 including a consultation from the sex offender's treating, or
2654 most recent treating, therapist;

2655 (VI) The sex offender's current mental status;

2656 (VII) The sex offender's mental health and substance abuse
2657 history as provided by the Department of Corrections;

2658 (VIII) The sex offender's personal, social, educational,
2659 and work history;

2660 (IX) The results of current psychological testing of the
2661 sex offender if determined necessary by the qualified
2662 practitioner;

2663 (X) A description of the proposed contact, including the
2664 location, frequency, duration, and supervisory arrangement;

2665 (XI) The child's preference and relative comfort level
2666 with the proposed contact, when age-appropriate;

2667 (XII) The parent's or legal guardian's preference
2668 regarding the proposed contact; and

2669 (XIII) The qualified practitioner's opinion, along with
2670 the basis for that opinion, as to whether the proposed contact
2671 would likely pose significant risk of emotional or physical harm
2672 to the child.

2673

2674 The written report of the assessment must be given to the
2675 commission.

2676 b. A recommendation made as a part of the risk-assessment
2677 report as to whether supervised contact with the child should be
2678 approved;

2679 c. A written consent signed by the child's parent or legal
2680 guardian, if the parent or legal guardian is not the sex
2681 offender, agreeing to the sex offender having supervised contact
2682 with the child after receiving full disclosure of the sex
2683 offender's present legal status, past criminal history, and the
2684 results of the risk assessment. The commission may not approve
2685 contact with the child if the parent or legal guardian refuses
2686 to give written consent for supervised contact;

2687 d. A safety plan prepared by the qualified practitioner,
2688 who provides treatment to the offender, in collaboration with
2689 the sex offender, the child's parent or legal guardian, and the
2690 child, when age appropriate, which details the acceptable
2691 conditions of contact between the sex offender and the child.
2692 The safety plan must be reviewed and approved by the Department
2693 of Corrections before being submitted to the commission; and

2694 e. Evidence that the child's parent or legal guardian, if
2695 the parent or legal guardian is not the sex offender,
2696 understands the need for and agrees to the safety plan and has
2697 agreed to provide, or to designate another adult to provide,
2698 constant supervision any time the child is in contact with the
2699 offender.

2700

2701 The commission may not appoint a person to conduct a risk
2702 assessment and may not accept a risk assessment from a person
2703 who has not demonstrated to the commission that he or she has
2704 met the requirements of a qualified practitioner as defined in
2705 this section.

2706 6. If the victim was under age 18, a prohibition on
2707 working for pay or as a volunteer at any school, child care
2708 facility, park, playground, or other place where children
2709 regularly congregate, as prescribed by the commission.

2710 7. Unless otherwise indicated in the treatment plan
2711 provided by a qualified practitioner in the sexual offender
2712 treatment program, a prohibition on viewing, owning, or
2713 possessing any obscene, pornographic, or sexually stimulating
2714 visual or auditory material, including telephone, electronic
2715 media, computer programs, or computer services that are relevant
2716 to the offender's deviant behavior pattern.

2717 8. Effective for a releasee whose crime is committed on or
2718 after July 1, 2005, a prohibition on accessing the Internet or
2719 other computer services until a qualified practitioner in the
2720 offender's sex offender treatment program, after a risk
2721 assessment is completed, approves and implements a safety plan
2722 for the offender's accessing or using the Internet or other
2723 computer services.

2724 9. A requirement that the releasee must submit two
2725 specimens of blood to the Department of Law Enforcement to be

2726 registered with the DNA database.

2727 10. A requirement that the releasee make restitution to
2728 the victim, as determined by the sentencing court or the
2729 commission, for all necessary medical and related professional
2730 services relating to physical, psychiatric, and psychological
2731 care.

2732 11. Submission to a warrantless search by the community
2733 control or probation officer of the probationer's or community
2734 controllee's person, residence, or vehicle.

2735 (b) For a releasee whose crime was committed on or after
2736 October 1, 1997, in violation of chapter 794, s. 800.04, former
2737 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2738 to conditional release supervision, in addition to any other
2739 provision of this subsection, the commission shall impose the
2740 following additional conditions of conditional release
2741 supervision:

2742 1. As part of a treatment program, participation in a
2743 minimum of one annual polygraph examination to obtain
2744 information necessary for risk management and treatment and to
2745 reduce the sex offender's denial mechanisms. The polygraph
2746 examination must be conducted by a polygrapher who is a member
2747 of a national or state polygraph association and who is
2748 certified as a postconviction sex offender polygrapher, where
2749 available, and at the expense of the releasee. The results of
2750 the examination shall be provided to the releasee's probation

2751 officer and qualified practitioner and may not be used as
2752 evidence in a hearing to prove that a violation of supervision
2753 has occurred.

2754 2. Maintenance of a driving log and a prohibition against
2755 driving a motor vehicle alone without the prior approval of the
2756 supervising officer.

2757 3. A prohibition against obtaining or using a post office
2758 box without the prior approval of the supervising officer.

2759 4. If there was sexual contact, a submission to, at the
2760 releasee's expense, an HIV test with the results to be released
2761 to the victim or the victim's parent or guardian.

2762 5. Electronic monitoring of any form when ordered by the
2763 commission. Any person who has been placed under supervision and
2764 is electronically monitored by the department must pay the
2765 department for the cost of the electronic monitoring service at
2766 a rate that may not exceed the full cost of the monitoring
2767 service. Funds collected under this subparagraph shall be
2768 deposited into the General Revenue Fund. The department may
2769 exempt a person from the payment of all or any part of the
2770 electronic monitoring service cost if the department finds that
2771 any of the factors listed in s. 948.09(3) exist.

2772 (10) Effective for a releasee whose crime was committed on
2773 or after September 1, 2005, in violation of chapter 794, s.
2774 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2775 the unlawful activity involved a victim who was 15 years of age

2776 or younger and the offender is 18 years of age or older or for a
2777 releasee who is designated as a sexual predator pursuant to s.
2778 775.21, in addition to any other provision of this section, the
2779 commission must order electronic monitoring for the duration of
2780 the releasee's supervision.

2781 (14) Effective for a releasee whose crime was committed on
2782 or after October 1, 2014, in violation of chapter 794, s.
2783 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2784 addition to any other provision of this section, the commission
2785 must impose a condition prohibiting the releasee from viewing,
2786 accessing, owning, or possessing any obscene, pornographic, or
2787 sexually stimulating visual or auditory material unless
2788 otherwise indicated in the treatment plan provided by a
2789 qualified practitioner in the sexual offender treatment program.
2790 Visual or auditory material includes, but is not limited to,
2791 telephone, electronic media, computer programs, and computer
2792 services.

2793 (15) Effective for a releasee whose crime was committed on
2794 or after October 1, 2017, in violation of s. 847.003 or s.
2795 847.0137(2), in addition to any other provision of this section,
2796 the commission must impose the conditions specified in
2797 subsections (7), (10), (12), and (14).

2798 Section 48. Subsection (2) of section 948.013, Florida
2799 Statutes, is amended to read:

2800 948.013 Administrative probation.—

2801 (2) (a) Effective for an offense committed on or after July
2802 1, 1998, and before October 1, 2017, a person is ineligible for
2803 placement on administrative probation if the person is sentenced
2804 to or is serving a term of probation or community control,
2805 regardless of the conviction or adjudication, for committing, or
2806 attempting, conspiring, or soliciting to commit, any of the
2807 felony offenses described in s. 787.01 or s. 787.02, where the
2808 victim is a minor and the defendant is not the victim's parent;
2809 s. 787.025; s. 787.06(3)(g); chapter 794; former s. 796.03; s.
2810 800.04; s. 825.1025(2)(b); former s. 827.071; s. 847.0133; s.
2811 847.0135; or s. 847.0145.

2812 (b) Effective for an offense committed on or after October
2813 1, 2017, a person is ineligible for placement on administrative
2814 probation if the person is sentenced to or is serving a term of
2815 probation or community control, regardless of the conviction or
2816 adjudication, for committing, or attempting, conspiring, or
2817 soliciting to commit, any of the felony offenses described in s.
2818 775.21(4)(a)1.a. or (4)(a)1.b. or s. 943.0435(1)(h)1.a.

2819 Section 49. Subsection (2) of section 948.03, Florida
2820 Statutes, is amended to read:

2821 948.03 Terms and conditions of probation.—

2822 (2) The enumeration of specific kinds of terms and
2823 conditions shall not prevent the court from adding thereto such
2824 other or others as it considers proper. However, the sentencing
2825 court may only impose a condition of supervision allowing an

2826 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
2827 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145, to
2828 reside in another state, if the order stipulates that it is
2829 contingent upon the approval of the receiving state interstate
2830 compact authority. The court may rescind or modify at any time
2831 the terms and conditions theretofore imposed by it upon the
2832 probationer. However, if the court withholds adjudication of
2833 guilt or imposes a period of incarceration as a condition of
2834 probation, the period shall not exceed 364 days, and
2835 incarceration shall be restricted to either a county facility, a
2836 probation and restitution center under the jurisdiction of the
2837 Department of Corrections, a probation program drug punishment
2838 phase I secure residential treatment institution, or a community
2839 residential facility owned or operated by any entity providing
2840 such services.

2841 Section 50. Subsection (1) of section 948.04, Florida
2842 Statutes, is amended to read:

2843 948.04 Period of probation; duty of probationer; early
2844 termination.—

2845 (1) Defendants found guilty of felonies who are placed on
2846 probation shall be under supervision not to exceed 2 years
2847 unless otherwise specified by the court. No defendant placed on
2848 probation pursuant to s. 948.012(1) is subject to the probation
2849 limitations of this subsection. A defendant who is placed on
2850 probation or community control for a violation of chapter 794,

2851 ~~of~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the
2852 maximum level of supervision provided by the supervising agency,
2853 and that supervision shall continue through the full term of the
2854 court-imposed probation or community control.

2855 Section 51. Subsection (4) and paragraph (c) of subsection
2856 (8) of section 948.06, Florida Statutes, are amended to read:

2857 948.06 Violation of probation or community control;
2858 revocation; modification; continuance; failure to pay
2859 restitution or cost of supervision.—

2860 (4) Notwithstanding any other provision of this section, a
2861 felony probationer or an offender in community control who is
2862 arrested for violating his or her probation or community control
2863 in a material respect may be taken before the court in the
2864 county or circuit in which the probationer or offender was
2865 arrested. That court shall advise him or her of the charge of a
2866 violation and, if such charge is admitted, shall cause him or
2867 her to be brought before the court that granted the probation or
2868 community control. If the violation is not admitted by the
2869 probationer or offender, the court may commit him or her or
2870 release him or her with or without bail to await further
2871 hearing. However, if the probationer or offender is under
2872 supervision for any criminal offense proscribed in chapter 794,
2873 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2874 a registered sexual predator or a registered sexual offender, or
2875 is under supervision for a criminal offense for which he or she

2876 | would meet the registration criteria in s. 775.21, s. 943.0435,
2877 | or s. 944.607 but for the effective date of those sections, the
2878 | court must make a finding that the probationer or offender is
2879 | not a danger to the public prior to release with or without
2880 | bail. In determining the danger posed by the offender's or
2881 | probationer's release, the court may consider the nature and
2882 | circumstances of the violation and any new offenses charged; the
2883 | offender's or probationer's past and present conduct, including
2884 | convictions of crimes; any record of arrests without conviction
2885 | for crimes involving violence or sexual crimes; any other
2886 | evidence of allegations of unlawful sexual conduct or the use of
2887 | violence by the offender or probationer; the offender's or
2888 | probationer's family ties, length of residence in the community,
2889 | employment history, and mental condition; his or her history and
2890 | conduct during the probation or community control supervision
2891 | from which the violation arises and any other previous
2892 | supervisions, including disciplinary records of previous
2893 | incarcerations; the likelihood that the offender or probationer
2894 | will engage again in a criminal course of conduct; the weight of
2895 | the evidence against the offender or probationer; and any other
2896 | facts the court considers relevant. The court, as soon as is
2897 | practicable, shall give the probationer or offender an
2898 | opportunity to be fully heard on his or her behalf in person or
2899 | by counsel. After the hearing, the court shall make findings of
2900 | fact and forward the findings to the court that granted the

2901 probation or community control and to the probationer or
2902 offender or his or her attorney. The findings of fact by the
2903 hearing court are binding on the court that granted the
2904 probation or community control. Upon the probationer or offender
2905 being brought before it, the court that granted the probation or
2906 community control may revoke, modify, or continue the probation
2907 or community control or may place the probationer into community
2908 control as provided in this section. However, the probationer or
2909 offender shall not be released and shall not be admitted to
2910 bail, but shall be brought before the court that granted the
2911 probation or community control if any violation of felony
2912 probation or community control other than a failure to pay costs
2913 or fines or make restitution payments is alleged to have been
2914 committed by:

2915 (a) A violent felony offender of special concern, as
2916 defined in this section;

2917 (b) A person who is on felony probation or community
2918 control for any offense committed on or after the effective date
2919 of this act and who is arrested for a qualifying offense as
2920 defined in this section; or

2921 (c) A person who is on felony probation or community
2922 control and has previously been found by a court to be a
2923 habitual violent felony offender as defined in s. 775.084(1)(b),
2924 a three-time violent felony offender as defined in s.
2925 775.084(1)(c), or a sexual predator under s. 775.21, and who is

2926 | arrested for committing a qualifying offense as defined in this
 2927 | section on or after the effective date of this act.

2928 | (8)

2929 | (c) For purposes of this section, the term "qualifying
 2930 | offense" means any of the following:

2931 | 1. Kidnapping or attempted kidnapping under s. 787.01,
 2932 | false imprisonment of a child under the age of 13 under s.
 2933 | 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
 2934 | or (c).

2935 | 2. Murder or attempted murder under s. 782.04, attempted
 2936 | felony murder under s. 782.051, or manslaughter under s. 782.07.

2937 | 3. Aggravated battery or attempted aggravated battery
 2938 | under s. 784.045.

2939 | 4. Sexual battery or attempted sexual battery under s.
 2940 | 794.011(2), (3), (4), or (8) (b) or (c).

2941 | 5. Lewd or lascivious battery or attempted lewd or
 2942 | lascivious battery under s. 800.04(4), lewd or lascivious
 2943 | molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
 2944 | conduct under s. 800.04(6) (b), or lewd or lascivious exhibition
 2945 | under s. 800.04(7) (b), ~~or lewd or lascivious exhibition on~~
 2946 | ~~computer under s. 847.0135(5) (b).~~

2947 | 6. Robbery or attempted robbery under s. 812.13,
 2948 | carjacking or attempted carjacking under s. 812.133, or home
 2949 | invasion robbery or attempted home invasion robbery under s.
 2950 | 812.135.

2951 7. Lewd or lascivious offense upon or in the presence of
 2952 an elderly or disabled person or attempted lewd or lascivious
 2953 offense upon or in the presence of an elderly or disabled person
 2954 under s. 825.1025.

2955 8. Sexual performance by a child or attempted sexual
 2956 performance by a child under former s. 827.071 or s. 847.003.

2957 9. Computer pornography or child exploitation under s.
 2958 847.0135 ~~847.0135(2) or (3)~~, ~~transmission of~~ child pornography
 2959 under s. 847.0137, or selling or buying of minors under s.
 2960 847.0145.

2961 10. Poisoning food or water under s. 859.01.

2962 11. Abuse of a dead human body under s. 872.06.

2963 12. Any burglary offense or attempted burglary offense
 2964 that is either a first degree felony or second degree felony
 2965 under s. 810.02(2) or (3).

2966 13. Arson or attempted arson under s. 806.01(1).

2967 14. Aggravated assault under s. 784.021.

2968 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2969 (7).

2970 16. Aircraft piracy under s. 860.16.

2971 17. Unlawful throwing, placing, or discharging of a
 2972 destructive device or bomb under s. 790.161(2), (3), or (4).

2973 18. Treason under s. 876.32.

2974 19. Any offense committed in another jurisdiction which
 2975 would be an offense listed in this paragraph if that offense had

2976 | been committed in this state.

2977 | Section 52. Paragraph (c) of subsection (1) of section
2978 | 948.062, Florida Statutes, is amended to read:

2979 | 948.062 Reviewing and reporting serious offenses committed
2980 | by offenders placed on probation or community control.—

2981 | (1) The department shall review the circumstances related
2982 | to an offender placed on probation or community control who has
2983 | been arrested while on supervision for the following offenses:

2984 | (c) Any sexual performance by a child as provided in
2985 | former s. 827.071 or s. 847.003;

2986 | Section 53. Subsection (2) of section 948.101, Florida
2987 | Statutes, is amended to read:

2988 | 948.101 Terms and conditions of community control.—

2989 | (2) The enumeration of specific kinds of terms and
2990 | conditions does not prevent the court from adding any other
2991 | terms or conditions that the court considers proper. However,
2992 | the sentencing court may only impose a condition of supervision
2993 | allowing an offender convicted of s. 794.011, s. 800.04, former
2994 | s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.
2995 | 847.0145 to reside in another state if the order stipulates that
2996 | it is contingent upon the approval of the receiving state
2997 | interstate compact authority. The court may rescind or modify at
2998 | any time the terms and conditions theretofore imposed by it upon
2999 | the offender in community control. However, if the court
3000 | withholds adjudication of guilt or imposes a period of

3001 incarceration as a condition of community control, the period
 3002 may not exceed 364 days, and incarceration shall be restricted
 3003 to a county facility, a probation and restitution center under
 3004 the jurisdiction of the Department of Corrections, a probation
 3005 program drug punishment phase I secure residential treatment
 3006 institution, or a community residential facility owned or
 3007 operated by any entity providing such services.

3008 Section 54. Subsections (1) and (2), paragraphs (a) and
 3009 (c) of subsection (3), and subsection (5) of section 948.30,
 3010 Florida Statutes, are amended, and subsection (6) is added to
 3011 that section, to read:

3012 948.30 Additional terms and conditions of probation or
 3013 community control for certain sex offenses.—Conditions imposed
 3014 pursuant to this section do not require oral pronouncement at
 3015 the time of sentencing and shall be considered standard
 3016 conditions of probation or community control for offenders
 3017 specified in this section.

3018 (1) Effective for probationers or community controllees
 3019 whose crime was committed on or after October 1, 1995, and who
 3020 are placed under supervision for violation of chapter 794, s.
 3021 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
 3022 court must impose the following conditions in addition to all
 3023 other standard and special conditions imposed:

3024 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
 3025 may designate another 8-hour period if the offender's employment

3026 precludes the above specified time, and the alternative is
3027 recommended by the Department of Corrections. If the court
3028 determines that imposing a curfew would endanger the victim, the
3029 court may consider alternative sanctions.

3030 (b) If the victim was under the age of 18, a prohibition
3031 on living within 1,000 feet of a school, child care facility,
3032 park, playground, or other place where children regularly
3033 congregate, as prescribed by the court. The 1,000-foot distance
3034 shall be measured in a straight line from the offender's place
3035 of residence to the nearest boundary line of the school, child
3036 care facility, park, playground, or other place where children
3037 congregate. The distance may not be measured by a pedestrian
3038 route or automobile route. A probationer or community controllee
3039 who is subject to this paragraph may not be forced to relocate
3040 and does not violate his or her probation or community control
3041 if he or she is living in a residence that meets the
3042 requirements of this paragraph and a school, child care
3043 facility, park, playground, or other place where children
3044 regularly congregate is subsequently established within 1,000
3045 feet of his or her residence.

3046 (c) Active participation in and successful completion of a
3047 sex offender treatment program with qualified practitioners
3048 specifically trained to treat sex offenders, at the
3049 probationer's or community controllee's own expense. If a
3050 qualified practitioner is not available within a 50-mile radius

3051 of the probationer's or community controllee's residence, the
3052 offender shall participate in other appropriate therapy.

3053 (d) A prohibition on any contact with the victim, directly
3054 or indirectly, including through a third person, unless approved
3055 by the victim, a qualified practitioner in the sexual offender
3056 treatment program, and the sentencing court.

3057 (e) If the victim was under the age of 18, a prohibition
3058 on contact with a child under the age of 18 except as provided
3059 in this paragraph. The court may approve supervised contact with
3060 a child under the age of 18 if the approval is based upon a
3061 recommendation for contact issued by a qualified practitioner
3062 who is basing the recommendation on a risk assessment. Further,
3063 the sex offender must be currently enrolled in or have
3064 successfully completed a sex offender therapy program. The court
3065 may not grant supervised contact with a child if the contact is
3066 not recommended by a qualified practitioner and may deny
3067 supervised contact with a child at any time. When considering
3068 whether to approve supervised contact with a child, the court
3069 must review and consider the following:

3070 1. A risk assessment completed by a qualified
3071 practitioner. The qualified practitioner must prepare a written
3072 report that must include the findings of the assessment and
3073 address each of the following components:

- 3074 a. The sex offender's current legal status;
3075 b. The sex offender's history of adult charges with

3076 | apparent sexual motivation;

3077 | c. The sex offender's history of adult charges without

3078 | apparent sexual motivation;

3079 | d. The sex offender's history of juvenile charges,

3080 | whenever available;

3081 | e. The sex offender's offender treatment history,

3082 | including consultations with the sex offender's treating, or

3083 | most recent treating, therapist;

3084 | f. The sex offender's current mental status;

3085 | g. The sex offender's mental health and substance abuse

3086 | treatment history as provided by the Department of Corrections;

3087 | h. The sex offender's personal, social, educational, and

3088 | work history;

3089 | i. The results of current psychological testing of the sex

3090 | offender if determined necessary by the qualified practitioner;

3091 | j. A description of the proposed contact, including the

3092 | location, frequency, duration, and supervisory arrangement;

3093 | k. The child's preference and relative comfort level with

3094 | the proposed contact, when age appropriate;

3095 | l. The parent's or legal guardian's preference regarding

3096 | the proposed contact; and

3097 | m. The qualified practitioner's opinion, along with the

3098 | basis for that opinion, as to whether the proposed contact would

3099 | likely pose significant risk of emotional or physical harm to

3100 | the child.

3101
 3102 The written report of the assessment must be given to the court;
 3103 2. A recommendation made as a part of the risk assessment
 3104 report as to whether supervised contact with the child should be
 3105 approved;
 3106 3. A written consent signed by the child's parent or legal
 3107 guardian, if the parent or legal guardian is not the sex
 3108 offender, agreeing to the sex offender having supervised contact
 3109 with the child after receiving full disclosure of the sex
 3110 offender's present legal status, past criminal history, and the
 3111 results of the risk assessment. The court may not approve
 3112 contact with the child if the parent or legal guardian refuses
 3113 to give written consent for supervised contact;
 3114 4. A safety plan prepared by the qualified practitioner,
 3115 who provides treatment to the offender, in collaboration with
 3116 the sex offender, the child's parent or legal guardian, if the
 3117 parent or legal guardian is not the sex offender, and the child,
 3118 when age appropriate, which details the acceptable conditions of
 3119 contact between the sex offender and the child. The safety plan
 3120 must be reviewed and approved by the court; and
 3121 5. Evidence that the child's parent or legal guardian
 3122 understands the need for and agrees to the safety plan and has
 3123 agreed to provide, or to designate another adult to provide,
 3124 constant supervision any time the child is in contact with the
 3125 offender.

3126
3127 The court may not appoint a person to conduct a risk assessment
3128 and may not accept a risk assessment from a person who has not
3129 demonstrated to the court that he or she has met the
3130 requirements of a qualified practitioner as defined in this
3131 section.

3132 (f) If the victim was under age 18, a prohibition on
3133 working for pay or as a volunteer at any place where children
3134 regularly congregate, including, but not limited to, schools,
3135 child care facilities, parks, playgrounds, pet stores,
3136 libraries, zoos, theme parks, and malls.

3137 (g) Unless otherwise indicated in the treatment plan
3138 provided by a qualified practitioner in the sexual offender
3139 treatment program, a prohibition on viewing, accessing, owning,
3140 or possessing any obscene, pornographic, or sexually stimulating
3141 visual or auditory material, including telephone, electronic
3142 media, computer programs, or computer services that are relevant
3143 to the offender's deviant behavior pattern.

3144 (h) Effective for probationers and community controllees
3145 whose crime is committed on or after July 1, 2005, a prohibition
3146 on accessing the Internet or other computer services until a
3147 qualified practitioner in the offender's sex offender treatment
3148 program, after a risk assessment is completed, approves and
3149 implements a safety plan for the offender's accessing or using
3150 the Internet or other computer services.

3151 (i) A requirement that the probationer or community
3152 controllee must submit a specimen of blood or other approved
3153 biological specimen to the Department of Law Enforcement to be
3154 registered with the DNA data bank.

3155 (j) A requirement that the probationer or community
3156 controllee make restitution to the victim, as ordered by the
3157 court under s. 775.089, for all necessary medical and related
3158 professional services relating to physical, psychiatric, and
3159 psychological care.

3160 (k) Submission to a warrantless search by the community
3161 control or probation officer of the probationer's or community
3162 controllee's person, residence, or vehicle.

3163 (2) Effective for a probationer or community controllee
3164 whose crime was committed on or after October 1, 1997, and who
3165 is placed on community control or sex offender probation for a
3166 violation of chapter 794, s. 800.04, former s. 827.071, s.
3167 847.0135(5), or s. 847.0145, in addition to any other provision
3168 of this section, the court must impose the following conditions
3169 of probation or community control:

3170 (a) As part of a treatment program, participation at least
3171 annually in polygraph examinations to obtain information
3172 necessary for risk management and treatment and to reduce the
3173 sex offender's denial mechanisms. A polygraph examination must
3174 be conducted by a polygrapher who is a member of a national or
3175 state polygraph association and who is certified as a

3176 postconviction sex offender polygrapher, where available, and
3177 shall be paid for by the probationer or community controllee.
3178 The results of the polygraph examination shall be provided to
3179 the probationer's or community controllee's probation officer
3180 and qualified practitioner and shall not be used as evidence in
3181 court to prove that a violation of community supervision has
3182 occurred.

3183 (b) Maintenance of a driving log and a prohibition against
3184 driving a motor vehicle alone without the prior approval of the
3185 supervising officer.

3186 (c) A prohibition against obtaining or using a post office
3187 box without the prior approval of the supervising officer.

3188 (d) If there was sexual contact, a submission to, at the
3189 probationer's or community controllee's expense, an HIV test
3190 with the results to be released to the victim or the victim's
3191 parent or guardian.

3192 (e) Electronic monitoring when deemed necessary by the
3193 community control or probation officer and his or her
3194 supervisor, and ordered by the court at the recommendation of
3195 the Department of Corrections.

3196 (3) Effective for a probationer or community controllee
3197 whose crime was committed on or after September 1, 2005, and
3198 who:

3199 (a) Is placed on probation or community control for a
3200 violation of chapter 794, s. 800.04(4), (5), or (6), former s.

3201 827.071, or s. 847.0145 and the unlawful sexual activity
 3202 involved a victim 15 years of age or younger and the offender is
 3203 18 years of age or older;

3204 (c) Has previously been convicted of a violation of
 3205 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
 3206 847.0145 and the unlawful sexual activity involved a victim 15
 3207 years of age or younger and the offender is 18 years of age or
 3208 older,

3209
 3210 the court must order, in addition to any other provision of this
 3211 section, mandatory electronic monitoring as a condition of the
 3212 probation or community control supervision.

3213 (5) Effective for a probationer or community controllee
 3214 whose crime was committed on or after October 1, 2014, and who
 3215 is placed on probation or community control for a violation of
 3216 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
 3217 847.0145, in addition to all other conditions imposed, the court
 3218 must impose a condition prohibiting the probationer or community
 3219 controllee from viewing, accessing, owning, or possessing any
 3220 obscene, pornographic, or sexually stimulating visual or
 3221 auditory material unless otherwise indicated in the treatment
 3222 plan provided by a qualified practitioner in the sexual offender
 3223 treatment program. Visual or auditory material includes, but is
 3224 not limited to, telephone, electronic media, computer programs,
 3225 and computer services.

3226 (6) Effective for a probationer or community controllee
 3227 whose crime was committed on or after October 1, 2017, and who
 3228 is placed under supervision for violation of s. 847.003 or s.
 3229 847.0137(2), the court must impose the conditions specified in
 3230 subsections (1)-(5) in addition to all other standard and
 3231 special conditions imposed.

3232 Section 55. Subsection (1) of section 948.32, Florida
 3233 Statutes, is amended to read:

3234 948.32 Requirements of law enforcement agency upon arrest
 3235 of persons for certain sex offenses.—

3236 (1) When any state or local law enforcement agency
 3237 investigates or arrests a person for committing, or attempting,
 3238 soliciting, or conspiring to commit, a violation of s.
 3239 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 3240 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 3241 847.0135, 847.0137(2), or s. 847.0145, the law enforcement
 3242 agency shall contact the Department of Corrections to verify
 3243 whether the person under investigation or under arrest is on
 3244 probation, community control, parole, conditional release, or
 3245 control release.

3246 Section 56. Paragraph (e) of subsection (3) and subsection
 3247 (10) of section 960.03, Florida Statutes, are amended to read:

3248 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3249 960.01-960.28, unless the context otherwise requires, the term:

3250 (3) "Crime" means:

3251 (e) A violation of former s. 827.071, s. 847.003, s.
3252 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
3253 exploitation and child pornography.

3254 (10) "Identified victim of child pornography" means any
3255 person who, while under the age of 18, is depicted in any visual
3256 depiction ~~image or movie~~ of child pornography, as defined in s.
3257 847.0137, and who is identified through a report generated by a
3258 law enforcement agency and provided to the National Center for
3259 Missing and Exploited Children's Child Victim Identification
3260 Program.

3261 Section 57. Section 960.197, Florida Statutes, is amended
3262 to read:

3263 960.197 Assistance to victims of online sexual
3264 exploitation and child pornography.—

3265 (1) Notwithstanding the criteria set forth in s. 960.13
3266 for crime victim compensation awards, the department may award
3267 compensation for counseling and other mental health services to
3268 treat psychological injury or trauma to:

3269 (a) A child younger than 18 years of age who suffers
3270 psychiatric or psychological injury as a direct result of online
3271 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
3272 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
3273 not otherwise sustain a personal injury or death; or

3274 (b) Any person who, while younger than age 18, was
3275 depicted in any visual depiction ~~image or movie~~, regardless of

3276 ~~length,~~ of child pornography as defined in s. 847.0137 ~~847.001~~,
 3277 who has been identified by a law enforcement agency or the
 3278 National Center for Missing and Exploited Children as an
 3279 identified victim of child pornography, who suffers psychiatric
 3280 or psychological injury as a direct result of the crime, and who
 3281 does not otherwise sustain a personal injury or death.

3282 (2) Compensation under this section is not contingent upon
 3283 pursuit of a criminal investigation or prosecution.

3284 Section 58. Paragraph (d) of subsection (4) of section
 3285 985.04, Florida Statutes, is amended to read:

3286 985.04 Oaths; records; confidential information.—

3287 (4)

3288 (d) The department shall disclose to the school
 3289 superintendent the presence of any child in the care and custody
 3290 or under the jurisdiction or supervision of the department who
 3291 has a known history of criminal sexual behavior with other
 3292 juveniles; is alleged to have committed juvenile sexual abuse as
 3293 defined in s. 39.01; or has pled guilty or nolo contendere to,
 3294 or has been found to have committed, a violation of chapter 794,
 3295 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 3296 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 3297 adjudication. Any employee of a district school board who
 3298 knowingly and willfully discloses such information to an
 3299 unauthorized person commits a misdemeanor of the second degree,
 3300 punishable as provided in s. 775.082 or s. 775.083.

3301 Section 59. Paragraph (a) of subsection (1) of section
3302 985.475, Florida Statutes, is amended to read:

3303 985.475 Juvenile sexual offenders.—

3304 (1) CRITERIA.—A "juvenile sexual offender" means:

3305 (a) A juvenile who has been found by the court under s.
3306 985.35 to have committed a violation of chapter 794, chapter
3307 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
3308 or s. 847.0137(2);

3309 Section 60. Paragraphs (mm) and (oo) of subsection (1) of
3310 section 1012.315, Florida Statutes, are amended to read:

3311 1012.315 Disqualification from employment.—A person is
3312 ineligible for educator certification, and instructional
3313 personnel and school administrators, as defined in s. 1012.01,
3314 are ineligible for employment in any position that requires
3315 direct contact with students in a district school system,
3316 charter school, or private school that accepts scholarship
3317 students under s. 1002.39 or s. 1002.395, if the person,
3318 instructional personnel, or school administrator has been
3319 convicted of:

3320 (1) Any felony offense prohibited under any of the
3321 following statutes:

3322 (mm) Former s. Section 827.071, relating to sexual
3323 performance by a child.

3324 (oo) Chapter 847, relating to obscenity and child
3325 exploitation.

3326 Section 61. Paragraphs (e), (f), and (h) of subsection (3)
 3327 of section 921.0022, Florida Statutes, are amended to read:
 3328 921.0022 Criminal Punishment Code; offense severity
 3329 ranking chart.—

3330 (3) OFFENSE SEVERITY RANKING CHART

3331 (e) LEVEL 5

3332

Florida	Felony	
Statute	Degree	Description

3333

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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3334

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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3335

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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3336

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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3337

3338 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.

3339 379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

3340	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
3341	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3342	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3343	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3344	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3345	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3346			

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3347	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3348	790.01 (2)	3rd	Carrying a concealed firearm.
3349	790.162	2nd	Threat to throw or discharge destructive device.
3350	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3351	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3352	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3353	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of

			age.
3354	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3355	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3356	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3357	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3358	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3359	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3360	812.16 (2)	3rd	Owning, operating, or

3361	817.034 (4) (a) 2.	2nd	conducting a chop shop. Communications fraud, value \$20,000 to \$50,000.
3362	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3363	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.
3364	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.

3365	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3366	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
3367	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3368	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
3369	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3370			

3371	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
3372	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3373	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3374	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3375	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3376	<u>847.0137 (3)</u> 847.0137	3rd	Transmission of <u>child</u> pornography by electronic

3377	(2) & (3)		device or equipment.
3378	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3379	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3380	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3381	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).
	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.,

3382	893.13(1)(d)1.	1st	<p>(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.</p> <p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.</p>
3383	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</p>

3384			specified business site.
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.
3385			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3386			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3387			
3388	(f) LEVEL 6		
3389			
	Florida Statute	Felony Degree	Description
3390			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.

3391	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3392	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3393	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3394	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3395	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3396	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3397	784.021 (1) (a)	3rd	Aggravated assault; deadly

			weapon without intent to kill.
3398	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3399	784.041	3rd	Felony battery; domestic battery by strangulation.
3400	784.048 (3)	3rd	Aggravated stalking; credible threat.
3401	784.048 (5)	3rd	Aggravated stalking of person under 16.
3402	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3403	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3404	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3405	784.081 (2)	2nd	Aggravated assault on specified

			official or employee.
3406	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3407	784.083 (2)	2nd	Aggravated assault on code inspector.
3408	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3409	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3410	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3411	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.
3412	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3413	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3414	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3415	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
3416	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3417	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any

			other person.
3418	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3419	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3420	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3421	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3422	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3423	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3424			

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3425	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3426	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3427	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3428	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3429	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3430	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3431	827.03 (2) (c)	3rd	Abuse of a child.
3432	827.03 (2) (d)	3rd	Neglect of a child.

3433	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3434	836.05	2nd	Threats; extortion.
3435	836.10	2nd	Written threats to kill or do bodily injury.
3436	843.12	3rd	Aids or assists person to escape.
3437	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3438	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3439	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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3440	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3441	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3442	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.
3443	944.40	2nd	Escapes.
3444	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3445	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
	951.22 (1)	3rd	Intoxicating drug, firearm, or

			weapon introduced into county facility.
3446			
3447	(h)	LEVEL 8	
3448			
	Florida	Felony	
	Statute	Degree	Description
3449			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
3450			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3451			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3452			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
3453			
	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
3454			
	560.123 (8) (b) 2.	2nd	Failure to report currency or

3455	560.125 (5) (b)	2nd	<p>payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</p>
3456	655.50 (10) (b) 2.	2nd	<p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
3457	777.03 (2) (a)	1st	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
3458	782.04 (4)	2nd	<p>Accessory after the fact, capital felony.</p>
			<p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping,</p>

			aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3459	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
3460	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
3461	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
3462	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
3463	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3464			

3465	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3466	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.
3467	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 state.
3468	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
	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

3469	794.011 (5) (b)	2nd	not use physical force likely to cause serious injury.
3470	794.011 (5) (c)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
3471	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3472	794.08 (3)	2nd	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.
			Female genital mutilation, removal of a victim younger than 18 years of age from this

			state.
3473	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3474	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3475	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3476	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3477	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3478	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3479	812.014 (2) (a) 2.	1st	Property stolen; cargo valued

			at \$50,000 or more, grand theft in 1st degree.
3480	812.13 (2) (b)	1st	Robbery with a weapon.
3481	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3482	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3483	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3484	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3485	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.
3486	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3487	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3488	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3489	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3490	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3491	837.02 (2)	2nd	Perjury in official proceedings

3492	837.021 (2)	2nd	relating to prosecution of a capital felony.
3493	<u>847.0135 (3)</u>	<u>2nd</u>	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3494	860.121 (2) (c)	1st	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3495	860.16	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3496	893.13 (1) (b)	1st	Aircraft piracy.
3497			Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b) .

3498	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3499	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3500	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3501	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3502	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3503	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
	893.135	1st	Trafficking in oxycodone, 25

3504	(1) (c) 3.c.		grams or more, less than 100 grams.
3505	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3506	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
3507	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
3508	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3509	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,

3510	(1) (j) 1.b.	1st	5 kilograms or more, less than 10 kilograms.
3511	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3512	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
3513	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3514	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3515	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

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

3516

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.

3517

3518 Section 62. The Division of Law Revision and Information
 3519 is directed to rename chapter 847, Florida Statutes, as
 3520 "Obscenity; Child Exploitation."

3521 Section 63. For the purpose of incorporating the amendment
 3522 made by this act to section 39.0139, Florida Statutes, in a
 3523 reference thereto, paragraph (a) of subsection (9) of section
 3524 39.402, Florida Statutes, is reenacted to read:

3525 39.402 Placement in a shelter.—

3526 (9) (a) At any shelter hearing, the department shall
 3527 provide to the court a recommendation for scheduled contact
 3528 between the child and parents, if appropriate. The court shall
 3529 determine visitation rights absent a clear and convincing
 3530 showing that visitation is not in the best interest of the

3531 child. Any order for visitation or other contact must conform to
3532 s. 39.0139. If visitation is ordered but will not commence
3533 within 72 hours of the shelter hearing, the department shall
3534 provide justification to the court.

3535 Section 64. For the purpose of incorporating the amendment
3536 made by this act to section 39.0139, Florida Statutes, in a
3537 reference thereto, subsection (6) of section 39.506, Florida
3538 Statutes, is reenacted to read:

3539 39.506 Arraignment hearings.—

3540 (6) At any arraignment hearing, if the child is in an out-
3541 of-home placement, the court shall order visitation rights
3542 absent a clear and convincing showing that visitation is not in
3543 the best interest of the child. Any order for visitation or
3544 other contact must conform to the provisions of s. 39.0139.

3545 Section 65. For the purpose of incorporating the amendment
3546 made by this act to section 775.21, Florida Statutes, in a
3547 reference thereto, paragraph (b) of subsection (6) of section
3548 39.509, Florida Statutes, is reenacted to read:

3549 39.509 Grandparents rights.—Notwithstanding any other
3550 provision of law, a maternal or paternal grandparent as well as
3551 a stepgrandparent is entitled to reasonable visitation with his
3552 or her grandchild who has been adjudicated a dependent child and
3553 taken from the physical custody of the parent unless the court
3554 finds that such visitation is not in the best interest of the
3555 child or that such visitation would interfere with the goals of

3556 the case plan. Reasonable visitation may be unsupervised and,
3557 where appropriate and feasible, may be frequent and continuing.
3558 Any order for visitation or other contact must conform to the
3559 provisions of s. 39.0139.

3560 (6) In determining whether grandparental visitation is not
3561 in the child's best interest, consideration may be given to the
3562 following:

3563 (b) The designation by a court as a sexual predator as
3564 defined in s. 775.21 or a substantially similar designation
3565 under laws of another jurisdiction.

3566 Section 66. For the purpose of incorporating the amendment
3567 made by this act to section 39.0139, Florida Statutes, in a
3568 reference thereto, paragraph (d) of subsection (3) of section
3569 39.521, Florida Statutes, is reenacted to read:

3570 39.521 Disposition hearings; powers of disposition.—

3571 (3) When any child is adjudicated by a court to be
3572 dependent, the court shall determine the appropriate placement
3573 for the child as follows:

3574 (d) If the child cannot be safely placed in a nonlicensed
3575 placement, the court shall commit the child to the temporary
3576 legal custody of the department. Such commitment invests in the
3577 department all rights and responsibilities of a legal custodian.
3578 The department shall not return any child to the physical care
3579 and custody of the person from whom the child was removed,
3580 except for court-approved visitation periods, without the

3581 approval of the court. Any order for visitation or other contact
3582 must conform to the provisions of s. 39.0139. The term of such
3583 commitment continues until terminated by the court or until the
3584 child reaches the age of 18. After the child is committed to the
3585 temporary legal custody of the department, all further
3586 proceedings under this section are governed by this chapter.

3587
3588 Protective supervision continues until the court terminates it
3589 or until the child reaches the age of 18, whichever date is
3590 first. Protective supervision shall be terminated by the court
3591 whenever the court determines that permanency has been achieved
3592 for the child, whether with a parent, another relative, or a
3593 legal custodian, and that protective supervision is no longer
3594 needed. The termination of supervision may be with or without
3595 retaining jurisdiction, at the court's discretion, and shall in
3596 either case be considered a permanency option for the child. The
3597 order terminating supervision by the department shall set forth
3598 the powers of the custodian of the child and shall include the
3599 powers ordinarily granted to a guardian of the person of a minor
3600 unless otherwise specified. Upon the court's termination of
3601 supervision by the department, no further judicial reviews are
3602 required, so long as permanency has been established for the
3603 child.

3604 Section 67. For the purpose of incorporating the amendment
3605 made by this act to section 39.01, Florida Statutes, in a

3606 reference thereto, subsection (1) of section 39.524, Florida
 3607 Statutes, is reenacted to read:

3608 39.524 Safe-harbor placement.—

3609 (1) Except as provided in s. 39.407 or s. 985.801, a
 3610 dependent child 6 years of age or older who has been found to be
 3611 a victim of sexual exploitation as defined in s. 39.01(70)(g)
 3612 must be assessed for placement in a safe house or safe foster
 3613 home as provided in s. 409.1678 using the initial screening and
 3614 assessment instruments provided in s. 409.1754(1). If such
 3615 placement is determined to be appropriate for the child as a
 3616 result of this assessment, the child may be placed in a safe
 3617 house or safe foster home, if one is available. However, the
 3618 child may be placed in another setting, if the other setting is
 3619 more appropriate to the child's needs or if a safe house or safe
 3620 foster home is unavailable, as long as the child's behaviors are
 3621 managed so as not to endanger other children served in that
 3622 setting.

3623 Section 68. For the purpose of incorporating the amendment
 3624 made by this act to section 775.21, Florida Statutes, in
 3625 references thereto, paragraphs (d) and (n) of subsection (1) of
 3626 section 39.806, Florida Statutes, are reenacted to read:

3627 39.806 Grounds for termination of parental rights.—

3628 (1) Grounds for the termination of parental rights may be
 3629 established under any of the following circumstances:

3630 (d) When the parent of a child is incarcerated and either:

3631 1. The period of time for which the parent is expected to
3632 be incarcerated will constitute a significant portion of the
3633 child's minority. When determining whether the period of time is
3634 significant, the court shall consider the child's age and the
3635 child's need for a permanent and stable home. The period of time
3636 begins on the date that the parent enters into incarceration;

3637 2. The incarcerated parent has been determined by the
3638 court to be a violent career criminal as defined in s. 775.084,
3639 a habitual violent felony offender as defined in s. 775.084, or
3640 a sexual predator as defined in s. 775.21; has been convicted of
3641 first degree or second degree murder in violation of s. 782.04
3642 or a sexual battery that constitutes a capital, life, or first
3643 degree felony violation of s. 794.011; or has been convicted of
3644 an offense in another jurisdiction which is substantially
3645 similar to one of the offenses listed in this paragraph. As used
3646 in this section, the term "substantially similar offense" means
3647 any offense that is substantially similar in elements and
3648 penalties to one of those listed in this subparagraph, and that
3649 is in violation of a law of any other jurisdiction, whether that
3650 of another state, the District of Columbia, the United States or
3651 any possession or territory thereof, or any foreign
3652 jurisdiction; or

3653 3. The court determines by clear and convincing evidence
3654 that continuing the parental relationship with the incarcerated
3655 parent would be harmful to the child and, for this reason, that

3656 termination of the parental rights of the incarcerated parent is
 3657 in the best interest of the child. When determining harm, the
 3658 court shall consider the following factors:

- 3659 a. The age of the child.
- 3660 b. The relationship between the child and the parent.
- 3661 c. The nature of the parent's current and past provision
 3662 for the child's developmental, cognitive, psychological, and
 3663 physical needs.
- 3664 d. The parent's history of criminal behavior, which may
 3665 include the frequency of incarceration and the unavailability of
 3666 the parent to the child due to incarceration.
- 3667 e. Any other factor the court deems relevant.

3668 (n) The parent is convicted of an offense that requires
 3669 the parent to register as a sexual predator under s. 775.21.

3670 Section 69. For the purpose of incorporating the amendment
 3671 made by this act to section 775.21, Florida Statutes, in a
 3672 reference thereto, paragraph (b) of subsection (4) of section
 3673 63.089, Florida Statutes, is reenacted to read:

3674 63.089 Proceeding to terminate parental rights pending
 3675 adoption; hearing; grounds; dismissal of petition; judgment.—

3676 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 3677 resulting in a termination of parental rights must be based upon
 3678 clear and convincing evidence that a parent or person having
 3679 legal custody has abandoned the child in accordance with the
 3680 definition contained in s. 63.032. A finding of abandonment may

3681 also be based upon emotional abuse or a refusal to provide
3682 reasonable financial support, when able, to a birth mother
3683 during her pregnancy or on whether the person alleged to have
3684 abandoned the child, while being able, failed to establish
3685 contact with the child or accept responsibility for the child's
3686 welfare.

3687 (b) The child has been abandoned when the parent of a
3688 child is incarcerated on or after October 1, 2001, in a federal,
3689 state, or county correctional institution and:

3690 1. The period of time for which the parent has been or is
3691 expected to be incarcerated will constitute a significant
3692 portion of the child's minority. In determining whether the
3693 period of time is significant, the court shall consider the
3694 child's age and the child's need for a permanent and stable
3695 home. The period of time begins on the date that the parent
3696 enters into incarceration;

3697 2. The incarcerated parent has been determined by a court
3698 of competent jurisdiction to be a violent career criminal as
3699 defined in s. 775.084, a habitual violent felony offender as
3700 defined in s. 775.084, convicted of child abuse as defined in s.
3701 827.03, or a sexual predator as defined in s. 775.21; has been
3702 convicted of first degree or second degree murder in violation
3703 of s. 782.04 or a sexual battery that constitutes a capital,
3704 life, or first degree felony violation of s. 794.011; or has
3705 been convicted of a substantially similar offense in another

3706 jurisdiction. As used in this section, the term "substantially
3707 similar offense" means any offense that is substantially similar
3708 in elements and penalties to one of those listed in this
3709 subparagraph, and that is in violation of a law of any other
3710 jurisdiction, whether that of another state, the District of
3711 Columbia, the United States or any possession or territory
3712 thereof, or any foreign jurisdiction; or

3713 3. The court determines by clear and convincing evidence
3714 that continuing the parental relationship with the incarcerated
3715 parent would be harmful to the child and, for this reason,
3716 termination of the parental rights of the incarcerated parent is
3717 in the best interests of the child.

3718 Section 70. For the purpose of incorporating the amendment
3719 made by this act to section 775.21, Florida Statutes, in a
3720 reference thereto, subsection (3) of section 63.092, Florida
3721 Statutes, is reenacted to read:

3722 63.092 Report to the court of intended placement by an
3723 adoption entity; at-risk placement; preliminary study.—

3724 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
3725 the intended adoptive home, a preliminary home study must be
3726 performed by a licensed child-placing agency, a child-caring
3727 agency registered under s. 409.176, a licensed professional, or
3728 an agency described in s. 61.20(2), unless the adoptee is an
3729 adult or the petitioner is a stepparent or a relative. If the
3730 adoptee is an adult or the petitioner is a stepparent or a

3731 relative, a preliminary home study may be required by the court
3732 for good cause shown. The department is required to perform the
3733 preliminary home study only if there is no licensed child-
3734 placing agency, child-caring agency registered under s. 409.176,
3735 licensed professional, or agency described in s. 61.20(2), in
3736 the county where the prospective adoptive parents reside. The
3737 preliminary home study must be made to determine the suitability
3738 of the intended adoptive parents and may be completed prior to
3739 identification of a prospective adoptive minor. A favorable
3740 preliminary home study is valid for 1 year after the date of its
3741 completion. Upon its completion, a signed copy of the home study
3742 must be provided to the intended adoptive parents who were the
3743 subject of the home study. A minor may not be placed in an
3744 intended adoptive home before a favorable preliminary home study
3745 is completed unless the adoptive home is also a licensed foster
3746 home under s. 409.175. The preliminary home study must include,
3747 at a minimum:

- 3748 (a) An interview with the intended adoptive parents;
3749 (b) Records checks of the department's central abuse
3750 registry and criminal records correspondence checks under s.
3751 39.0138 through the Department of Law Enforcement on the
3752 intended adoptive parents;
3753 (c) An assessment of the physical environment of the home;
3754 (d) A determination of the financial security of the
3755 intended adoptive parents;

3756 (e) Documentation of counseling and education of the
3757 intended adoptive parents on adoptive parenting;

3758 (f) Documentation that information on adoption and the
3759 adoption process has been provided to the intended adoptive
3760 parents;

3761 (g) Documentation that information on support services
3762 available in the community has been provided to the intended
3763 adoptive parents; and

3764 (h) A copy of each signed acknowledgment of receipt of
3765 disclosure required by s. 63.085.

3766

3767 If the preliminary home study is favorable, a minor may be
3768 placed in the home pending entry of the judgment of adoption. A
3769 minor may not be placed in the home if the preliminary home
3770 study is unfavorable. If the preliminary home study is
3771 unfavorable, the adoption entity may, within 20 days after
3772 receipt of a copy of the written recommendation, petition the
3773 court to determine the suitability of the intended adoptive
3774 home. A determination as to suitability under this subsection
3775 does not act as a presumption of suitability at the final
3776 hearing. In determining the suitability of the intended adoptive
3777 home, the court must consider the totality of the circumstances
3778 in the home. A minor may not be placed in a home in which there
3779 resides any person determined by the court to be a sexual
3780 predator as defined in s. 775.21 or to have been convicted of an

3781 offense listed in s. 63.089(4)(b)2.

3782 Section 71. For the purpose of incorporating the
3783 amendments made by this act to sections 775.21 and 943.0435,
3784 Florida Statutes, in references thereto, paragraph (i) of
3785 subsection (3) and subsection (6) of section 68.07, Florida
3786 Statutes, are reenacted to read:

3787 68.07 Change of name.—

3788 (3) Each petition shall be verified and show:

3789 (i) Whether the petitioner has ever been required to
3790 register as a sexual predator under s. 775.21 or as a sexual
3791 offender under s. 943.0435.

3792 (6) The clerk of the court must, within 5 business days
3793 after the filing of the final judgment, send a report of the
3794 judgment to the Department of Law Enforcement on a form to be
3795 furnished by that department. If the petitioner is required to
3796 register as a sexual predator or a sexual offender pursuant to
3797 s. 775.21 or s. 943.0435, the clerk of court shall
3798 electronically notify the Department of Law Enforcement of the
3799 name change, in a manner prescribed by that department, within 2
3800 business days after the filing of the final judgment. The
3801 Department of Law Enforcement must send a copy of the report to
3802 the Department of Highway Safety and Motor Vehicles, which may
3803 be delivered by electronic transmission. The report must contain
3804 sufficient information to identify the petitioner, including the
3805 results of the criminal history records check if applicable, the

3806 new name of the petitioner, and the file number of the judgment.
3807 The Department of Highway Safety and Motor Vehicles shall
3808 monitor the records of any sexual predator or sexual offender
3809 whose name has been provided to it by the Department of Law
3810 Enforcement. If the sexual predator or sexual offender does not
3811 obtain a replacement driver license or identification card
3812 within the required time as specified in s. 775.21 or s.
3813 943.0435, the Department of Highway Safety and Motor Vehicles
3814 shall notify the Department of Law Enforcement. The Department
3815 of Law Enforcement shall notify applicable law enforcement
3816 agencies of the predator's or offender's failure to comply with
3817 registration requirements. Any information retained by the
3818 Department of Law Enforcement and the Department of Highway
3819 Safety and Motor Vehicles may be revised or supplemented by said
3820 departments to reflect changes made by the final judgment. With
3821 respect to a person convicted of a felony in another state or of
3822 a federal offense, the Department of Law Enforcement must send
3823 the report to the respective state's office of law enforcement
3824 records or to the office of the Federal Bureau of Investigation.
3825 The Department of Law Enforcement may forward the report to any
3826 other law enforcement agency it believes may retain information
3827 related to the petitioner.

3828 Section 72. For the purpose of incorporating the
3829 amendments made by this act to sections 775.21 and 943.0435,
3830 Florida Statutes, in references thereto, paragraph (b) of

3831 subsection (1) of section 92.55, Florida Statutes, is reenacted
 3832 to read:

3833 92.55 Judicial or other proceedings involving victim or
 3834 witness under the age of 18, a person who has an intellectual
 3835 disability, or a sexual offense victim or witness; special
 3836 protections; use of registered service or therapy animals.—

3837 (1) For purposes of this section, the term:

3838 (b) "Sexual offense" means any offense specified in s.
 3839 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3840 Section 73. For the purpose of incorporating the amendment
 3841 made by this act to section 16.56, Florida Statutes, in a
 3842 reference thereto, paragraph (b) of subsection (1) of section
 3843 92.605, Florida Statutes, is reenacted to read:

3844 92.605 Production of certain records by Florida businesses
 3845 and out-of-state corporations.—

3846 (1) For the purposes of this section, the term:

3847 (b) "Applicant" means a law enforcement officer who is
 3848 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
 3849 905.185, or s. 914.04 or who is issued a search warrant under s.
 3850 933.01, or anyone who is authorized to issue a subpoena under
 3851 the Florida Rules of Criminal Procedure.

3852 Section 74. For the purpose of incorporating the
 3853 amendments made by this act to sections 775.21, 943.0435, and
 3854 944.607, Florida Statutes, in references thereto, subsection (3)
 3855 of section 322.141, Florida Statutes, is reenacted to read:

3856 322.141 Color or markings of certain licenses or
 3857 identification cards.—

3858 (3) All licenses for the operation of motor vehicles or
 3859 identification cards originally issued or reissued by the
 3860 department to persons who are designated as sexual predators
 3861 under s. 775.21 or subject to registration as sexual offenders
 3862 under s. 943.0435 or s. 944.607, or who have a similar
 3863 designation or are subject to a similar registration under the
 3864 laws of another jurisdiction, shall have on the front of the
 3865 license or identification card the following:

3866 (a) For a person designated as a sexual predator under s.
 3867 775.21 or who has a similar designation under the laws of
 3868 another jurisdiction, the marking "SEXUAL PREDATOR."

3869 (b) For a person subject to registration as a sexual
 3870 offender under s. 943.0435 or s. 944.607, or subject to a
 3871 similar registration under the laws of another jurisdiction, the
 3872 marking "943.0435, F.S."

3873 Section 75. For the purpose of incorporating the amendment
 3874 made by this act to section 775.0877, Florida Statutes, in a
 3875 reference thereto, paragraph (h) of subsection (2) of section
 3876 381.004, Florida Statutes, is reenacted to read:

3877 381.004 HIV testing.—

3878 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 3879 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3880 (h) Paragraph (a) does not apply:

3881 1. When testing for sexually transmissible diseases is
 3882 required by state or federal law, or by rule, including the
 3883 following situations:

3884 a. HIV testing pursuant to s. 796.08 of persons convicted
 3885 of prostitution or of procuring another to commit prostitution.

3886 b. HIV testing of inmates pursuant to s. 945.355 before
 3887 their release from prison by reason of parole, accumulation of
 3888 gain-time credits, or expiration of sentence.

3889 c. Testing for HIV by a medical examiner in accordance
 3890 with s. 406.11.

3891 d. HIV testing of pregnant women pursuant to s. 384.31.

3892 2. To those exceptions provided for blood, plasma, organs,
 3893 skin, semen, or other human tissue pursuant to s. 381.0041.

3894 3. For the performance of an HIV-related test by licensed
 3895 medical personnel in bona fide medical emergencies if the test
 3896 results are necessary for medical diagnostic purposes to provide
 3897 appropriate emergency care or treatment to the person being
 3898 tested and the patient is unable to consent, as supported by
 3899 documentation in the medical record. Notification of test
 3900 results in accordance with paragraph (c) is required.

3901 4. For the performance of an HIV-related test by licensed
 3902 medical personnel for medical diagnosis of acute illness where,
 3903 in the opinion of the attending physician, providing
 3904 notification would be detrimental to the patient, as supported
 3905 by documentation in the medical record, and the test results are

3906 necessary for medical diagnostic purposes to provide appropriate
3907 care or treatment to the person being tested. Notification of
3908 test results in accordance with paragraph (c) is required if it
3909 would not be detrimental to the patient. This subparagraph does
3910 not authorize the routine testing of patients for HIV infection
3911 without notification.

3912 5. If HIV testing is performed as part of an autopsy for
3913 which consent was obtained pursuant to s. 872.04.

3914 6. For the performance of an HIV test upon a defendant
3915 pursuant to the victim's request in a prosecution for any type
3916 of sexual battery where a blood sample is taken from the
3917 defendant voluntarily, pursuant to court order for any purpose,
3918 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3919 the results of an HIV test performed shall be disclosed solely
3920 to the victim and the defendant, except as provided in ss.
3921 775.0877, 951.27, and 960.003.

3922 7. If an HIV test is mandated by court order.

3923 8. For epidemiological research pursuant to s. 381.0031,
3924 for research consistent with institutional review boards created
3925 by 45 C.F.R. part 46, or for the performance of an HIV-related
3926 test for the purpose of research, if the testing is performed in
3927 a manner by which the identity of the test subject is not known
3928 and may not be retrieved by the researcher.

3929 9. If human tissue is collected lawfully without the
3930 consent of the donor for corneal removal as authorized by s.

3931 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3932 10. For the performance of an HIV test upon an individual
3933 who comes into contact with medical personnel in such a way that
3934 a significant exposure has occurred during the course of
3935 employment, within the scope of practice, or during the course
3936 of providing emergency medical assistance to the individual. The
3937 term "medical personnel" includes a licensed or certified health
3938 care professional; an employee of a health care professional or
3939 health care facility; employees of a laboratory licensed under
3940 chapter 483; personnel of a blood bank or plasma center; a
3941 medical student or other student who is receiving training as a
3942 health care professional at a health care facility; and a
3943 paramedic or emergency medical technician certified by the
3944 department to perform life-support procedures under s. 401.23.

3945 a. The occurrence of a significant exposure shall be
3946 documented by medical personnel under the supervision of a
3947 licensed physician and recorded only in the personnel record of
3948 the medical personnel.

3949 b. Costs of an HIV test shall be borne by the medical
3950 personnel or the employer of the medical personnel. However,
3951 costs of testing or treatment not directly related to the
3952 initial HIV tests or costs of subsequent testing or treatment
3953 may not be borne by the medical personnel or the employer of the
3954 medical personnel.

3955 c. In order to use the provisions of this subparagraph,

3956 the medical personnel must be tested for HIV pursuant to this
3957 section or provide the results of an HIV test taken within 6
3958 months before the significant exposure if such test results are
3959 negative.

3960 d. A person who receives the results of an HIV test
3961 pursuant to this subparagraph shall maintain the confidentiality
3962 of the information received and of the persons tested. Such
3963 confidential information is exempt from s. 119.07(1).

3964 e. If the source of the exposure is not available and will
3965 not voluntarily present himself or herself to a health facility
3966 to be tested for HIV, the medical personnel or the employer of
3967 such person acting on behalf of the employee may seek a court
3968 order directing the source of the exposure to submit to HIV
3969 testing. A sworn statement by a physician licensed under chapter
3970 458 or chapter 459 that a significant exposure has occurred and
3971 that, in the physician's medical judgment, testing is medically
3972 necessary to determine the course of treatment constitutes
3973 probable cause for the issuance of an order by the court. The
3974 results of the test shall be released to the source of the
3975 exposure and to the person who experienced the exposure.

3976 11. For the performance of an HIV test upon an individual
3977 who comes into contact with nonmedical personnel in such a way
3978 that a significant exposure has occurred while the nonmedical
3979 personnel provides emergency medical assistance during a medical
3980 emergency. For the purposes of this subparagraph, a medical

3981 emergency means an emergency medical condition outside of a
 3982 hospital or health care facility that provides physician care.
 3983 The test may be performed only during the course of treatment
 3984 for the medical emergency.

3985 a. The occurrence of a significant exposure shall be
 3986 documented by medical personnel under the supervision of a
 3987 licensed physician and recorded in the medical record of the
 3988 nonmedical personnel.

3989 b. Costs of any HIV test shall be borne by the nonmedical
 3990 personnel or the employer of the nonmedical personnel. However,
 3991 costs of testing or treatment not directly related to the
 3992 initial HIV tests or costs of subsequent testing or treatment
 3993 may not be borne by the nonmedical personnel or the employer of
 3994 the nonmedical personnel.

3995 c. In order to use the provisions of this subparagraph,
 3996 the nonmedical personnel shall be tested for HIV pursuant to
 3997 this section or shall provide the results of an HIV test taken
 3998 within 6 months before the significant exposure if such test
 3999 results are negative.

4000 d. A person who receives the results of an HIV test
 4001 pursuant to this subparagraph shall maintain the confidentiality
 4002 of the information received and of the persons tested. Such
 4003 confidential information is exempt from s. 119.07(1).

4004 e. If the source of the exposure is not available and will
 4005 not voluntarily present himself or herself to a health facility

4006 to be tested for HIV, the nonmedical personnel or the employer
4007 of the nonmedical personnel acting on behalf of the employee may
4008 seek a court order directing the source of the exposure to
4009 submit to HIV testing. A sworn statement by a physician licensed
4010 under chapter 458 or chapter 459 that a significant exposure has
4011 occurred and that, in the physician's medical judgment, testing
4012 is medically necessary to determine the course of treatment
4013 constitutes probable cause for the issuance of an order by the
4014 court. The results of the test shall be released to the source
4015 of the exposure and to the person who experienced the exposure.

4016 12. For the performance of an HIV test by the medical
4017 examiner or attending physician upon an individual who expired
4018 or could not be resuscitated while receiving emergency medical
4019 assistance or care and who was the source of a significant
4020 exposure to medical or nonmedical personnel providing such
4021 assistance or care.

4022 a. HIV testing may be conducted only after appropriate
4023 medical personnel under the supervision of a licensed physician
4024 documents in the medical record of the medical personnel or
4025 nonmedical personnel that there has been a significant exposure
4026 and that, in accordance with the written protocols based on the
4027 National Centers for Disease Control and Prevention guidelines
4028 on HIV postexposure prophylaxis and in the physician's medical
4029 judgment, the information is medically necessary to determine
4030 the course of treatment for the medical personnel or nonmedical

4031 personnel.

4032 b. Costs of an HIV test performed under this subparagraph
4033 may not be charged to the deceased or to the family of the
4034 deceased person.

4035 c. For this subparagraph to be applicable, the medical
4036 personnel or nonmedical personnel must be tested for HIV under
4037 this section or must provide the results of an HIV test taken
4038 within 6 months before the significant exposure if such test
4039 results are negative.

4040 d. A person who receives the results of an HIV test
4041 pursuant to this subparagraph shall comply with paragraph (e).

4042 13. For the performance of an HIV-related test medically
4043 indicated by licensed medical personnel for medical diagnosis of
4044 a hospitalized infant as necessary to provide appropriate care
4045 and treatment of the infant if, after a reasonable attempt, a
4046 parent cannot be contacted to provide consent. The medical
4047 records of the infant must reflect the reason consent of the
4048 parent was not initially obtained. Test results shall be
4049 provided to the parent when the parent is located.

4050 14. For the performance of HIV testing conducted to
4051 monitor the clinical progress of a patient previously diagnosed
4052 to be HIV positive.

4053 15. For the performance of repeated HIV testing conducted
4054 to monitor possible conversion from a significant exposure.

4055 Section 76. For the purpose of incorporating the amendment

4056 made by this act to section 775.0877, Florida Statutes, in
4057 references thereto, paragraph (c) of subsection (1) and
4058 subsection (3) of section 384.29, Florida Statutes, are
4059 reenacted to read:

4060 384.29 Confidentiality.—

4061 (1) All information and records held by the department or
4062 its authorized representatives relating to known or suspected
4063 cases of sexually transmissible diseases are strictly
4064 confidential and exempt from the provisions of s. 119.07(1).
4065 Such information shall not be released or made public by the
4066 department or its authorized representatives, or by a court or
4067 parties to a lawsuit upon revelation by subpoena, except under
4068 the following circumstances:

4069 (c) When made to medical personnel, appropriate state
4070 agencies, public health agencies, or courts of appropriate
4071 jurisdiction, to enforce the provisions of this chapter or s.
4072 775.0877 and related rules;

4073 (3) No employee of the department or its authorized
4074 representatives shall be examined in a civil, criminal, special,
4075 or other proceeding as to the existence or contents of pertinent
4076 records of a person examined or treated for a sexually
4077 transmissible disease by the department or its authorized
4078 representatives, or of the existence or contents of such reports
4079 received from a private physician or private health facility,
4080 without the consent of the person examined and treated for such

4081 diseases, except in proceedings under ss. 384.27 and 384.28 or
4082 involving offenders pursuant to s. 775.0877.

4083 Section 77. For the purpose of incorporating the amendment
4084 made by this act to section 39.01, Florida Statutes, in
4085 references thereto, paragraphs (b) and (e) of subsection (2) of
4086 section 390.01114, Florida Statutes, are reenacted to read:

4087 390.01114 Parental Notice of Abortion Act.—

4088 (2) DEFINITIONS.—As used in this section, the term:

4089 (b) "Child abuse" means abandonment, abuse, harm, mental
4090 injury, neglect, physical injury, or sexual abuse of a child as
4091 those terms are defined in ss. 39.01, 827.04, and 984.03.

4092 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

4093 Section 78. For the purpose of incorporating the amendment
4094 made by this act to section 39.01, Florida Statutes, in
4095 references thereto, paragraph (h) of subsection (4) and
4096 subsections (7) and (9) of section 393.067, Florida Statutes,
4097 are reenacted to read:

4098 393.067 Facility licensure.—

4099 (4) The application shall be under oath and shall contain
4100 the following:

4101 (h) Certification that the staff of the facility or
4102 program will receive training to detect, report, and prevent
4103 sexual abuse, abuse, neglect, exploitation, and abandonment, as
4104 defined in ss. 39.01 and 415.102, of residents and clients.

4105 (7) The agency shall adopt rules establishing minimum

4106 standards for facilities and programs licensed under this
4107 section, including rules requiring facilities and programs to
4108 train staff to detect, report, and prevent sexual abuse, abuse,
4109 neglect, exploitation, and abandonment, as defined in ss. 39.01
4110 and 415.102, of residents and clients, minimum standards of
4111 quality and adequacy of client care, incident reporting
4112 requirements, and uniform firesafety standards established by
4113 the State Fire Marshal which are appropriate to the size of the
4114 facility or of the component centers or units of the program.

4115 (9) The agency may conduct unannounced inspections to
4116 determine compliance by foster care facilities, group home
4117 facilities, residential habilitation centers, and comprehensive
4118 transitional education programs with the applicable provisions
4119 of this chapter and the rules adopted pursuant hereto, including
4120 the rules adopted for training staff of a facility or a program
4121 to detect, report, and prevent sexual abuse, abuse, neglect,
4122 exploitation, and abandonment, as defined in ss. 39.01 and
4123 415.102, of residents and clients. The facility or program shall
4124 make copies of inspection reports available to the public upon
4125 request.

4126 Section 79. For the purpose of incorporating the amendment
4127 made by this act to section 39.01, Florida Statutes, in a
4128 reference thereto, paragraph (p) of subsection (4) of section
4129 394.495, Florida Statutes, is reenacted to read:

4130 394.495 Child and adolescent mental health system of care;

4131 programs and services.—

4132 (4) The array of services may include, but is not limited
4133 to:

4134 (p) Trauma-informed services for children who have
4135 suffered sexual exploitation as defined in s. 39.01(70)(g).

4136 Section 80. For the purpose of incorporating the amendment
4137 made by this act to section 943.0435, Florida Statutes, in a
4138 reference thereto, paragraph (a) of subsection (2) of section
4139 394.9125, Florida Statutes, is reenacted to read:

4140 394.9125 State attorney; authority to refer a person for
4141 civil commitment.—

4142 (2) A state attorney may refer a person to the department
4143 for civil commitment proceedings if the person:

4144 (a) Is required to register as a sexual offender pursuant
4145 to s. 943.0435;

4146 Section 81. For the purpose of incorporating the
4147 amendments made by this act to sections 775.21, 943.0435, and
4148 943.04354, Florida Statutes, in references thereto, paragraphs
4149 (a) and (c) of subsection (2) of section 397.4872, Florida
4150 Statutes, are reenacted to read:

4151 397.4872 Exemption from disqualification; publication.—

4152 (2) The department may exempt a person from ss. 397.487(6)
4153 and 397.4871(5) if it has been at least 3 years since the person
4154 has completed or been lawfully released from confinement,
4155 supervision, or sanction for the disqualifying offense. An

4156 exemption from the disqualifying offenses may not be given under
 4157 any circumstances for any person who is a:

4158 (a) Sexual predator pursuant to s. 775.21;

4159 (c) Sexual offender pursuant to s. 943.0435, unless the
 4160 requirement to register as a sexual offender has been removed
 4161 pursuant to s. 943.04354.

4162 Section 82. For the purpose of incorporating the amendment
 4163 made by this act to section 39.01, Florida Statutes, in
 4164 references thereto, paragraph (c) of subsection (1) and
 4165 paragraphs (a) and (b) of subsection (6) of section 409.1678,
 4166 Florida Statutes, are reenacted to read:

4167 409.1678 Specialized residential options for children who
 4168 are victims of sexual exploitation.—

4169 (1) DEFINITIONS.—As used in this section, the term:

4170 (c) "Sexually exploited child" means a child who has
 4171 suffered sexual exploitation as defined in s. 39.01(70)(g) and
 4172 is ineligible for relief and benefits under the federal
 4173 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

4174 (6) LOCATION INFORMATION.—

4175 (a) Information about the location of a safe house, safe
 4176 foster home, or other residential facility serving victims of
 4177 sexual exploitation, as defined in s. 39.01(70)(g), which is
 4178 held by an agency, as defined in s. 119.011, is confidential and
 4179 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 4180 Constitution. This exemption applies to such confidential and

4181 exempt information held by an agency before, on, or after the
4182 effective date of the exemption.

4183 (b) Information about the location of a safe house, safe
4184 foster home, or other residential facility serving victims of
4185 sexual exploitation, as defined in s. 39.01(70)(g), may be
4186 provided to an agency, as defined in s. 119.011, as necessary to
4187 maintain health and safety standards and to address emergency
4188 situations in the safe house, safe foster home, or other
4189 residential facility.

4190 Section 83. For the purpose of incorporating the
4191 amendments made by this act to sections 775.21, 943.0435, and
4192 943.04354, Florida Statutes, in references thereto, paragraph
4193 (b) of subsection (4) of section 435.07, Florida Statutes, is
4194 reenacted to read:

4195 435.07 Exemptions from disqualification.—Unless otherwise
4196 provided by law, the provisions of this section apply to
4197 exemptions from disqualification for disqualifying offenses
4198 revealed pursuant to background screenings required under this
4199 chapter, regardless of whether those disqualifying offenses are
4200 listed in this chapter or other laws.

4201 (4)

4202 (b) Disqualification from employment under this chapter
4203 may not be removed from, nor may an exemption be granted to, any
4204 person who is a:

4205 1. Sexual predator as designated pursuant to s. 775.21;

- 4206 2. Career offender pursuant to s. 775.261; or
 4207 3. Sexual offender pursuant to s. 943.0435, unless the
 4208 requirement to register as a sexual offender has been removed
 4209 pursuant to s. 943.04354.

4210 Section 84. For the purpose of incorporating the amendment
 4211 made by this act to section 895.02, Florida Statutes, in a
 4212 reference thereto, paragraph (g) of subsection (3) of section
 4213 655.50, Florida Statutes, is reenacted to read:

4214 655.50 Florida Control of Money Laundering and Terrorist
 4215 Financing in Financial Institutions Act.—

4216 (3) As used in this section, the term:

4217 (g) "Specified unlawful activity" means "racketeering
 4218 activity" as defined in s. 895.02.

4219 Section 85. For the purpose of incorporating the amendment
 4220 made by this act to section 784.046, Florida Statutes, in a
 4221 reference thereto, paragraph (e) of subsection (1) of section
 4222 741.313, Florida Statutes, is reenacted to read:

4223 741.313 Unlawful action against employees seeking
 4224 protection.—

4225 (1) As used in this section, the term:

4226 (e) "Sexual violence" means sexual violence, as defined in
 4227 s. 784.046, or any crime the underlying factual basis of which
 4228 has been found by a court to include an act of sexual violence.

4229 Section 86. For the purpose of incorporating the amendment
 4230 made by this act to section 947.1405, Florida Statutes, in a

4231 reference thereto, paragraph (j) of subsection (4) of section
4232 775.084, Florida Statutes, is reenacted to read:

4233 775.084 Violent career criminals; habitual felony
4234 offenders and habitual violent felony offenders; three-time
4235 violent felony offenders; definitions; procedure; enhanced
4236 penalties or mandatory minimum prison terms.—

4237 (4)

4238 (j) The provisions of s. 947.1405 shall apply to persons
4239 sentenced as habitual felony offenders and persons sentenced as
4240 habitual violent felony offenders.

4241 Section 87. For the purpose of incorporating the amendment
4242 made by this act to section 943.0435, Florida Statutes, in a
4243 reference thereto, subsection (2) of section 775.0862, Florida
4244 Statutes, is reenacted to read:

4245 775.0862 Sexual offenses against students by authority
4246 figures; reclassification.—

4247 (2) The felony degree of a violation of an offense listed
4248 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
4249 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
4250 as provided in this section if the offense is committed by an
4251 authority figure of a school against a student of the school.

4252 Section 88. For the purpose of incorporating the
4253 amendments made by this act to sections 775.21, 943.0435, and
4254 944.607, Florida Statutes, in references thereto, paragraphs (e)
4255 and (f) of subsection (4) of section 775.13, Florida Statutes,

4256 are reenacted to read:

4257 775.13 Registration of convicted felons, exemptions;
4258 penalties.—

4259 (4) This section does not apply to an offender:

4260 (e) Who is a sexual predator and has registered as
4261 required under s. 775.21;

4262 (f) Who is a sexual offender and has registered as
4263 required in s. 943.0435 or s. 944.607; or

4264 Section 89. For the purpose of incorporating the
4265 amendments made by this act to sections 943.0435, 944.607,
4266 947.1405, and 948.30, Florida Statutes, in references thereto,
4267 paragraph (b) of subsection (3), paragraph (d) of subsection
4268 (5), paragraph (f) of subsection (6), and paragraph (c) of
4269 subsection (10) of section 775.21, Florida Statutes, are
4270 reenacted to read:

4271 775.21 The Florida Sexual Predators Act.—

4272 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4273 (b) The high level of threat that a sexual predator
4274 presents to the public safety, and the long-term effects
4275 suffered by victims of sex offenses, provide the state with
4276 sufficient justification to implement a strategy that includes:

4277 1. Incarcerating sexual predators and maintaining adequate
4278 facilities to ensure that decisions to release sexual predators
4279 into the community are not made on the basis of inadequate
4280 space.

4281 2. Providing for specialized supervision of sexual
4282 predators who are in the community by specially trained
4283 probation officers with low caseloads, as described in ss.
4284 947.1405(7) and 948.30. The sexual predator is subject to
4285 specified terms and conditions implemented at sentencing or at
4286 the time of release from incarceration, with a requirement that
4287 those who are financially able must pay all or part of the costs
4288 of supervision.

4289 3. Requiring the registration of sexual predators, with a
4290 requirement that complete and accurate information be maintained
4291 and accessible for use by law enforcement authorities,
4292 communities, and the public.

4293 4. Providing for community and public notification
4294 concerning the presence of sexual predators.

4295 5. Prohibiting sexual predators from working with
4296 children, either for compensation or as a volunteer.

4297 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4298 as a sexual predator as follows:

4299 (d) A person who establishes or maintains a residence in
4300 this state and who has not been designated as a sexual predator
4301 by a court of this state but who has been designated as a sexual
4302 predator, as a sexually violent predator, or by another sexual
4303 offender designation in another state or jurisdiction and was,
4304 as a result of such designation, subjected to registration or
4305 community or public notification, or both, or would be if the

4306 person was a resident of that state or jurisdiction, without
4307 regard to whether the person otherwise meets the criteria for
4308 registration as a sexual offender, shall register in the manner
4309 provided in s. 943.0435 or s. 944.607 and shall be subject to
4310 community and public notification as provided in s. 943.0435 or
4311 s. 944.607. A person who meets the criteria of this section is
4312 subject to the requirements and penalty provisions of s.
4313 943.0435 or s. 944.607 until the person provides the department
4314 with an order issued by the court that designated the person as
4315 a sexual predator, as a sexually violent predator, or by another
4316 sexual offender designation in the state or jurisdiction in
4317 which the order was issued which states that such designation
4318 has been removed or demonstrates to the department that such
4319 designation, if not imposed by a court, has been removed by
4320 operation of law or court order in the state or jurisdiction in
4321 which the designation was made, and provided such person no
4322 longer meets the criteria for registration as a sexual offender
4323 under the laws of this state.

4324 (6) REGISTRATION.—

4325 (f) Within 48 hours after the registration required under
4326 paragraph (a) or paragraph (e), a sexual predator who is not
4327 incarcerated and who resides in the community, including a
4328 sexual predator under the supervision of the Department of
4329 Corrections, shall register in person at a driver license office
4330 of the Department of Highway Safety and Motor Vehicles and shall

4331 present proof of registration unless a driver license or an
4332 identification card that complies with the requirements of s.
4333 322.141(3) was previously secured or updated under s. 944.607.
4334 At the driver license office the sexual predator shall:
4335 1. If otherwise qualified, secure a Florida driver
4336 license, renew a Florida driver license, or secure an
4337 identification card. The sexual predator shall identify himself
4338 or herself as a sexual predator who is required to comply with
4339 this section, provide his or her place of permanent, temporary,
4340 or transient residence, including a rural route address and a
4341 post office box, and submit to the taking of a photograph for
4342 use in issuing a driver license, a renewed license, or an
4343 identification card, and for use by the department in
4344 maintaining current records of sexual predators. A post office
4345 box may not be provided in lieu of a physical residential
4346 address. If the sexual predator's place of residence is a motor
4347 vehicle, trailer, mobile home, or manufactured home, as defined
4348 in chapter 320, the sexual predator shall also provide to the
4349 Department of Highway Safety and Motor Vehicles the vehicle
4350 identification number; the license tag number; the registration
4351 number; and a description, including color scheme, of the motor
4352 vehicle, trailer, mobile home, or manufactured home. If a sexual
4353 predator's place of residence is a vessel, live-aboard vessel,
4354 or houseboat, as defined in chapter 327, the sexual predator
4355 shall also provide to the Department of Highway Safety and Motor

4356 Vehicles the hull identification number; the manufacturer's
 4357 serial number; the name of the vessel, live-aboard vessel, or
 4358 houseboat; the registration number; and a description, including
 4359 color scheme, of the vessel, live-aboard vessel, or houseboat.

4360 2. Pay the costs assessed by the Department of Highway
 4361 Safety and Motor Vehicles for issuing or renewing a driver
 4362 license or an identification card as required by this section.
 4363 The driver license or identification card issued to the sexual
 4364 predator must comply with s. 322.141(3).

4365 3. Provide, upon request, any additional information
 4366 necessary to confirm the identity of the sexual predator,
 4367 including a set of fingerprints.

4368 (10) PENALTIES.—

4369 (c) Any person who misuses public records information
 4370 relating to a sexual predator, as defined in this section, or a
 4371 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4372 secure a payment from such a predator or offender; who knowingly
 4373 distributes or publishes false information relating to such a
 4374 predator or offender which the person misrepresents as being
 4375 public records information; or who materially alters public
 4376 records information with the intent to misrepresent the
 4377 information, including documents, summaries of public records
 4378 information provided by law enforcement agencies, or public
 4379 records information displayed by law enforcement agencies on
 4380 websites or provided through other means of communication,

4381 | commits a misdemeanor of the first degree, punishable as
 4382 | provided in s. 775.082 or s. 775.083.

4383 | Section 90. For the purpose of incorporating the
 4384 | amendments made by this act to section 943.0435, 944.606, and
 4385 | 944.607, Florida Statutes, in references thereto, subsection (2)
 4386 | of section 775.24, Florida Statutes, is reenacted to read:

4387 | 775.24 Duty of the court to uphold laws governing sexual
 4388 | predators and sexual offenders.—

4389 | (2) If a person meets the criteria in this chapter for
 4390 | designation as a sexual predator or meets the criteria in s.
 4391 | 943.0435, s. 944.606, s. 944.607, or any other law for
 4392 | classification as a sexual offender, the court may not enter an
 4393 | order, for the purpose of approving a plea agreement or for any
 4394 | other reason, which:

4395 | (a) Exempts a person who meets the criteria for
 4396 | designation as a sexual predator or classification as a sexual
 4397 | offender from such designation or classification, or exempts
 4398 | such person from the requirements for registration or community
 4399 | and public notification imposed upon sexual predators and sexual
 4400 | offenders;

4401 | (b) Restricts the compiling, reporting, or release of
 4402 | public records information that relates to sexual predators or
 4403 | sexual offenders; or

4404 | (c) Prevents any person or entity from performing its
 4405 | duties or operating within its statutorily conferred authority

4406 as such duty or authority relates to sexual predators or sexual
4407 offenders.

4408 Section 91. For the purpose of incorporating the
4409 amendments made by this act to sections 775.21, 943.0435,
4410 944.606, and 944.607, Florida Statutes, in references thereto,
4411 section 775.25, Florida Statutes, is reenacted to read:

4412 775.25 Prosecutions for acts or omissions.—A sexual
4413 predator or sexual offender who commits any act or omission in
4414 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4415 944.607, or former s. 947.177 may be prosecuted for the act or
4416 omission in the county in which the act or omission was
4417 committed, in the county of the last registered address of the
4418 sexual predator or sexual offender, in the county in which the
4419 conviction occurred for the offense or offenses that meet the
4420 criteria for designating a person as a sexual predator or sexual
4421 offender, in the county where the sexual predator or sexual
4422 offender was released from incarceration, or in the county of
4423 the intended address of the sexual predator or sexual offender
4424 as reported by the predator or offender prior to his or her
4425 release from incarceration. In addition, a sexual predator may
4426 be prosecuted for any such act or omission in the county in
4427 which he or she was designated a sexual predator.

4428 Section 92. For the purpose of incorporating the
4429 amendments made by this act to sections 775.21, 943.0435, and
4430 944.607, Florida Statutes, in references thereto, paragraph (b)

4431 of subsection (3) of section 775.261, Florida Statutes, is
4432 reenacted to read:

4433 775.261 The Florida Career Offender Registration Act.—

4434 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4435 (b) This section does not apply to any person who has been
4436 designated as a sexual predator and required to register under
4437 s. 775.21 or who is required to register as a sexual offender
4438 under s. 943.0435 or s. 944.607. However, if a person is no
4439 longer required to register as a sexual predator under s. 775.21
4440 or as a sexual offender under s. 943.0435 or s. 944.607, the
4441 person must register as a career offender under this section if
4442 the person is otherwise designated as a career offender as
4443 provided in this section.

4444 Section 93. For the purpose of incorporating the amendment
4445 made by this act to section 847.001, Florida Statutes, in a
4446 reference thereto, paragraph (d) of subsection (2) of section
4447 784.049, Florida Statutes, is reenacted to read:

4448 784.049 Sexual cyberharassment.—

4449 (2) As used in this section, the term:

4450 (d) "Sexually explicit image" means any image depicting
4451 nudity, as defined in s. 847.001, or depicting a person engaging
4452 in sexual conduct, as defined in s. 847.001.

4453 Section 94. For the purpose of incorporating the amendment
4454 made by this act to section 794.0115, Florida Statutes, in
4455 references thereto, paragraph (a) of subsection (2) and

4456 subsections (3), (4), and (5) of section 794.011, Florida
4457 Statutes, are reenacted to read:

4458 794.011 Sexual battery.—

4459 (2) (a) A person 18 years of age or older who commits
4460 sexual battery upon, or in an attempt to commit sexual battery
4461 injures the sexual organs of, a person less than 12 years of age
4462 commits a capital felony, punishable as provided in ss. 775.082
4463 and 921.141.

4464 (3) A person who commits sexual battery upon a person 12
4465 years of age or older, without that person's consent, and in the
4466 process thereof uses or threatens to use a deadly weapon or uses
4467 actual physical force likely to cause serious personal injury
4468 commits a life felony, punishable as provided in s. 775.082, s.
4469 775.083, s. 775.084, or s. 794.0115.

4470 (4) (a) A person 18 years of age or older who commits
4471 sexual battery upon a person 12 years of age or older but
4472 younger than 18 years of age without that person's consent,
4473 under any of the circumstances listed in paragraph (e), commits
4474 a felony of the first degree, punishable by a term of years not
4475 exceeding life or as provided in s. 775.082, s. 775.083, s.
4476 775.084, or s. 794.0115.

4477 (b) A person 18 years of age or older who commits sexual
4478 battery upon a person 18 years of age or older without that
4479 person's consent, under any of the circumstances listed in
4480 paragraph (e), commits a felony of the first degree, punishable

4481 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 4482 794.0115.

4483 (c) A person younger than 18 years of age who commits
 4484 sexual battery upon a person 12 years of age or older without
 4485 that person's consent, under any of the circumstances listed in
 4486 paragraph (e), commits a felony of the first degree, punishable
 4487 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 4488 794.0115.

4489 (d) A person commits a felony of the first degree,
 4490 punishable by a term of years not exceeding life or as provided
 4491 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
 4492 person commits sexual battery upon a person 12 years of age or
 4493 older without that person's consent, under any of the
 4494 circumstances listed in paragraph (e), and such person was
 4495 previously convicted of a violation of:

- 4496 1. Section 787.01(2) or s. 787.02(2) when the violation
- 4497 involved a victim who was a minor and, in the course of
- 4498 committing that violation, the defendant committed against the
- 4499 minor a sexual battery under this chapter or a lewd act under s.
- 4500 800.04 or s. 847.0135(5);
- 4501 2. Section 787.01(3)(a)2. or 3.;
- 4502 3. Section 787.02(3)(a)2. or 3.;
- 4503 4. Section 800.04;
- 4504 5. Section 825.1025;
- 4505 6. Section 847.0135(5); or

4506 7. This chapter, excluding subsection (10) of this
4507 section.

4508 (e) The following circumstances apply to paragraphs (a)-
4509 (d):

4510 1. The victim is physically helpless to resist.

4511 2. The offender coerces the victim to submit by
4512 threatening to use force or violence likely to cause serious
4513 personal injury on the victim, and the victim reasonably
4514 believes that the offender has the present ability to execute
4515 the threat.

4516 3. The offender coerces the victim to submit by
4517 threatening to retaliate against the victim, or any other
4518 person, and the victim reasonably believes that the offender has
4519 the ability to execute the threat in the future.

4520 4. The offender, without the prior knowledge or consent of
4521 the victim, administers or has knowledge of someone else
4522 administering to the victim any narcotic, anesthetic, or other
4523 intoxicating substance that mentally or physically incapacitates
4524 the victim.

4525 5. The victim is mentally defective, and the offender has
4526 reason to believe this or has actual knowledge of this fact.

4527 6. The victim is physically incapacitated.

4528 7. The offender is a law enforcement officer, correctional
4529 officer, or correctional probation officer as defined in s.
4530 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified

4531 under s. 943.1395 or is an elected official exempt from such
4532 certification by virtue of s. 943.253, or any other person in a
4533 position of control or authority in a probation, community
4534 control, controlled release, detention, custodial, or similar
4535 setting, and such officer, official, or person is acting in such
4536 a manner as to lead the victim to reasonably believe that the
4537 offender is in a position of control or authority as an agent or
4538 employee of government.

4539 (5) (a) A person 18 years of age or older who commits
4540 sexual battery upon a person 12 years of age or older but
4541 younger than 18 years of age, without that person's consent, and
4542 in the process does not use physical force and violence likely
4543 to cause serious personal injury commits a felony of the first
4544 degree, punishable as provided in s. 775.082, s. 775.083, s.
4545 775.084, or s. 794.0115.

4546 (b) A person 18 years of age or older who commits sexual
4547 battery upon a person 18 years of age or older, without that
4548 person's consent, and in the process does not use physical force
4549 and violence likely to cause serious personal injury commits a
4550 felony of the second degree, punishable as provided in s.
4551 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4552 (c) A person younger than 18 years of age who commits
4553 sexual battery upon a person 12 years of age or older, without
4554 that person's consent, and in the process does not use physical
4555 force and violence likely to cause serious personal injury

4556 | commits a felony of the second degree, punishable as provided in
 4557 | s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4558 | (d) A person commits a felony of the first degree,
 4559 | punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
 4560 | s. 794.0115 if the person commits sexual battery upon a person
 4561 | 12 years of age or older, without that person's consent, and in
 4562 | the process does not use physical force and violence likely to
 4563 | cause serious personal injury and the person was previously
 4564 | convicted of a violation of:

4565 | 1. Section 787.01(2) or s. 787.02(2) when the violation
 4566 | involved a victim who was a minor and, in the course of
 4567 | committing that violation, the defendant committed against the
 4568 | minor a sexual battery under this chapter or a lewd act under s.
 4569 | 800.04 or s. 847.0135(5);

4570 | 2. Section 787.01(3)(a)2. or 3.;

4571 | 3. Section 787.02(3)(a)2. or 3.;

4572 | 4. Section 800.04;

4573 | 5. Section 825.1025;

4574 | 6. Section 847.0135(5); or

4575 | 7. This chapter, excluding subsection (10) of this
 4576 | section.

4577 | Section 95. For the purpose of incorporating the amendment
 4578 | made by this act to section 92.56, Florida Statutes, in a
 4579 | reference thereto, section 794.03, Florida Statutes, is
 4580 | reenacted to read:

4581 794.03 Unlawful to publish or broadcast information
4582 identifying sexual offense victim.—No person shall print,
4583 publish, or broadcast, or cause or allow to be printed,
4584 published, or broadcast, in any instrument of mass communication
4585 the name, address, or other identifying fact or information of
4586 the victim of any sexual offense within this chapter, except as
4587 provided in s. 119.071(2)(h) or unless the court determines that
4588 such information is no longer confidential and exempt pursuant
4589 to s. 92.56. An offense under this section shall constitute a
4590 misdemeanor of the second degree, punishable as provided in s.
4591 775.082 or s. 775.083.

4592 Section 96. For the purpose of incorporating the amendment
4593 made by this act to section 775.21, Florida Statutes, in a
4594 reference thereto, subsection (1) of section 794.075, Florida
4595 Statutes, is reenacted to read:

4596 794.075 Sexual predators; erectile dysfunction drugs.—

4597 (1) A person may not possess a prescription drug, as
4598 defined in s. 499.003(40), for the purpose of treating erectile
4599 dysfunction if the person is designated as a sexual predator
4600 under s. 775.21.

4601 Section 97. For the purpose of incorporating the amendment
4602 made by this act to section 960.03, Florida Statutes, in
4603 references thereto, paragraph (b) of subsection (1) and
4604 subsections (2) and (3) of section 847.002, Florida Statutes,
4605 are reenacted to read:

4606 | 847.002 Child pornography prosecutions.—

4607 | (1) Any law enforcement officer who, pursuant to a
 4608 | criminal investigation, recovers images or movies of child
 4609 | pornography shall:

4610 | (b) Request the law enforcement agency contact information
 4611 | from the Child Victim Identification Program for any images or
 4612 | movies recovered which contain an identified victim of child
 4613 | pornography as defined in s. 960.03.

4614 | (2) Any law enforcement officer submitting a case for
 4615 | prosecution which involves the production, promotion, or
 4616 | possession of child pornography shall submit to the designated
 4617 | prosecutor the law enforcement agency contact information
 4618 | provided by the Child Victim Identification Program at the
 4619 | National Center for Missing and Exploited Children, for any
 4620 | images or movies involved in the case which contain the
 4621 | depiction of an identified victim of child pornography as
 4622 | defined in s. 960.03.

4623 | (3) In every filed case involving an identified victim of
 4624 | child pornography, as defined in s. 960.03, the prosecuting
 4625 | agency shall enter the following information into the Victims in
 4626 | Child Pornography Tracking Repeat Exploitation database
 4627 | maintained by the Office of the Attorney General:

4628 | (a) The case number and agency file number.

4629 | (b) The named defendant.

4630 | (c) The circuit court division and county.

- 4631 (d) Current court dates and the status of the case.
- 4632 (e) Contact information for the prosecutor assigned.
- 4633 (f) Verification that the prosecutor is or is not in
- 4634 possession of a victim impact statement and will use the
- 4635 statement in sentencing.

4636 Section 98. For the purpose of incorporating the amendment
 4637 made by this act to section 847.001, Florida Statutes, in a
 4638 reference thereto, paragraph (b) of subsection (3) of section
 4639 847.012, Florida Statutes, is reenacted to read:

4640 847.012 Harmful materials; sale or distribution to minors
 4641 or using minors in production prohibited; penalty.—

4642 (3) A person may not knowingly sell, rent, or loan for
 4643 monetary consideration to a minor:

4644 (b) Any book, pamphlet, magazine, printed matter however
 4645 reproduced, or sound recording that contains any matter defined
 4646 in s. 847.001, explicit and detailed verbal descriptions or
 4647 narrative accounts of sexual excitement, or sexual conduct and
 4648 that is harmful to minors.

4649 Section 99. For the purpose of incorporating the amendment
 4650 made by this act to section 92.56, Florida Statutes, in a
 4651 reference thereto, subsection (3) of section 847.01357, Florida
 4652 Statutes, is reenacted to read:

4653 847.01357 Exploited children's civil remedy.—

4654 (3) Any victim who has a bona fide claim under this
 4655 section shall, upon request, be provided a pseudonym, pursuant

4656 to s. 92.56(3), which shall be issued and maintained by the
4657 Department of Legal Affairs for use in all legal pleadings. This
4658 identifier shall be fully recognized in all courts in this state
4659 as a valid legal identity.

4660 Section 100. For the purpose of incorporating the
4661 amendment made by this act to section 847.001, Florida Statutes,
4662 in a reference thereto, subsections (2) and (3) of section
4663 847.0138, Florida Statutes, are reenacted to read:

4664 847.0138 Transmission of material harmful to minors to a
4665 minor by electronic device or equipment prohibited; penalties.—

4666 (2) Notwithstanding ss. 847.012 and 847.0133, any person
4667 who knew or believed that he or she was transmitting an image,
4668 information, or data that is harmful to minors, as defined in s.
4669 847.001, to a specific individual known by the defendant to be a
4670 minor commits a felony of the third degree, punishable as
4671 provided in s. 775.082, s. 775.083, or s. 775.084.

4672 (3) Notwithstanding ss. 847.012 and 847.0133, any person
4673 in any jurisdiction other than this state who knew or believed
4674 that he or she was transmitting an image, information, or data
4675 that is harmful to minors, as defined in s. 847.001, to a
4676 specific individual known by the defendant to be a minor commits
4677 a felony of the third degree, punishable as provided in s.
4678 775.082, s. 775.083, or s. 775.084.

4679
4680 The provisions of this section do not apply to subscription-

4681 based transmissions such as list servers.

4682 Section 101. For the purpose of incorporating the
 4683 amendments made by this act to sections 16.56 and 895.02,
 4684 Florida Statutes, in references thereto, paragraph (g) of
 4685 subsection (2) and subsection (10) of section 896.101, Florida
 4686 Statutes, are reenacted to read:

4687 896.101 Florida Money Laundering Act; definitions;
 4688 penalties; injunctions; seizure warrants; immunity.-

4689 (2) As used in this section, the term:

4690 (g) "Specified unlawful activity" means any "racketeering
 4691 activity" as defined in s. 895.02.

4692 (10) Any financial institution, licensed money services
 4693 business, or other person served with and complying with the
 4694 terms of a warrant, temporary injunction, or other court order,
 4695 including any subpoena issued under s. 16.56 or s. 27.04,
 4696 obtained in furtherance of an investigation of any crime in this
 4697 section, including any crime listed as specified unlawful
 4698 activity under this section or any felony violation of chapter
 4699 560, has immunity from criminal liability and is not liable to
 4700 any person for any lawful action taken in complying with the
 4701 warrant, temporary injunction, or other court order, including
 4702 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
 4703 issued under s. 16.56 or s. 27.04 contains a nondisclosure
 4704 provision, any financial institution, licensed money services
 4705 business, employee or officer of a financial institution or

4706 licensed money services business, or any other person may not
 4707 notify, directly or indirectly, any customer of that financial
 4708 institution or money services business whose records are being
 4709 sought by the subpoena, or any other person named in the
 4710 subpoena, about the existence or the contents of that subpoena
 4711 or about information that has been furnished to the state
 4712 attorney or statewide prosecutor who issued the subpoena or
 4713 other law enforcement officer named in the subpoena in response
 4714 to the subpoena.

4715 Section 102. For the purpose of incorporating the
 4716 amendments made by this act to sections 775.21 and 948.06,
 4717 Florida Statutes, in references thereto, paragraphs (b) and (c)
 4718 of subsection (1) of section 903.0351, Florida Statutes, are
 4719 reenacted to read:

4720 903.0351 Restrictions on pretrial release pending
 4721 probation-violation hearing or community-control-violation
 4722 hearing.—

4723 (1) In the instance of an alleged violation of felony
 4724 probation or community control, bail or any other form of
 4725 pretrial release shall not be granted prior to the resolution of
 4726 the probation-violation hearing or the community-control-
 4727 violation hearing to:

4728 (b) A person who is on felony probation or community
 4729 control for any offense committed on or after the effective date
 4730 of this act and who is arrested for a qualifying offense as

4731 defined in s. 948.06(8)(c); or

4732 (c) A person who is on felony probation or community
4733 control and has previously been found by a court to be a
4734 habitual violent felony offender as defined in s. 775.084(1)(b),
4735 a three-time violent felony offender as defined in s.
4736 775.084(1)(c), or a sexual predator under s. 775.21, and who is
4737 arrested for committing a qualifying offense as defined in s.
4738 948.06(8)(c) on or after the effective date of this act.

4739 Section 103. For the purpose of incorporating the
4740 amendments made by this act to sections 775.21 and 943.0435,
4741 Florida Statutes, in references thereto, paragraph (m) of
4742 subsection (2) of section 903.046, Florida Statutes, is
4743 reenacted to read:

4744 903.046 Purpose of and criteria for bail determination.—

4745 (2) When determining whether to release a defendant on
4746 bail or other conditions, and what that bail or those conditions
4747 may be, the court shall consider:

4748 (m) Whether the defendant, other than a defendant whose
4749 only criminal charge is a misdemeanor offense under chapter 316,
4750 is required to register as a sexual offender under s. 943.0435
4751 or a sexual predator under s. 775.21; and, if so, he or she is
4752 not eligible for release on bail or surety bond until the first
4753 appearance on the case in order to ensure the full participation
4754 of the prosecutor and the protection of the public.

4755 Section 104. For the purpose of incorporating the

4756 amendment made by this act to section 895.02, Florida Statutes,
4757 in a reference thereto, subsection (3) of section 905.34,
4758 Florida Statutes, is reenacted to read:

4759 905.34 Powers and duties; law applicable.—The jurisdiction
4760 of a statewide grand jury impaneled under this chapter shall
4761 extend throughout the state. The subject matter jurisdiction of
4762 the statewide grand jury shall be limited to the offenses of:

4763 (3) Any violation of the provisions of the Florida RICO
4764 (Racketeer Influenced and Corrupt Organization) Act, including
4765 any offense listed in the definition of racketeering activity in
4766 s. 895.02(8)(a), providing such listed offense is investigated
4767 in connection with a violation of s. 895.03 and is charged in a
4768 separate count of an information or indictment containing a
4769 count charging a violation of s. 895.03, the prosecution of
4770 which listed offense may continue independently if the
4771 prosecution of the violation of s. 895.03 is terminated for any
4772 reason;

4773
4774 or any attempt, solicitation, or conspiracy to commit any
4775 violation of the crimes specifically enumerated above, when any
4776 such offense is occurring, or has occurred, in two or more
4777 judicial circuits as part of a related transaction or when any
4778 such offense is connected with an organized criminal conspiracy
4779 affecting two or more judicial circuits. The statewide grand
4780 jury may return indictments and presentments irrespective of the

4781 county or judicial circuit where the offense is committed or
 4782 triable. If an indictment is returned, it shall be certified and
 4783 transferred for trial to the county where the offense was
 4784 committed. The powers and duties of, and law applicable to,
 4785 county grand juries shall apply to a statewide grand jury except
 4786 when such powers, duties, and law are inconsistent with the
 4787 provisions of ss. 905.31-905.40.

4788 Section 105. For the purpose of incorporating the
 4789 amendments made by this act to sections 775.21 and 847.0135,
 4790 Florida Statutes, in references thereto, paragraph (g) of
 4791 subsection (3) of section 921.0022, Florida Statutes, is
 4792 reenacted to read:

4793 921.0022 Criminal Punishment Code; offense severity
 4794 ranking chart.—

4795 (3) OFFENSE SEVERITY RANKING CHART

4796 (g) LEVEL 7

4797

Florida Statute	Felony Degree	Description
316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.

4798

4799

4800	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.
4801	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4802	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4803	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4804	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

4805	456.065 (2)	3rd	Practicing a health care profession without a license.
4806	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4807	458.327 (1)	3rd	Practicing medicine without a license.
4808	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4809	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4810	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4811	462.17	3rd	Practicing naturopathy without a license.
4812	463.015 (1)	3rd	Practicing optometry without a

			license.
4813	464.016 (1)	3rd	Practicing nursing without a license.
4814	465.015 (2)	3rd	Practicing pharmacy without a license.
4815	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4816	467.201	3rd	Practicing midwifery without a license.
4817	468.366	3rd	Delivering respiratory care services without a license.
4818	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4819	483.901 (7)	3rd	Practicing medical physics without a license.
4820	484.013 (1) (c)	3rd	Preparing or dispensing optical

4821			devices without a prescription.
	484.053	3rd	Dispensing hearing aids without a license.
4822			
	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.
4823			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
4824			
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
4825			
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but

4826	775.21(10) (a)	3rd	less than \$20,000 by financial institution.
4827	775.21(10) (b)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
4828	775.21(10) (g)	3rd	Sexual predator working where children regularly congregate. Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4829	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
4830	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable

4831	782.071	2nd	negligence of another (manslaughter).
4832	782.072	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4833	784.045 (1) (a) 1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4834	784.045 (1) (a) 2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4835	784.045 (1) (b)	2nd	Aggravated battery; using deadly weapon.
4836	784.048 (4)	3rd	Aggravated battery; perpetrator aware victim pregnant.
			Aggravated stalking; violation

			of injunction or court order.
4837	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4838	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4839	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4840	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4841	784.081 (1)	1st	Aggravated battery on specified official or employee.
4842	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
4843	784.083 (1)	1st	Aggravated battery on code inspector.
4844			

4845	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
4846	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.
4847	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
4848	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
4849	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

4850	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4851	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
4852	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
4853	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.
4854	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4855			

4856	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4857	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4858	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.
4859	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.
4860	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

4861	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4862	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4863	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4864	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4865	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.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.

4866	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4867	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4868	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4869	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4870	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4871	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4872	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4873			

4874	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4875	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
4876	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4877	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
4878	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

4879	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4880	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4881	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4882	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4883	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4884	838.015	2nd	Bribery.
4885			

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4886	838.016	2nd	Unlawful compensation or reward for official behavior.
4887	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4888	838.22	2nd	Bid tampering.
4889	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4890	843.0855 (3)	3rd	Unlawful simulation of legal process.
4891	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4892	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4893	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
	872.06	2nd	Abuse of a dead human body.

4894	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4895	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
4896	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
4897	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug

			prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
4898	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
4899	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4900	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4901	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4902	893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28

			grams.
4903	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4904	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4905	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4906	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
4907	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4908	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

4909	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4910	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4911	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4912	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4913	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4914	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

4915	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4916	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
4917	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4918	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
4919	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

4920	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4921	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
4922	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4923	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4924	944.607 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4925

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

4926

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

4927

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

4928

4929 Section 106. For the purpose of incorporating the
 4930 amendment made by this act to section 775.21, Florida Statutes,
 4931 in a reference thereto, paragraph (o) of subsection (6) of
 4932 section 921.141, Florida Statutes, is reenacted to read:

4933 921.141 Sentence of death or life imprisonment for capital
 4934 felonies; further proceedings to determine sentence.—

4935 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
 4936 limited to the following:

4937 (o) The capital felony was committed by a person

4938 designated as a sexual predator pursuant to s. 775.21 or a
4939 person previously designated as a sexual predator who had the
4940 sexual predator designation removed.

4941 Section 107. For the purpose of incorporating the
4942 amendment made by this act to section 948.013, Florida Statutes,
4943 in a reference thereto, paragraph (n) of subsection (1) of
4944 section 921.187, Florida Statutes, is reenacted to read:

4945 921.187 Disposition and sentencing; alternatives;
4946 restitution.—

4947 (1) The alternatives provided in this section for the
4948 disposition of criminal cases shall be used in a manner that
4949 will best serve the needs of society, punish criminal offenders,
4950 and provide the opportunity for rehabilitation. If the offender
4951 does not receive a state prison sentence, the court may:

4952 (n) Impose split probation whereby upon satisfactory
4953 completion of half the term of probation, the Department of
4954 Corrections may place the offender on administrative probation
4955 pursuant to s. 948.013 for the remainder of the term of
4956 supervision.

4957 Section 108. For the purpose of incorporating the
4958 amendments made by this act to sections 775.21, 944.606, and
4959 944.607, Florida Statutes, in references thereto, subsection
4960 (3), paragraph (a) of subsection (4), and subsection (5) of
4961 section 943.0435, Florida Statutes, are reenacted to read:

4962 943.0435 Sexual offenders required to register with the

4963 department; penalty.—

4964 (3) Within 48 hours after the report required under
4965 subsection (2), a sexual offender shall report in person at a
4966 driver license office of the Department of Highway Safety and
4967 Motor Vehicles, unless a driver license or identification card
4968 that complies with the requirements of s. 322.141(3) was
4969 previously secured or updated under s. 944.607. At the driver
4970 license office the sexual offender shall:

4971 (a) If otherwise qualified, secure a Florida driver
4972 license, renew a Florida driver license, or secure an
4973 identification card. The sexual offender shall identify himself
4974 or herself as a sexual offender who is required to comply with
4975 this section and shall provide proof that the sexual offender
4976 reported as required in subsection (2). The sexual offender
4977 shall provide any of the information specified in subsection
4978 (2), if requested. The sexual offender shall submit to the
4979 taking of a photograph for use in issuing a driver license,
4980 renewed license, or identification card, and for use by the
4981 department in maintaining current records of sexual offenders.

4982 (b) Pay the costs assessed by the Department of Highway
4983 Safety and Motor Vehicles for issuing or renewing a driver
4984 license or identification card as required by this section. The
4985 driver license or identification card issued must be in
4986 compliance with s. 322.141(3).

4987 (c) Provide, upon request, any additional information

4988 necessary to confirm the identity of the sexual offender,
4989 including a set of fingerprints.

4990 (4) (a) Each time a sexual offender's driver license or
4991 identification card is subject to renewal, and, without regard
4992 to the status of the offender's driver license or identification
4993 card, within 48 hours after any change in the offender's
4994 permanent, temporary, or transient residence or change in the
4995 offender's name by reason of marriage or other legal process,
4996 the offender shall report in person to a driver license office,
4997 and is subject to the requirements specified in subsection (3).
4998 The Department of Highway Safety and Motor Vehicles shall
4999 forward to the department all photographs and information
5000 provided by sexual offenders. Notwithstanding the restrictions
5001 set forth in s. 322.142, the Department of Highway Safety and
5002 Motor Vehicles may release a reproduction of a color-photograph
5003 or digital-image license to the Department of Law Enforcement
5004 for purposes of public notification of sexual offenders as
5005 provided in this section and ss. 943.043 and 944.606. A sexual
5006 offender who is unable to secure or update a driver license or
5007 an identification card with the Department of Highway Safety and
5008 Motor Vehicles as provided in subsection (3) and this subsection
5009 shall also report any change in the sexual offender's permanent,
5010 temporary, or transient residence or change in the offender's
5011 name by reason of marriage or other legal process within 48
5012 hours after the change to the sheriff's office in the county

5013 | where the offender resides or is located and provide
 5014 | confirmation that he or she reported such information to the
 5015 | Department of Highway Safety and Motor Vehicles. The reporting
 5016 | requirements under this paragraph do not negate the requirement
 5017 | for a sexual offender to obtain a Florida driver license or an
 5018 | identification card as required in this section.

5019 | (5) This section does not apply to a sexual offender who
 5020 | is also a sexual predator, as defined in s. 775.21. A sexual
 5021 | predator must register as required under s. 775.21.

5022 | Section 109. For the purpose of incorporating the
 5023 | amendments made by this act to sections 943.0435, 944.606, and
 5024 | 944.607, Florida Statutes, in references thereto, subsection (2)
 5025 | of section 943.0436, Florida Statutes, is reenacted to read:

5026 | 943.0436 Duty of the court to uphold laws governing sexual
 5027 | predators and sexual offenders.—

5028 | (2) If a person meets the criteria in chapter 775 for
 5029 | designation as a sexual predator or meets the criteria in s.
 5030 | 943.0435, s. 944.606, s. 944.607, or any other law for
 5031 | classification as a sexual offender, the court may not enter an
 5032 | order, for the purpose of approving a plea agreement or for any
 5033 | other reason, which:

5034 | (a) Exempts a person who meets the criteria for
 5035 | designation as a sexual predator or classification as a sexual
 5036 | offender from such designation or classification, or exempts
 5037 | such person from the requirements for registration or community

5038 and public notification imposed upon sexual predators and sexual
 5039 offenders;

5040 (b) Restricts the compiling, reporting, or release of
 5041 public records information that relates to sexual predators or
 5042 sexual offenders; or

5043 (c) Prevents any person or entity from performing its
 5044 duties or operating within its statutorily conferred authority
 5045 as such duty or authority relates to sexual predators or sexual
 5046 offenders.

5047 Section 110. For the purpose of incorporating the
 5048 amendment made by this act to section 847.0135, Florida
 5049 Statutes, in a reference thereto, paragraph (g) of subsection
 5050 (2) of section 943.325, Florida Statutes, is reenacted to read:
 5051 943.325 DNA database.—

5052 (2) DEFINITIONS.—As used in this section, the term:

5053 (g) "Qualifying offender" means any person, including
 5054 juveniles and adults, who is:

5055 1.a. Committed to a county jail;

5056 b. Committed to or under the supervision of the Department
 5057 of Corrections, including persons incarcerated in a private
 5058 correctional institution operated under contract pursuant to s.
 5059 944.105;

5060 c. Committed to or under the supervision of the Department
 5061 of Juvenile Justice;

5062 d. Transferred to this state under the Interstate Compact

5063 on Juveniles, part XIII of chapter 985; or
 5064 e. Accepted under Article IV of the Interstate Corrections
 5065 Compact, part III of chapter 941; and who is:
 5066 2.a. Convicted of any felony offense or attempted felony
 5067 offense in this state or of a similar offense in another
 5068 jurisdiction;
 5069 b. Convicted of a misdemeanor violation of s. 784.048, s.
 5070 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 5071 offense that was found, pursuant to s. 874.04, to have been
 5072 committed for the purpose of benefiting, promoting, or
 5073 furthering the interests of a criminal gang as defined in s.
 5074 874.03; or
 5075 c. Arrested for any felony offense or attempted felony
 5076 offense in this state.
 5077 Section 111. For the purpose of incorporating the
 5078 amendment made by this act to section 847.001, Florida Statutes,
 5079 in a reference thereto, subsection (2) of section 944.11,
 5080 Florida Statutes, is reenacted to read:
 5081 944.11 Department to regulate admission of books.—
 5082 (2) The department shall have the authority to prohibit
 5083 admission of reading materials or publications with content
 5084 which depicts sexual conduct as defined by s. 847.001 or
 5085 presents nudity in such a way as to create the appearance that
 5086 sexual conduct is imminent. The department shall have the
 5087 authority to prohibit admission of such materials at a

5088 | particular state correctional facility upon a determination by
 5089 | the department that such material or publications would be
 5090 | detrimental to the safety, security, order or rehabilitative
 5091 | interests of a particular state correctional facility or would
 5092 | create a risk of disorder at a particular state correctional
 5093 | facility.

5094 | Section 112. For the purpose of incorporating the
 5095 | amendments made by this act to sections 775.21 and 943.0435,
 5096 | Florida Statutes, in references thereto, paragraph (a) of
 5097 | subsection (4) and subsection (9) of section 944.607, Florida
 5098 | Statutes, are reenacted to read:

5099 | 944.607 Notification to Department of Law Enforcement of
 5100 | information on sexual offenders.—

5101 | (4) A sexual offender, as described in this section, who
 5102 | is under the supervision of the Department of Corrections but is
 5103 | not incarcerated shall register with the Department of
 5104 | Corrections within 3 business days after sentencing for a
 5105 | registrable offense and otherwise provide information as
 5106 | required by this subsection.

5107 | (a) The sexual offender shall provide his or her name;
 5108 | date of birth; social security number; race; sex; height;
 5109 | weight; hair and eye color; tattoos or other identifying marks;
 5110 | all electronic mail addresses and Internet identifiers required
 5111 | to be provided pursuant to s. 943.0435(4)(e); employment
 5112 | information required to be provided pursuant to s.

5113 943.0435(4)(e); all home telephone numbers and cellular
5114 telephone numbers required to be provided pursuant to s.
5115 943.0435(4)(e); the make, model, color, vehicle identification
5116 number (VIN), and license tag number of all vehicles owned;
5117 permanent or legal residence and address of temporary residence
5118 within the state or out of state while the sexual offender is
5119 under supervision in this state, including any rural route
5120 address or post office box; if no permanent or temporary
5121 address, any transient residence within the state; and address,
5122 location or description, and dates of any current or known
5123 future temporary residence within the state or out of state. The
5124 sexual offender shall also produce his or her passport, if he or
5125 she has a passport, and, if he or she is an alien, shall produce
5126 or provide information about documents establishing his or her
5127 immigration status. The sexual offender shall also provide
5128 information about any professional licenses he or she has. The
5129 Department of Corrections shall verify the address of each
5130 sexual offender in the manner described in ss. 775.21 and
5131 943.0435. The department shall report to the Department of Law
5132 Enforcement any failure by a sexual predator or sexual offender
5133 to comply with registration requirements.

5134 (9) A sexual offender, as described in this section, who
5135 is under the supervision of the Department of Corrections but
5136 who is not incarcerated shall, in addition to the registration
5137 requirements provided in subsection (4), register and obtain a

5138 distinctive driver license or identification card in the manner
 5139 provided in s. 943.0435(3), (4), and (5), unless the sexual
 5140 offender is a sexual predator, in which case he or she shall
 5141 register and obtain a distinctive driver license or
 5142 identification card as required under s. 775.21. A sexual
 5143 offender who fails to comply with the requirements of s.
 5144 943.0435 is subject to the penalties provided in s. 943.0435(9).

5145 Section 113. For the purpose of incorporating the
 5146 amendments made by this act to sections 775.21 and 944.607,
 5147 Florida Statutes, in references thereto, subsection (7) of
 5148 section 944.608, Florida Statutes, is reenacted to read:

5149 944.608 Notification to Department of Law Enforcement of
 5150 information on career offenders.—

5151 (7) A career offender who is under the supervision of the
 5152 department but who is not incarcerated shall, in addition to the
 5153 registration requirements provided in subsection (3), register
 5154 in the manner provided in s. 775.261(4)(c), unless the career
 5155 offender is a sexual predator, in which case he or she shall
 5156 register as required under s. 775.21, or is a sexual offender,
 5157 in which case he or she shall register as required in s.
 5158 944.607. A career offender who fails to comply with the
 5159 requirements of s. 775.261(4) is subject to the penalties
 5160 provided in s. 775.261(8).

5161 Section 114. For the purpose of incorporating the
 5162 amendment made by this act to section 775.21, Florida Statutes,

5163 | in a reference thereto, subsection (4) of section 944.609,
 5164 | Florida Statutes, is reenacted to read:
 5165 | 944.609 Career offenders; notification upon release.—
 5166 | (4) The department or any law enforcement agency may
 5167 | notify the community and the public of a career offender's
 5168 | presence in the community. However, with respect to a career
 5169 | offender who has been found to be a sexual predator under s.
 5170 | 775.21, the Department of Law Enforcement or any other law
 5171 | enforcement agency must inform the community and the public of
 5172 | the career offender's presence in the community, as provided in
 5173 | s. 775.21.
 5174 | Section 115. For the purpose of incorporating the
 5175 | amendment made by this act to section 947.1405, Florida
 5176 | Statutes, in a reference thereto, subsection (1) of section
 5177 | 944.70, Florida Statutes, is reenacted to read:
 5178 | 944.70 Conditions for release from incarceration.—
 5179 | (1) (a) A person who is convicted of a crime committed on
 5180 | or after October 1, 1983, but before January 1, 1994, may be
 5181 | released from incarceration only:
 5182 | 1. Upon expiration of the person's sentence;
 5183 | 2. Upon expiration of the person's sentence as reduced by
 5184 | accumulated gain-time;
 5185 | 3. As directed by an executive order granting clemency;
 5186 | 4. Upon attaining the provisional release date;
 5187 | 5. Upon placement in a conditional release program

5188 | pursuant to s. 947.1405; or

5189 | 6. Upon the granting of control release pursuant to s.
5190 | 947.146.

5191 | (b) A person who is convicted of a crime committed on or
5192 | after January 1, 1994, may be released from incarceration only:

5193 | 1. Upon expiration of the person's sentence;

5194 | 2. Upon expiration of the person's sentence as reduced by
5195 | accumulated meritorious or incentive gain-time;

5196 | 3. As directed by an executive order granting clemency;

5197 | 4. Upon placement in a conditional release program
5198 | pursuant to s. 947.1405 or a conditional medical release program
5199 | pursuant to s. 947.149; or

5200 | 5. Upon the granting of control release, including
5201 | emergency control release, pursuant to s. 947.146.

5202 | Section 116. For the purpose of incorporating the
5203 | amendment made by this act to section 947.1405, Florida
5204 | Statutes, in a reference thereto, paragraph (f) of subsection
5205 | (1) of section 947.13, Florida Statutes, is reenacted to read:

5206 | 947.13 Powers and duties of commission.—

5207 | (1) The commission shall have the powers and perform the
5208 | duties of:

5209 | (f) Establishing the terms and conditions of persons
5210 | released on conditional release under s. 947.1405, and
5211 | determining subsequent ineligibility for conditional release due
5212 | to a violation of the terms or conditions of conditional release

5213 and taking action with respect to such a violation.

5214 Section 117. For the purpose of incorporating the
 5215 amendments made by this act to sections 775.21, 943.0435, and
 5216 943.4354, Florida Statutes, in references thereto, paragraph (c)
 5217 of subsection (2) and subsection (12) of section 947.1405,
 5218 Florida Statutes, are reenacted to read:

5219 947.1405 Conditional release program.—

5220 (2) Any inmate who:

5221 (c) Is found to be a sexual predator under s. 775.21 or
 5222 former s. 775.23,

5223
 5224 shall, upon reaching the tentative release date or provisional
 5225 release date, whichever is earlier, as established by the
 5226 Department of Corrections, be released under supervision subject
 5227 to specified terms and conditions, including payment of the cost
 5228 of supervision pursuant to s. 948.09. Such supervision shall be
 5229 applicable to all sentences within the overall term of sentences
 5230 if an inmate's overall term of sentences includes one or more
 5231 sentences that are eligible for conditional release supervision
 5232 as provided herein. Effective July 1, 1994, and applicable for
 5233 offenses committed on or after that date, the commission may
 5234 require, as a condition of conditional release, that the
 5235 releasee make payment of the debt due and owing to a county or
 5236 municipal detention facility under s. 951.032 for medical care,
 5237 treatment, hospitalization, or transportation received by the

5238 | releasee while in that detention facility. The commission, in
5239 | determining whether to order such repayment and the amount of
5240 | such repayment, shall consider the amount of the debt, whether
5241 | there was any fault of the institution for the medical expenses
5242 | incurred, the financial resources of the releasee, the present
5243 | and potential future financial needs and earning ability of the
5244 | releasee, and dependents, and other appropriate factors. If any
5245 | inmate placed on conditional release supervision is also subject
5246 | to probation or community control, resulting from a probationary
5247 | or community control split sentence within the overall term of
5248 | sentences, the Department of Corrections shall supervise such
5249 | person according to the conditions imposed by the court and the
5250 | commission shall defer to such supervision. If the court revokes
5251 | probation or community control and resentsences the offender to a
5252 | term of incarceration, such revocation also constitutes a
5253 | sufficient basis for the revocation of the conditional release
5254 | supervision on any nonprobationary or noncommunity control
5255 | sentence without further hearing by the commission. If any such
5256 | supervision on any nonprobationary or noncommunity control
5257 | sentence is revoked, such revocation may result in a forfeiture
5258 | of all gain-time, and the commission may revoke the resulting
5259 | deferred conditional release supervision or take other action it
5260 | considers appropriate. If the term of conditional release
5261 | supervision exceeds that of the probation or community control,
5262 | then, upon expiration of the probation or community control,

5263 authority for the supervision shall revert to the commission and
5264 the supervision shall be subject to the conditions imposed by
5265 the commission. A panel of no fewer than two commissioners shall
5266 establish the terms and conditions of any such release. If the
5267 offense was a controlled substance violation, the conditions
5268 shall include a requirement that the offender submit to random
5269 substance abuse testing intermittently throughout the term of
5270 conditional release supervision, upon the direction of the
5271 correctional probation officer as defined in s. 943.10(3). The
5272 commission shall also determine whether the terms and conditions
5273 of such release have been violated and whether such violation
5274 warrants revocation of the conditional release.

5275 (12) In addition to all other conditions imposed, for a
5276 releasee who is subject to conditional release for a crime that
5277 was committed on or after May 26, 2010, and who has been
5278 convicted at any time of committing, or attempting, soliciting,
5279 or conspiring to commit, any of the criminal offenses listed in
5280 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5281 jurisdiction against a victim who was under 18 years of age at
5282 the time of the offense, if the releasee has not received a
5283 pardon for any felony or similar law of another jurisdiction
5284 necessary for the operation of this subsection, if a conviction
5285 of a felony or similar law of another jurisdiction necessary for
5286 the operation of this subsection has not been set aside in any
5287 postconviction proceeding, or if the releasee has not been

5288 removed from the requirement to register as a sexual offender or
5289 sexual predator pursuant to s. 943.04354, the commission must
5290 impose the following conditions:

5291 (a) A prohibition on visiting schools, child care
5292 facilities, parks, and playgrounds without prior approval from
5293 the releasee's supervising officer. The commission may also
5294 designate additional prohibited locations to protect a victim.
5295 The prohibition ordered under this paragraph does not prohibit
5296 the releasee from visiting a school, child care facility, park,
5297 or playground for the sole purpose of attending a religious
5298 service as defined in s. 775.0861 or picking up or dropping off
5299 the releasee's child or grandchild at a child care facility or
5300 school.

5301 (b) A prohibition on distributing candy or other items to
5302 children on Halloween; wearing a Santa Claus costume, or other
5303 costume to appeal to children, on or preceding Christmas;
5304 wearing an Easter Bunny costume, or other costume to appeal to
5305 children, on or preceding Easter; entertaining at children's
5306 parties; or wearing a clown costume without prior approval from
5307 the commission.

5308

5309 Section 118. For the purpose of incorporating the
5310 amendment made by this act to section 947.1405, Florida
5311 Statutes, in references thereto, subsections (1), (2), and (7)
5312 of section 947.141, Florida Statutes, are reenacted to read:

5313 947.141 Violations of conditional release, control
5314 release, or conditional medical release or addiction-recovery
5315 supervision.-

5316 (1) If a member of the commission or a duly authorized
5317 representative of the commission has reasonable grounds to
5318 believe that an offender who is on release supervision under s.
5319 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5320 the terms and conditions of the release in a material respect,
5321 such member or representative may cause a warrant to be issued
5322 for the arrest of the releasee; if the offender was found to be
5323 a sexual predator, the warrant must be issued.

5324 (2) Upon the arrest on a felony charge of an offender who
5325 is on release supervision under s. 947.1405, s. 947.146, s.
5326 947.149, or s. 944.4731, the offender must be detained without
5327 bond until the initial appearance of the offender at which a
5328 judicial determination of probable cause is made. If the trial
5329 court judge determines that there was no probable cause for the
5330 arrest, the offender may be released. If the trial court judge
5331 determines that there was probable cause for the arrest, such
5332 determination also constitutes reasonable grounds to believe
5333 that the offender violated the conditions of the release. Within
5334 24 hours after the trial court judge's finding of probable
5335 cause, the detention facility administrator or designee shall
5336 notify the commission and the department of the finding and
5337 transmit to each a facsimile copy of the probable cause

5338 affidavit or the sworn offense report upon which the trial court
5339 judge's probable cause determination is based. The offender must
5340 continue to be detained without bond for a period not exceeding
5341 72 hours excluding weekends and holidays after the date of the
5342 probable cause determination, pending a decision by the
5343 commission whether to issue a warrant charging the offender with
5344 violation of the conditions of release. Upon the issuance of the
5345 commission's warrant, the offender must continue to be held in
5346 custody pending a revocation hearing held in accordance with
5347 this section.

5348 (7) If a law enforcement officer has probable cause to
5349 believe that an offender who is on release supervision under s.
5350 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5351 the terms and conditions of his or her release by committing a
5352 felony offense, the officer shall arrest the offender without a
5353 warrant, and a warrant need not be issued in the case.

5354 Section 119. For the purpose of incorporating the
5355 amendment made by this act to section 775.21, Florida Statutes,
5356 in references thereto, paragraphs (b) and (d) of subsection (8)
5357 of section 948.06, Florida Statutes, are reenacted to read:

5358 948.06 Violation of probation or community control;
5359 revocation; modification; continuance; failure to pay
5360 restitution or cost of supervision.—

5361 (8)

5362 (b) For purposes of this section and ss. 903.0351,

5363 948.064, and 921.0024, the term "violent felony offender of
5364 special concern" means a person who is on:

5365 1. Felony probation or community control related to the
5366 commission of a qualifying offense committed on or after the
5367 effective date of this act;

5368 2. Felony probation or community control for any offense
5369 committed on or after the effective date of this act, and has
5370 previously been convicted of a qualifying offense;

5371 3. Felony probation or community control for any offense
5372 committed on or after the effective date of this act, and is
5373 found to have violated that probation or community control by
5374 committing a qualifying offense;

5375 4. Felony probation or community control and has
5376 previously been found by a court to be a habitual violent felony
5377 offender as defined in s. 775.084(1)(b) and has committed a
5378 qualifying offense on or after the effective date of this act;

5379 5. Felony probation or community control and has
5380 previously been found by a court to be a three-time violent
5381 felony offender as defined in s. 775.084(1)(c) and has committed
5382 a qualifying offense on or after the effective date of this act;
5383 or

5384 6. Felony probation or community control and has
5385 previously been found by a court to be a sexual predator under
5386 s. 775.21 and has committed a qualifying offense on or after the
5387 effective date of this act.

5388 (d) In the case of an alleged violation of probation or
5389 community control other than a failure to pay costs, fines, or
5390 restitution, the following individuals shall remain in custody
5391 pending the resolution of the probation or community control
5392 violation:

5393 1. A violent felony offender of special concern, as
5394 defined in this section;

5395 2. A person who is on felony probation or community
5396 control for any offense committed on or after the effective date
5397 of this act and who is arrested for a qualifying offense as
5398 defined in this section; or

5399 3. A person who is on felony probation or community
5400 control and has previously been found by a court to be a
5401 habitual violent felony offender as defined in s. 775.084(1)(b),
5402 a three-time violent felony offender as defined in s.
5403 775.084(1)(c), or a sexual predator under s. 775.21, and who is
5404 arrested for committing a qualifying offense as defined in this
5405 section on or after the effective date of this act.

5406
5407 The court shall not dismiss the probation or community control
5408 violation warrant pending against an offender enumerated in this
5409 paragraph without holding a recorded violation-of-probation
5410 hearing at which both the state and the offender are
5411 represented.

5412 Section 120. For the purpose of incorporating the

5413 amendments made by this act to sections 775.21, 943.0435, and
5414 944.607, Florida Statutes, in references thereto, section
5415 948.063, Florida Statutes, is reenacted to read:

5416 948.063 Violations of probation or community control by
5417 designated sexual offenders and sexual predators.—

5418 (1) If probation or community control for any felony
5419 offense is revoked by the court pursuant to s. 948.06(2)(e) and
5420 the offender is designated as a sexual offender pursuant to s.
5421 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
5422 775.21 for unlawful sexual activity involving a victim 15 years
5423 of age or younger and the offender is 18 years of age or older,
5424 and if the court imposes a subsequent term of supervision
5425 following the revocation of probation or community control, the
5426 court must order electronic monitoring as a condition of the
5427 subsequent term of probation or community control.

5428 (2) If the probationer or offender is required to register
5429 as a sexual predator under s. 775.21 or as a sexual offender
5430 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5431 involving a victim 15 years of age or younger and the
5432 probationer or offender is 18 years of age or older and has
5433 violated the conditions of his or her probation or community
5434 control, but the court does not revoke the probation or
5435 community control, the court shall nevertheless modify the
5436 probation or community control to include electronic monitoring
5437 for any probationer or offender not then subject to electronic

5438 monitoring.

5439 Section 121. For the purpose of incorporating the
5440 amendment made by this act to section 775.21, Florida Statutes,
5441 in a reference thereto, subsection (4) of section 948.064,
5442 Florida Statutes, is reenacted to read:

5443 948.064 Notification of status as a violent felony
5444 offender of special concern.—

5445 (4) The state attorney, or the statewide prosecutor if
5446 applicable, shall advise the court at each critical stage in the
5447 judicial process, at which the state attorney or statewide
5448 prosecutor is represented, whether an alleged or convicted
5449 offender is a violent felony offender of special concern; a
5450 person who is on felony probation or community control for any
5451 offense committed on or after the effective date of this act and
5452 who is arrested for a qualifying offense; or a person who is on
5453 felony probation or community control and has previously been
5454 found by a court to be a habitual violent felony offender as
5455 defined in s. 775.084(1)(b), a three-time violent felony
5456 offender as defined in s. 775.084(1)(c), or a sexual predator
5457 under s. 775.21, and who is arrested for committing a qualifying
5458 offense on or after the effective date of this act.

5459 Section 122. For the purpose of incorporating the
5460 amendment made by this act to section 948.06, Florida Statutes,
5461 in a reference thereto, paragraph (a) of subsection (7) of
5462 section 948.08, Florida Statutes, is reenacted to read:

5463 948.08 Pretrial intervention program.—

5464 (7) (a) Notwithstanding any provision of this section, a
5465 person who is charged with a felony, other than a felony listed
5466 in s. 948.06(8)(c), and identified as a veteran, as defined in
5467 s. 1.01, including a veteran who is discharged or released under
5468 a general discharge, or servicemember, as defined in s. 250.01,
5469 who suffers from a military service-related mental illness,
5470 traumatic brain injury, substance abuse disorder, or
5471 psychological problem, is eligible for voluntary admission into
5472 a pretrial veterans' treatment intervention program approved by
5473 the chief judge of the circuit, upon motion of either party or
5474 the court's own motion, except:

5475 1. If a defendant was previously offered admission to a
5476 pretrial veterans' treatment intervention program at any time
5477 before trial and the defendant rejected that offer on the
5478 record, the court may deny the defendant's admission to such a
5479 program.

5480 2. If a defendant previously entered a court-ordered
5481 veterans' treatment program, the court may deny the defendant's
5482 admission into the pretrial veterans' treatment program.

5483 Section 123. For the purpose of incorporating the
5484 amendment made by this act to section 775.21, Florida Statutes,
5485 in a reference thereto, subsection (3) of section 948.12,
5486 Florida Statutes, is reenacted to read:

5487 948.12 Intensive supervision for postprison release of

5488 violent offenders.—It is the finding of the Legislature that the
5489 population of violent offenders released from state prison into
5490 the community poses the greatest threat to the public safety of
5491 the groups of offenders under community supervision. Therefore,
5492 for the purpose of enhanced public safety, any offender released
5493 from state prison who:

5494 (3) Has been found to be a sexual predator pursuant to s.
5495 775.21,

5496

5497 and who has a term of probation to follow the period of
5498 incarceration shall be provided intensive supervision by
5499 experienced correctional probation officers. Subject to specific
5500 appropriation by the Legislature, caseloads may be restricted to
5501 a maximum of 40 offenders per officer to provide for enhanced
5502 public safety as well as to effectively monitor conditions of
5503 electronic monitoring or curfews, if such was ordered by the
5504 court.

5505 Section 124. For the purpose of incorporating the
5506 amendments made by this act to sections 775.21 and 943.0435,
5507 Florida Statutes, in references thereto, paragraph (b) of
5508 subsection (3) and subsection (4) of section 948.30, Florida
5509 Statutes, are reenacted to read:

5510 948.30 Additional terms and conditions of probation or
5511 community control for certain sex offenses.—Conditions imposed
5512 pursuant to this section do not require oral pronouncement at

5513 the time of sentencing and shall be considered standard
5514 conditions of probation or community control for offenders
5515 specified in this section.

5516 (3) Effective for a probationer or community controllee
5517 whose crime was committed on or after September 1, 2005, and
5518 who:

5519 (b) Is designated a sexual predator pursuant to s. 775.21;
5520 or

5521
5522 the court must order, in addition to any other provision of this
5523 section, mandatory electronic monitoring as a condition of the
5524 probation or community control supervision.

5525 (4) In addition to all other conditions imposed, for a
5526 probationer or community controllee who is subject to
5527 supervision for a crime that was committed on or after May 26,
5528 2010, and who has been convicted at any time of committing, or
5529 attempting, soliciting, or conspiring to commit, any of the
5530 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5531 similar offense in another jurisdiction, against a victim who
5532 was under the age of 18 at the time of the offense; if the
5533 offender has not received a pardon for any felony or similar law
5534 of another jurisdiction necessary for the operation of this
5535 subsection, if a conviction of a felony or similar law of
5536 another jurisdiction necessary for the operation of this
5537 subsection has not been set aside in any postconviction

5538 proceeding, or if the offender has not been removed from the
5539 requirement to register as a sexual offender or sexual predator
5540 pursuant to s. 943.04354, the court must impose the following
5541 conditions:

5542 (a) A prohibition on visiting schools, child care
5543 facilities, parks, and playgrounds, without prior approval from
5544 the offender's supervising officer. The court may also designate
5545 additional locations to protect a victim. The prohibition
5546 ordered under this paragraph does not prohibit the offender from
5547 visiting a school, child care facility, park, or playground for
5548 the sole purpose of attending a religious service as defined in
5549 s. 775.0861 or picking up or dropping off the offender's
5550 children or grandchildren at a child care facility or school.

5551 (b) A prohibition on distributing candy or other items to
5552 children on Halloween; wearing a Santa Claus costume, or other
5553 costume to appeal to children, on or preceding Christmas;
5554 wearing an Easter Bunny costume, or other costume to appeal to
5555 children, on or preceding Easter; entertaining at children's
5556 parties; or wearing a clown costume; without prior approval from
5557 the court.

5558 Section 125. For the purpose of incorporating the
5559 amendments made by this act to sections 775.21, 943.0435,
5560 944.606, and 944.607, Florida Statutes, in references thereto,
5561 section 948.31, Florida Statutes, is reenacted to read:

5562 948.31 Evaluation and treatment of sexual predators and

5563 offenders on probation or community control.—The court may
5564 require any probationer or community controllee who is required
5565 to register as a sexual predator under s. 775.21 or sexual
5566 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5567 an evaluation, at the probationer or community controllee's
5568 expense, by a qualified practitioner to determine whether such
5569 probationer or community controllee needs sexual offender
5570 treatment. If the qualified practitioner determines that sexual
5571 offender treatment is needed and recommends treatment, the
5572 probationer or community controllee must successfully complete
5573 and pay for the treatment. Such treatment must be obtained from
5574 a qualified practitioner as defined in s. 948.001. Treatment may
5575 not be administered by a qualified practitioner who has been
5576 convicted or adjudicated delinquent of committing, or
5577 attempting, soliciting, or conspiring to commit, any offense
5578 that is listed in s. 943.0435(1)(h)1.a.(I).

5579 Section 126. For the purpose of incorporating the
5580 amendment made by this act to section 775.0877, Florida
5581 Statutes, in a reference thereto, section 951.27, Florida
5582 Statutes, is reenacted to read:

5583 951.27 Blood tests of inmates.—

5584 (1) Each county and each municipal detention facility
5585 shall have a written procedure developed, in consultation with
5586 the facility medical provider, establishing conditions under
5587 which an inmate will be tested for infectious disease, including

5588 human immunodeficiency virus pursuant to s. 775.0877, which
5589 procedure is consistent with guidelines of the Centers for
5590 Disease Control and Prevention and recommendations of the
5591 Correctional Medical Authority. It is not unlawful for the
5592 person receiving the test results to divulge the test results to
5593 the sheriff or chief correctional officer.

5594 (2) Except as otherwise provided in this subsection,
5595 serologic blood test results obtained pursuant to subsection (1)
5596 are confidential and exempt from the provisions of s. 119.07(1)
5597 and s. 24(a), Art. I of the State Constitution. However, such
5598 results may be provided to employees or officers of the sheriff
5599 or chief correctional officer who are responsible for the
5600 custody and care of the affected inmate and have a need to know
5601 such information, and as provided in ss. 775.0877 and 960.003.
5602 In addition, upon request of the victim or the victim's legal
5603 guardian, or the parent or legal guardian of the victim if the
5604 victim is a minor, the results of any HIV test performed on an
5605 inmate who has been arrested for any sexual offense involving
5606 oral, anal, or vaginal penetration by, or union with, the sexual
5607 organ of another, shall be disclosed to the victim or the
5608 victim's legal guardian, or to the parent or legal guardian of
5609 the victim if the victim is a minor. In such cases, the county
5610 or municipal detention facility shall furnish the test results
5611 to the Department of Health, which is responsible for disclosing
5612 the results to public health agencies as provided in s. 775.0877

5613 and to the victim or the victim's legal guardian, or the parent
5614 or legal guardian of the victim if the victim is a minor, as
5615 provided in s. 960.003(3).

5616 (3) The results of any serologic blood test on an inmate
5617 are a part of that inmate's permanent medical file. Upon
5618 transfer of the inmate to any other correctional facility, such
5619 file is also transferred, and all relevant authorized persons
5620 must be notified of positive HIV test results, as required in s.
5621 775.0877.

5622 Section 127. For the purpose of incorporating the
5623 amendment made by this act to section 775.0877, Florida
5624 Statutes, in references thereto, paragraphs (a) and (b) of
5625 subsection (2) and paragraph (a) of subsection (3) of section
5626 960.003, Florida Statutes, are reenacted to read:

5627 960.003 Hepatitis and HIV testing for persons charged with
5628 or alleged by petition for delinquency to have committed certain
5629 offenses; disclosure of results to victims.—

5630 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5631 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5632 (a) In any case in which a person has been charged by
5633 information or indictment with or alleged by petition for
5634 delinquency to have committed any offense enumerated in s.
5635 775.0877(1)(a)-(n), which involves the transmission of body
5636 fluids from one person to another, upon request of the victim or
5637 the victim's legal guardian, or of the parent or legal guardian

5638 of the victim if the victim is a minor, the court shall order
5639 such person to undergo hepatitis and HIV testing within 48 hours
5640 after the information, indictment, or petition for delinquency
5641 is filed. In the event the victim or, if the victim is a minor,
5642 the victim's parent or legal guardian requests hepatitis and HIV
5643 testing after 48 hours have elapsed from the filing of the
5644 indictment, information, or petition for delinquency, the
5645 testing shall be done within 48 hours after the request.

5646 (b) However, when a victim of any sexual offense
5647 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
5648 the time the offense was committed or when a victim of any
5649 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
5650 825.1025 is a disabled adult or elderly person as defined in s.
5651 825.1025 regardless of whether the offense involves the
5652 transmission of bodily fluids from one person to another, then
5653 upon the request of the victim or the victim's legal guardian,
5654 or of the parent or legal guardian, the court shall order such
5655 person to undergo hepatitis and HIV testing within 48 hours
5656 after the information, indictment, or petition for delinquency
5657 is filed. In the event the victim or, if the victim is a minor,
5658 the victim's parent or legal guardian requests hepatitis and HIV
5659 testing after 48 hours have elapsed from the filing of the
5660 indictment, information, or petition for delinquency, the
5661 testing shall be done within 48 hours after the request. The
5662 testing shall be performed under the direction of the Department

5663 of Health in accordance with s. 381.004. The results of a
5664 hepatitis and HIV test performed on a defendant or juvenile
5665 offender pursuant to this subsection shall not be admissible in
5666 any criminal or juvenile proceeding arising out of the alleged
5667 offense.

5668 (3) DISCLOSURE OF RESULTS.—

5669 (a) The results of the test shall be disclosed no later
5670 than 2 weeks after the court receives such results, under the
5671 direction of the Department of Health, to the person charged
5672 with or alleged by petition for delinquency to have committed or
5673 to the person convicted of or adjudicated delinquent for any
5674 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5675 transmission of body fluids from one person to another, and,
5676 upon request, to the victim or the victim's legal guardian, or
5677 the parent or legal guardian of the victim if the victim is a
5678 minor, and to public health agencies pursuant to s. 775.0877. If
5679 the alleged offender is a juvenile, the test results shall also
5680 be disclosed to the parent or guardian. When the victim is a
5681 victim as described in paragraph (2)(b), the test results must
5682 also be disclosed no later than 2 weeks after the court receives
5683 such results, to the person charged with or alleged by petition
5684 for delinquency to have committed or to the person convicted of
5685 or adjudicated delinquent for any offense enumerated in s.
5686 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5687 offense involves the transmission of bodily fluids from one

5688 person to another, and, upon request, to the victim or the
 5689 victim's legal guardian, or the parent or legal guardian of the
 5690 victim, and to public health agencies pursuant to s. 775.0877.
 5691 Otherwise, hepatitis and HIV test results obtained pursuant to
 5692 this section are confidential and exempt from the provisions of
 5693 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
 5694 shall not be disclosed to any other person except as expressly
 5695 authorized by law or court order.

5696 Section 128. For the purpose of incorporating the
 5697 amendment made by this act to section 39.01, Florida Statutes,
 5698 in a reference thereto, subsection (5) of section 960.065,
 5699 Florida Statutes, is reenacted to read:

5700 960.065 Eligibility for awards.—

5701 (5) A person is not ineligible for an award pursuant to
 5702 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
 5703 person is a victim of sexual exploitation of a child as defined
 5704 in s. 39.01(70) (g).

5705 Section 129. For the purpose of incorporating the
 5706 amendment made by this act to section 39.01, Florida Statutes,
 5707 in a reference thereto, subsection (2) of section 984.03,
 5708 Florida Statutes, is reenacted to read:

5709 984.03 Definitions.—When used in this chapter, the term:

5710 (2) "Abuse" means any willful act that results in any
 5711 physical, mental, or sexual injury that causes or is likely to
 5712 cause the child's physical, mental, or emotional health to be

5713 significantly impaired. Corporal discipline of a child by a
5714 parent or guardian for disciplinary purposes does not in itself
5715 constitute abuse when it does not result in harm to the child as
5716 defined in s. 39.01.

5717 Section 130. For the purpose of incorporating the
5718 amendment made by this act to section 985.475, Florida Statutes,
5719 in a reference thereto, paragraph (c) of subsection (5) of
5720 section 985.0301, Florida Statutes, is reenacted to read:

5721 985.0301 Jurisdiction.—

5722 (5)

5723 (c) The court shall retain jurisdiction over a juvenile
5724 sexual offender, as defined in s. 985.475, who has been placed
5725 on community-based treatment alternative with supervision or who
5726 has been placed in a program or facility for juvenile sexual
5727 offenders, pursuant to s. 985.48, until the juvenile sexual
5728 offender reaches 21 years of age, specifically for the purpose
5729 of allowing the juvenile to complete the program.

5730 Section 131. For the purpose of incorporating the
5731 amendments made by this act to sections 775.21, 943.0435,
5732 944.606 and 944.607, Florida Statutes, in references thereto,
5733 paragraph (b) of subsection (6) of section 985.04, Florida
5734 Statutes, is reenacted to read:

5735 985.04 Oaths; records; confidential information.—

5736 (6)

5737 (b) Sexual offender and predator registration information

5738 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
5739 and 985.4815 is a public record pursuant to s. 119.07(1) and as
5740 otherwise provided by law.

5741 Section 132. For the purpose of incorporating the
5742 amendment made by this act to section 985.475, Florida Statutes,
5743 in a reference thereto, paragraph (c) of subsection (1) of
5744 section 985.441, Florida Statutes, is reenacted to read:

5745 985.441 Commitment.—

5746 (1) The court that has jurisdiction of an adjudicated
5747 delinquent child may, by an order stating the facts upon which a
5748 determination of a sanction and rehabilitative program was made
5749 at the disposition hearing:

5750 (c) Commit the child to the department for placement in a
5751 program or facility for juvenile sexual offenders in accordance
5752 with s. 985.48, subject to specific appropriation for such a
5753 program or facility.

5754 1. The child may only be committed for such placement
5755 pursuant to determination that the child is a juvenile sexual
5756 offender under the criteria specified in s. 985.475.

5757 2. Any commitment of a juvenile sexual offender to a
5758 program or facility for juvenile sexual offenders must be for an
5759 indeterminate period of time, but the time may not exceed the
5760 maximum term of imprisonment that an adult may serve for the
5761 same offense.

5762 Section 133. For the purpose of incorporating the

5763 amendments made by this act to sections 775.21 and 943.0435
 5764 Florida Statutes, in references thereto, subsection (9) of
 5765 section 985.4815, Florida Statutes, is reenacted to read:

5766 985.4815 Notification to Department of Law Enforcement of
 5767 information on juvenile sexual offenders.—

5768 (9) A sexual offender, as described in this section, who
 5769 is under the care, jurisdiction, or supervision of the
 5770 department but who is not incarcerated shall, in addition to the
 5771 registration requirements provided in subsection (4), register
 5772 in the manner provided in s. 943.0435(3), (4), and (5), unless
 5773 the sexual offender is a sexual predator, in which case he or
 5774 she shall register as required under s. 775.21. A sexual
 5775 offender who fails to comply with the requirements of s.
 5776 943.0435 is subject to the penalties provided in s. 943.0435(9).

5777 Section 134. For the purpose of incorporating the
 5778 amendment made by this act to section 943.0435, Florida
 5779 Statutes, in a reference thereto, paragraph (g) of subsection
 5780 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5781 1012.467 Noninstructional contractors who are permitted
 5782 access to school grounds when students are present; background
 5783 screening requirements.—

5784 (2)

5785 (g) A noninstructional contractor for whom a criminal
 5786 history check is required under this section may not have been
 5787 convicted of any of the following offenses designated in the

5788 Florida Statutes, any similar offense in another jurisdiction,
 5789 or any similar offense committed in this state which has been
 5790 redesignated from a former provision of the Florida Statutes to
 5791 one of the following offenses:

5792 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 5793 the registration of an individual as a sexual offender.

5794 2. Section 393.135, relating to sexual misconduct with
 5795 certain developmentally disabled clients and the reporting of
 5796 such sexual misconduct.

5797 3. Section 394.4593, relating to sexual misconduct with
 5798 certain mental health patients and the reporting of such sexual
 5799 misconduct.

5800 4. Section 775.30, relating to terrorism.

5801 5. Section 782.04, relating to murder.

5802 6. Section 787.01, relating to kidnapping.

5803 7. Any offense under chapter 800, relating to lewdness and
 5804 indecent exposure.

5805 8. Section 826.04, relating to incest.

5806 9. Section 827.03, relating to child abuse, aggravated
 5807 child abuse, or neglect of a child.

5808 Section 135. This act shall take effect October 1, 2017.