

By Senator Book

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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 certain custody or supervision
9 of the Department of Children and Families which
10 require the department to provide notice to the school
11 superintendent; conforming provisions to changes made
12 by the act; amending s. 39.0139, F.S.; revising the
13 types of offenses that create a rebuttable presumption
14 of 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

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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

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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 requirements 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

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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 must
108 be imposed; conforming provisions to changes made by
109 the act; amending s. 938.10, F.S.; revising the
110 offenses for which an additional court cost must be
111 imposed; conforming provisions to changes made by the
112 act; amending ss. 943.0435, 943.04354, 943.0585,
113 943.059, 944.606, 944.607, 947.1405, 948.03, and
114 948.04, F.S.; conforming provisions to changes made by
115 the act; amending s. 948.06, F.S.; revising the
116 offenses that constitute a qualifying offense for

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117 purposes relating to a violation of probation or
118 community control; conforming provisions to changes
119 made by the act; amending ss. 948.062, 948.101,
120 948.30, 948.32, 960.03, and 960.197, F.S.; conforming
121 provisions to changes made by the act; amending s.
122 985.04, F.S.; revising the types of offenses committed
123 by a child in certain custody or supervision of the
124 Department of Juvenile Justice which require the
125 department to provide notice to the school
126 superintendent; conforming provisions to changes made
127 by the act; amending ss. 985.475 and 1012.315, F.S.;
128 conforming provisions to changes made by the act;
129 amending s. 921.0022, F.S.; ranking the offense of
130 solicitation of a child via a computer service while
131 misrepresenting one's age on the offense severity
132 ranking chart; conforming provisions to changes made
133 by the act; providing a directive to the Division of
134 Law Revision and Information; reenacting ss.
135 39.402(9) (a), 39.506(6), 39.509(6) (b), 39.521(3) (d),
136 39.806(1) (d) and (n), 63.089(4) (b), 63.092(3),
137 68.07(3) (i) and (6), 92.55(1) (b), 92.605(1) (b),
138 322.141(3), 381.004(2) (h), 384.29(1) (c) and (3),
139 390.01114(2) (b) and (e), 393.067(4) (h), (7), and (9),
140 394.495(4) (p), 394.9125(2) (a), 397.4872(2) (a) and (c),
141 435.07(4) (b), 507.07(9), 655.50(3) (g), 741.313(1) (e),
142 775.084(4) (j), 775.0862(2), 775.13(4) (e) and (f),
143 775.21(3) (b), (5) (d), (6) (f), and (10) (c), 775.24(2),
144 775.25, 775.261(3) (b), 784.049(2) (d), 794.011(2) (a),
145 (3), (4), and (5), 794.03, 794.075(1), 847.002(1) (b),

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146 (2), and (3), 847.012(3)(b), 847.01357(3), 847.0138(2)
 147 and (3), 896.101(2)(h) and (10), 903.0351(1)(b) and
 148 (c), 903.046(2)(m), 905.34(3), 921.0022(3)(g),
 149 921.141(6)(o), 943.0435(3), (4)(a), and (5),
 150 943.0436(2), 943.325(2)(g), 944.11(2), 944.607(4)(a)
 151 and (9), 944.608(7), 944.609(4), 944.70(1),
 152 947.13(1)(f), 947.1405(2)(c) and (12), 947.141(1),
 153 (2), and (7), 948.013(2)(b), 948.06(8)(b) and (d),
 154 948.063, 948.064(4), 948.08(7)(a), 948.12(3),
 155 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)
 156 and (b) and (3)(a), 960.065(5), 984.03(2),
 157 985.0301(5)(c), 985.04(6)(b), 985.441(1)(c),
 158 985.4815(9), and 1012.467(2)(g), F.S., relating to
 159 placement in a shelter, arraignment hearings,
 160 grandparents rights, disposition hearings, grounds for
 161 termination of parental rights, proceedings to
 162 terminate parental rights pending adoption, report to
 163 the court of intended placement by an adoption entity,
 164 change of name, proceedings involving certain victims
 165 or witnesses, production of certain records, color or
 166 markings of certain licenses or identification cards,
 167 HIV testing, confidentiality, the Parental Notice of
 168 Abortion Act, facility licensure, the child and
 169 adolescent mental health system of care, authority of
 170 a state attorney to refer a person for civil
 171 commitment, exemption from disqualification,
 172 exemptions from disqualification, violations by movers
 173 or moving brokers, Florida Control of Money Laundering
 174 and Terrorist Financing in Financial Institutions Act,

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

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204 sexual offenders, notification to the Department of
205 Law Enforcement concerning career offenders, career
206 offenders and notification upon release, conditions
207 for release from incarceration, powers and duties of
208 the Florida Commission on Offender Review, the
209 conditional release program, violations of conditional
210 release, control release, or conditional medical
211 release or addiction-recovery supervision,
212 administrative probation, violation of probation or
213 community control, violations of probation or
214 community control by designated sexual offenders and
215 predators, notification of status as a violent felony
216 offender of special concern, the pretrial intervention
217 program, intensive supervision for postprison release
218 of violent offenders, additional terms and conditions
219 of probation or community control for certain sex
220 offenses, the evaluation and treatment of sexual
221 predators and offenders on probation or community
222 control, blood tests of inmates, hepatitis and HIV
223 testing for persons charged with or alleged by
224 petition for delinquency to have committed certain
225 offenses, eligibility for victim assistance awards,
226 definitions relating to children and families in need
227 of services, jurisdiction, oaths, records, and
228 confidential information, commitment, notification to
229 Department of Law Enforcement of information on
230 juvenile sexual offenders, and contractors permitted
231 access to school grounds, respectively, to incorporate
232 the amendments made by the act in cross-references to

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233 amended provisions; providing an effective date.

234
235 Be It Enacted by the Legislature of the State of Florida:

236
237 Section 1. Paragraph (a) of subsection (1) of section
238 16.56, Florida Statutes, is amended, and paragraph (b) of that
239 subsection is republished, to read:

240 16.56 Office of Statewide Prosecution.—

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

245 (a) Investigate and prosecute the offenses of:

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

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

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

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

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

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- 262 6. Any crime involving, or resulting in, fraud or deceit
263 upon any person;
- 264 7. Any violation of s. 847.0135, relating to computer
265 pornography and child exploitation ~~prevention~~, or any offense
266 related to a violation of former s. 827.071, s. 847.003, s.
267 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
268 crime is facilitated by or connected to the use of the Internet
269 or any device capable of electronic data storage or
270 transmission;
- 271 8. Any violation of chapter 815;
- 272 9. Any criminal violation of part I of chapter 499;
- 273 10. Any violation of the Florida Motor Fuel Tax Relief Act
274 of 2004;
- 275 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 276 12. Any crime involving voter registration, voting, or
277 candidate or issue petition activities;
- 278 13. Any criminal violation of the Florida Money Laundering
279 Act;
- 280 14. Any criminal violation of the Florida Securities and
281 Investor Protection Act; or
- 282 15. Any violation of chapter 787, as well as any and all
283 offenses related to a violation of chapter 787;
284
285 or any attempt, solicitation, or conspiracy to commit any of the
286 crimes specifically enumerated above. The office shall have such
287 power only when any such offense is occurring, or has occurred,
288 in two or more judicial circuits as part of a related
289 transaction, or when any such offense is connected with an
290 organized criminal conspiracy affecting two or more judicial

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291 circuits. Informations or indictments charging such offenses
292 shall contain general allegations stating the judicial circuits
293 and counties in which crimes are alleged to have occurred or the
294 judicial circuits and counties in which crimes affecting such
295 circuits or counties are alleged to have been connected with an
296 organized criminal conspiracy.

297 (b) Investigate and prosecute any crime enumerated in
298 paragraph (a) facilitated by or connected to the use of the
299 Internet. Any such crime is a crime occurring in every judicial
300 circuit within the state.

301 Section 2. Paragraph (c) of subsection (30) and paragraph
302 (g) of subsection (71) of section 39.01, Florida Statutes, are
303 amended to read:

304 39.01 Definitions.—When used in this chapter, unless the
305 context otherwise requires:

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

308 (c) Allows, encourages, or forces the sexual exploitation
309 of a child, which includes allowing, encouraging, or forcing a
310 child to:

- 311 1. Solicit for or engage in prostitution; or
- 312 2. Engage in a sexual performance, as defined by former s.
313 827.071 or s. 847.003 ~~chapter 827.~~

314 (71) "Sexual abuse of a child" for purposes of finding a
315 child to be dependent means one or more of the following acts:

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

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320 1. Solicit for or engage in prostitution;

321 2. Engage in a sexual performance, as defined by former s.
322 827.071 or s. 847.003 ~~chapter 827~~; or

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

325 Section 3. Paragraph (b) of subsection (4) of section
326 39.0132, Florida Statutes, is amended to read:

327 39.0132 Oaths, records, and confidential information.—

328 (4)

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

342 Section 4. Paragraph (a) of subsection (3) of section
343 39.0139, Florida Statutes, is amended to read:

344 39.0139 Visitation or other contact; restrictions.—

345 (3) PRESUMPTION OF DETRIMENT.—

346 (a) A rebuttable presumption of detriment to a child is
347 created when:

348 1. A court of competent jurisdiction has found probable

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349 cause exists that a parent or caregiver has sexually abused a
350 child as defined in s. 39.01;

351 2. A parent or caregiver has been found guilty of,
352 regardless of adjudication, or has entered a plea of guilty or
353 nolo contendere to, charges under the following statutes or
354 substantially similar statutes of other jurisdictions:

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

357 b. Section 794.011, relating to sexual battery;

358 c. Section 798.02, relating to lewd and lascivious
359 behavior;

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

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

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

363 g. Section 847.003, relating to sexual performance by a
364 child;

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

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

368 3. A court of competent jurisdiction has determined a
369 parent or caregiver to be a sexual predator as defined in s.
370 775.21 or a parent or caregiver has received a substantially
371 similar designation under laws of another jurisdiction.

372 Section 5. Paragraph (b) of subsection (2) of section
373 39.301, Florida Statutes, is amended to read:

374 39.301 Initiation of protective investigations.—

375 (2)

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

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

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

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

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

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

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

393 Section 6. Paragraph (a) of subsection (6) of section
394 39.509, Florida Statutes, is amended to read:

395 39.509 Grandparents rights.—Notwithstanding any other
396 provision of law, a maternal or paternal grandparent as well as
397 a stepgrandparent is entitled to reasonable visitation with his
398 or her grandchild who has been adjudicated a dependent child and
399 taken from the physical custody of the parent unless the court
400 finds that such visitation is not in the best interest of the
401 child or that such visitation would interfere with the goals of
402 the case plan. Reasonable visitation may be unsupervised and,
403 where appropriate and feasible, may be frequent and continuing.
404 Any order for visitation or other contact must conform to the
405 provisions of s. 39.0139.

406 (6) In determining whether grandparental visitation is not

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407 in the child's best interest, consideration may be given to the
408 following:

409 (a) The finding of guilt, regardless of adjudication, or
410 entry or plea of guilty or nolo contendere to charges under the
411 following statutes, or similar statutes of other jurisdictions:
412 s. 787.04, relating to removing minors from the state or
413 concealing minors contrary to court order; s. 794.011, relating
414 to sexual battery; s. 798.02, relating to lewd and lascivious
415 behavior; chapter 800, relating to lewdness and indecent
416 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
417 relating to the abuse of children; s. 847.003, relating to
418 sexual performance by a child; s. 847.0135, excluding s.
419 847.0135(6), relating to computer pornography and child
420 exploitation; or s. 847.0137, relating to child pornography.

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

423 90.404 Character evidence; when admissible.—

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

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

430 2. For the purposes of this paragraph, the term "child
431 molestation" means conduct proscribed by s. 787.025(2)(c), s.
432 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
433 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
434 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
435 847.0137(2), s. 847.0145, or s. 985.701(1) when committed

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436 against a person 16 years of age or younger.

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

442 2. For the purposes of this paragraph, the term "sexual
443 offense" means conduct proscribed by s. 787.025(2)(c), s.
444 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
445 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
446 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
447 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
448 985.701(1).

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

451 92.56 Judicial proceedings and court records involving
452 sexual offenses and human trafficking.—

453 (2) A defendant charged with a crime described in s.
454 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or
455 (g); ~~chapter 794;~~ ~~or chapter 800;~~ ~~or~~ with child abuse or
456 aggravated child abuse, ~~or sexual performance by a child as~~
457 described in chapter 827; with sexual performance by a child as
458 described in former s. 827.071; or with a sexual offense
459 described in chapter 847; may apply to the trial court for an
460 order of disclosure of information in court records held
461 confidential and exempt pursuant to s. 119.0714(1)(h) or
462 maintained as confidential and exempt pursuant to court order
463 under this section. Such identifying information concerning the
464 victim may be released to the defendant or his or her attorney

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465 in order to prepare the defense. The confidential and exempt
466 status of this information may not be construed to prevent the
467 disclosure of the victim's identity to the defendant; however,
468 the defendant may not disclose the victim's identity to any
469 person other than the defendant's attorney or any other person
470 directly involved in the preparation of the defense. A willful
471 and knowing disclosure of the identity of the victim to any
472 other person by the defendant constitutes contempt.

473 (3) The state may use a pseudonym instead of the victim's
474 name to designate the victim of a crime described in s.
475 787.06(3)(a)1., (c)1., or (e)1.; ~~in~~ s. 787.06(3)(b), (d), (f),
476 or (g); ~~or in~~ chapter 794; ~~or~~ chapter 800; ~~or~~ of child abuse
477 or aggravated child abuse, ~~or sexual performance by a child as~~
478 described in chapter 827; of sexual performance by a child as
479 described in former s. 827.071; ~~or of a sexual offense any~~
480 ~~crime involving the production, possession, or promotion of~~
481 ~~child pornography as~~ described in chapter 847, in all court
482 records and records of court proceedings, both civil and
483 criminal.

484 (5) This section does not prohibit the publication or
485 broadcast of the substance of trial testimony in a prosecution
486 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; ~~in~~
487 s. 787.06(3)(b), (d), (f), or (g); ~~in~~ chapter 794; ~~in~~ chapter
488 800; ~~for~~ ~~or~~ a crime of child abuse or aggravated child abuse ~~or~~
489 ~~or sexual performance by a child,~~ as described in chapter 827;
490 for sexual performance by a child as described in former s.
491 827.071; or for a sexual offense described in chapter 847, but
492 the publication or broadcast may not include an identifying
493 photograph, an identifiable voice, or the name or address of the

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494 victim, unless the victim has consented in writing to the
495 publication and filed such consent with the court or unless the
496 court has declared such records not confidential and exempt as
497 provided for in subsection (1).

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

500 92.561 Prohibition on reproduction of child pornography.—

501 (1) In a criminal proceeding, any property or material that
502 portrays sexual performance by a child as defined in former s.
503 827.071 or s. 847.003, or constitutes child pornography as
504 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in
505 the care, custody, and control of a law enforcement agency, the
506 state attorney, or the court.

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

509 92.565 Admissibility of confession in sexual abuse cases.—

510 (2) In any criminal action in which the defendant is
511 charged with a crime against a victim under s. 787.06(3),
512 involving commercial sexual activity; s. 794.011; s. 794.05; s.
513 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,
514 involving sexual abuse; former s. 827.071; s. 847.003; ~~or~~ s.
515 847.0135(5); or s. 847.0137(2), or any other crime involving
516 sexual abuse of another, or with any attempt, solicitation, or
517 conspiracy to commit any of these crimes, the defendant's
518 memorialized confession or admission is admissible during trial
519 without the state having to prove a corpus delicti of the crime
520 if the court finds in a hearing conducted outside the presence
521 of the jury that the state is unable to show the existence of
522 each element of the crime, and having so found, further finds

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523 that the defendant's confession or admission is trustworthy.
524 Factors which may be relevant in determining whether the state
525 is unable to show the existence of each element of the crime
526 include, but are not limited to, the fact that, at the time the
527 crime was committed, the victim was:

- 528 (a) Physically helpless, mentally incapacitated, or
529 mentally defective, as those terms are defined in s. 794.011;
530 (b) Physically incapacitated due to age, infirmity, or any
531 other cause; or
532 (c) Less than 12 years of age.

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

535 435.04 Level 2 screening standards.—

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

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

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

549 Section 12. Paragraph (c) of subsection (4) of section
550 435.07, Florida Statutes, is amended to read:

551 435.07 Exemptions from disqualification.—Unless otherwise

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552 provided by law, the provisions of this section apply to
553 exemptions from disqualification for disqualifying offenses
554 revealed pursuant to background screenings required under this
555 chapter, regardless of whether those disqualifying offenses are
556 listed in this chapter or other laws.

557 (4)

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

572 1. A felony offense prohibited under any of the following
573 statutes:

574 a. Chapter 741, relating to domestic violence.

575 b. Section 782.04, relating to murder.

576 c. Section 782.07, relating to manslaughter, aggravated
577 manslaughter of an elderly person or disabled adult, aggravated
578 manslaughter of a child, or aggravated manslaughter of an
579 officer, a firefighter, an emergency medical technician, or a
580 paramedic.

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- 581 d. Section 784.021, relating to aggravated assault.
- 582 e. Section 784.045, relating to aggravated battery.
- 583 f. Section 787.01, relating to kidnapping.
- 584 g. Section 787.025, relating to luring or enticing a child.
- 585 h. Section 787.04(2), relating to leading, taking,
586 enticing, or removing a minor beyond the state limits, or
587 concealing the location of a minor, with criminal intent pending
588 custody proceedings.
- 589 i. Section 787.04(3), relating to leading, taking,
590 enticing, or removing a minor beyond the state limits, or
591 concealing the location of a minor, with criminal intent pending
592 dependency proceedings or proceedings concerning alleged abuse
593 or neglect of a minor.
- 594 j. Section 794.011, relating to sexual battery.
- 595 k. Former s. 794.041, relating to sexual activity with or
596 solicitation of a child by a person in familial or custodial
597 authority.
- 598 l. Section 794.05, relating to unlawful sexual activity
599 with certain minors.
- 600 m. Section 794.08, relating to female genital mutilation.
- 601 n. Section 806.01, relating to arson.
- 602 o. Section 826.04, relating to incest.
- 603 p. Section 827.03, relating to child abuse, aggravated
604 child abuse, or neglect of a child.
- 605 q. Section 827.04, relating to contributing to the
606 delinquency or dependency of a child.
- 607 r. Former s. Section 827.071 or s. 847.003, relating to
608 sexual performance by a child.
- 609 s. Chapter 847, relating to obscenity and child

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610 exploitation ~~pornography~~.

611 t. Section 985.701, relating to sexual misconduct in
612 juvenile justice programs.

613 2. A misdemeanor offense prohibited under any of the
614 following statutes:

615 a. Section 784.03, relating to battery, if the victim of
616 the offense was a minor.

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

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

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

624 Section 13. Paragraphs (o) and (q) of subsection (5) of
625 section 456.074, Florida Statutes, are amended, paragraphs (r)
626 and (s) of that subsection are redesignated as paragraphs (s)
627 and (t), respectively, and a new paragraph (r) is added to that
628 subsection, to read:

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

631 (5) The department shall issue an emergency order
632 suspending the license of a massage therapist or establishment
633 as defined in chapter 480 upon receipt of information that the
634 massage therapist, a person with an ownership interest in the
635 establishment, or, for a corporation that has more than \$250,000
636 of business assets in this state, the owner, officer, or
637 individual directly involved in the management of the
638 establishment has been convicted or found guilty of, or has

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639 entered a plea of guilty or nolo contendere to, regardless of
640 adjudication, a violation of s. 796.07(2)(a) which is
641 reclassified under s. 796.07(7) or a felony offense under any of
642 the following provisions of state law or a similar provision in
643 another jurisdiction:

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

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

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

649 Section 14. Paragraphs (o) and (q) of subsection (7) of
650 section 480.041, Florida Statutes, are amended, paragraphs (r)
651 and (s) of that subsection are redesignated as paragraphs (s)
652 and (t), respectively, and a new paragraph (r) is added to that
653 subsection, to read:

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

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

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

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

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

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

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

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

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

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

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

691 Section 16. Paragraph (b) of subsection (3) of section
692 743.067, Florida Statutes, is amended to read:

693 743.067 Certified unaccompanied homeless youths.—

694 (3) A certified unaccompanied homeless youth may:

695 (b) Notwithstanding s. 394.4625(1), consent to medical,
696 dental, psychological, substance abuse, and surgical diagnosis

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697 and treatment, including preventative care and care by a
698 facility licensed under chapter 394, chapter 395, or chapter 397
699 and any forensic medical examination for the purpose of
700 investigating any felony offense under chapter 784, chapter 787,
701 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
702 847.0137, for:

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

707 Section 17. Paragraph (a) of subsection (1) of section
708 772.102, Florida Statutes, is amended to read:

709 772.102 Definitions.—As used in this chapter, the term:

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

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

- 715 1. Section 210.18, relating to evasion of payment of
716 cigarette taxes.
- 717 2. Section 414.39, relating to public assistance fraud.
- 718 3. Section 440.105 or s. 440.106, relating to workers'
719 compensation.
- 720 4. Part IV of chapter 501, relating to telemarketing.
- 721 5. Chapter 517, relating to securities transactions.
- 722 6. Section 550.235 or s. 550.3551, relating to dogracing
723 and horseracing.
- 724 7. Chapter 550, relating to jai alai frontons.
- 725 8. Chapter 552, relating to the manufacture, distribution,

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726 and use of explosives.

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

728 10. Section 624.401, relating to transacting insurance
729 without a certificate of authority, s. 624.437(4)(c)1., relating
730 to operating an unauthorized multiple-employer welfare
731 arrangement, or s. 626.902(1)(b), relating to representing or
732 aiding an unauthorized insurer.

733 11. Chapter 687, relating to interest and usurious
734 practices.

735 12. Section 721.08, s. 721.09, or s. 721.13, relating to
736 real estate timeshare plans.

737 13. Chapter 782, relating to homicide.

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

739 15. Chapter 787, relating to kidnapping or human
740 trafficking.

741 16. Chapter 790, relating to weapons and firearms.

742 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
743 relating to prostitution.

744 18. Chapter 806, relating to arson.

745 19. Section 810.02(2)(c), relating to specified burglary of
746 a dwelling or structure.

747 20. Chapter 812, relating to theft, robbery, and related
748 crimes.

749 21. Chapter 815, relating to computer-related crimes.

750 22. Chapter 817, relating to fraudulent practices, false
751 pretenses, fraud generally, and credit card crimes.

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

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

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

757 26. Section 836.05, relating to extortion.

758 27. Chapter 837, relating to perjury.

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

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

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

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

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

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

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

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

774 Section 18. Paragraph (a) of subsection (9) of section
775 775.082, Florida Statutes, is amended to read:

776 775.082 Penalties; applicability of sentencing structures;
777 mandatory minimum sentences for certain reoffenders previously
778 released from prison.—

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

781 a. Treason;

782 b. Murder;

783 c. Manslaughter;

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784 d. Sexual battery;

785 e. Carjacking;

786 f. Home-invasion robbery;

787 g. Robbery;

788 h. Arson;

789 i. Kidnapping;

790 j. Aggravated assault with a deadly weapon;

791 k. Aggravated battery;

792 l. Aggravated stalking;

793 m. Aircraft piracy;

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

795 destructive device or bomb;

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

797 force or violence against an individual;

798 p. Armed burglary;

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

800 structure; or

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

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

803 847.0137(2);

804

805 within 3 years after being released from a state correctional

806 facility operated by the Department of Corrections or a private

807 vendor or within 3 years after being released from a

808 correctional institution of another state, the District of

809 Columbia, the United States, any possession or territory of the

810 United States, or any foreign jurisdiction, following

811 incarceration for an offense for which the sentence is

812 punishable by more than 1 year in this state.

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

824 3. If the state attorney determines that a defendant is a
825 prison releasee reoffender as defined in subparagraph 1., the
826 state attorney may seek to have the court sentence the defendant
827 as a prison releasee reoffender. Upon proof from the state
828 attorney that establishes by a preponderance of the evidence
829 that a defendant is a prison releasee reoffender as defined in
830 this section, such defendant is not eligible for sentencing
831 under the sentencing guidelines and must be sentenced as
832 follows:

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

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

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

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

841 Section 19. Paragraphs (b) and (f) of subsection (1) and

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842 subsection (2) of section 775.0847, Florida Statutes, are
843 amended, and paragraph (g) is added to subsection (1) of that
844 section, to read:

845 775.0847 Possession or promotion of certain visual
846 depictions ~~images~~ of child pornography; reclassification.-

847 (1) For purposes of this section:

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

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

862 (g) "Visual depiction" has the same meaning as provided in
863 s. 847.0137.

864 (2) A violation of former s. 827.071, s. 847.003, s.
865 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
866 the next higher degree as provided in subsection (3) if:

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

870 (b) The content of at least one visual depiction ~~image~~

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871 contains one or more of the following:

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

878 Section 20. Subsection (1) of section 775.0877, Florida
879 Statutes, is amended to read:

880 775.0877 Criminal transmission of HIV; procedures;
881 penalties.—

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

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

888 (b) Section 826.04, relating to incest;

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

892 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
893 relating to assault;

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

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

898 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
899 relating to aggravated battery;

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

901 (i) Section 827.03(2)(a), relating to aggravated child
902 abuse;

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

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

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

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

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

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

914

915 the court shall order the offender to undergo HIV testing, to be
916 performed under the direction of the Department of Health in
917 accordance with s. 381.004, unless the offender has undergone
918 HIV testing voluntarily or pursuant to procedures established in
919 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
920 rule providing for HIV testing of criminal offenders or inmates,
921 subsequent to her or his arrest for an offense enumerated in
922 paragraphs (a)-(n) for which she or he was convicted or to which
923 she or he pled nolo contendere or guilty. The results of an HIV
924 test performed on an offender pursuant to this subsection are
925 not admissible in any criminal proceeding arising out of the
926 alleged offense.

927 Section 21. Paragraph (a) of subsection (4) and paragraph
928 (b) of subsection (10) of section 775.21, Florida Statutes, are

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929 amended to read:

930 775.21 The Florida Sexual Predators Act.—

931 (4) SEXUAL PREDATOR CRITERIA.—

932 (a) For a current offense committed on or after October 1,
933 1993, upon conviction, an offender shall be designated as a
934 “sexual predator” under subsection (5), and subject to
935 registration under subsection (6) and community and public
936 notification under subsection (7) if:

937 1. The felony is:

938 a. A capital, life, or first degree felony violation, or
939 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
940 is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a
941 violation of a similar law of another jurisdiction; or

942 b. Any felony violation, or any attempt thereof, of s.
943 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
944 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
945 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
946 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
947 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
948 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
949 s. 847.0145; s. 895.03, if the court makes a written finding
950 that the racketeering activity involved at least one sexual
951 offense listed in this sub-subparagraph or at least one offense
952 listed in this sub-subparagraph with sexual intent or motive; s.
953 916.1075(2); or s. 985.701(1); or a violation of a similar law
954 of another jurisdiction, and the offender has previously been
955 convicted of or found to have committed, or has pled nolo
956 contendere or guilty to, regardless of adjudication, any
957 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.

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958 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 959 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 960 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 961 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
 962 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 963 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
 964 written finding that the racketeering activity involved at least
 965 one sexual offense listed in this sub-subparagraph or at least
 966 one offense listed in this sub-subparagraph with sexual intent
 967 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
 968 similar law of another jurisdiction;

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

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

975 (10) PENALTIES.—

976 (b) A sexual predator who has been convicted of or found to
 977 have committed, or has pled nolo contendere or guilty to,
 978 regardless of adjudication, any violation, or attempted
 979 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 980 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
 981 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
 982 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
 983 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a
 984 similar law of another jurisdiction when the victim of the
 985 offense was a minor, and who works, whether for compensation or
 986 as a volunteer, at any business, school, child care facility,

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987 park, playground, or other place where children regularly
988 congregate, commits a felony of the third degree, punishable as
989 provided in s. 775.082, s. 775.083, or s. 775.084.

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

993 775.215 Residency restriction for persons convicted of
994 certain sex offenses.—

995 (2) (a) A person who has been convicted of a violation of s.
996 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
997 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
998 whether adjudication has been withheld, in which the victim of
999 the offense was less than 16 years of age, may not reside within
1000 1,000 feet of any school, child care facility, park, or
1001 playground. However, a person does not violate this subsection
1002 and may not be forced to relocate if he or she is living in a
1003 residence that meets the requirements of this subsection and a
1004 school, child care facility, park, or playground is subsequently
1005 established within 1,000 feet of his or her residence.

1006 (b) A person who violates this subsection and whose
1007 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
1008 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
1009 classified as a felony of the first degree or higher commits a
1010 felony of the third degree, punishable as provided in s. 775.082
1011 or s. 775.083. A person who violates this subsection and whose
1012 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
1013 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
1014 classified as a felony of the second or third degree commits a
1015 misdemeanor of the first degree, punishable as provided in s.

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1016 775.082 or s. 775.083.

1017 (c) This subsection applies to any person convicted of a
1018 violation of s. 794.011, s. 800.04, former s. 827.071, s.
1019 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
1020 offenses that occur on or after October 1, 2004, excluding
1021 persons who have been removed from the requirement to register
1022 as a sexual offender or sexual predator pursuant to s.
1023 943.04354.

1024 (3) (a) A person who has been convicted of an offense in
1025 another jurisdiction that is similar to a violation of s.
1026 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1027 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
1028 whether adjudication has been withheld, in which the victim of
1029 the offense was less than 16 years of age, may not reside within
1030 1,000 feet of any school, child care facility, park, or
1031 playground. However, a person does not violate this subsection
1032 and may not be forced to relocate if he or she is living in a
1033 residence that meets the requirements of this subsection and a
1034 school, child care facility, park, or playground is subsequently
1035 established within 1,000 feet of his or her residence.

1036 (c) This subsection applies to any person convicted of an
1037 offense in another jurisdiction that is similar to a violation
1038 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1039 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
1040 occurred on or after May 26, 2010, excluding persons who have
1041 been removed from the requirement to register as a sexual
1042 offender or sexual predator pursuant to s. 943.04354.

1043 Section 23. Paragraph (c) of subsection (1) of section
1044 784.046, Florida Statutes, is amended to read:

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1045 784.046 Action by victim of repeat violence, sexual
 1046 violence, or dating violence for protective injunction; dating
 1047 violence investigations, notice to victims, and reporting;
 1048 pretrial release violations; public records exemption.—

1049 (1) As used in this section, the term:

1050 (c) "Sexual violence" means any one incident of:

1051 1. Sexual battery, as defined in chapter 794;

1052 2. A lewd or lascivious act, as defined in chapter 800,
 1053 committed upon or in the presence of a person younger than 16
 1054 years of age;

1055 3. Luring or enticing a child, as described in chapter 787;

1056 4. Sexual performance by a child, as described in former s.
 1057 827.071 or s. 847.003 ~~chapter 827~~; or

1058 5. Any other forcible felony wherein a sexual act is
 1059 committed or attempted,

1060
 1061 regardless of whether criminal charges based on the incident
 1062 were filed, reduced, or dismissed by the state attorney.

1063 Section 24. Subsection (2) of section 794.0115, Florida
 1064 Statutes, is amended to read:

1065 794.0115 Dangerous sexual felony offender; mandatory
 1066 sentencing.—

1067 (2) Any person who is convicted of a violation of s.
 1068 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 1069 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
 1070 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
 1071 of any similar offense under a former designation, which offense
 1072 the person committed when he or she was 18 years of age or
 1073 older, and the person:

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1074 (a) Caused serious personal injury to the victim as a
1075 result of the commission of the offense;

1076 (b) Used or threatened to use a deadly weapon during the
1077 commission of the offense;

1078 (c) Victimized more than one person during the course of
1079 the criminal episode applicable to the offense;

1080 (d) Committed the offense while under the jurisdiction of a
1081 court for a felony offense under the laws of this state, for an
1082 offense that is a felony in another jurisdiction, or for an
1083 offense that would be a felony if that offense were committed in
1084 this state; or

1085 (e) Has previously been convicted of a violation of s.
1086 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1087 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1088 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of
1089 any offense under a former statutory designation which is
1090 similar in elements to an offense described in this paragraph;
1091 or of any offense that is a felony in another jurisdiction, or
1092 would be a felony if that offense were committed in this state,
1093 and which is similar in elements to an offense described in this
1094 paragraph,

1095
1096 is a dangerous sexual felony offender, who must be sentenced to
1097 a mandatory minimum term of 25 years imprisonment up to, and
1098 including, life imprisonment. If the offense described in this
1099 subsection was committed on or after October 1, 2014, a person
1100 who qualifies as a dangerous sexual felony offender pursuant to
1101 this subsection must be sentenced to a mandatory minimum term of
1102 50 years imprisonment up to, and including, life imprisonment.

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1103 Section 25. Subsection (1) of section 794.024, Florida
1104 Statutes, is amended to read:

1105 794.024 Unlawful to disclose identifying information.—

1106 (1) A public employee or officer who has access to the
1107 photograph, name, or address of a person who is alleged to be
1108 the victim of an offense described in this chapter, chapter 800,
1109 s. 827.03, s. 827.04, or former s. 827.071, or of a sexual
1110 offense described in chapter 847, may not willfully and
1111 knowingly disclose it to a person who is not assisting in the
1112 investigation or prosecution of the alleged offense or to any
1113 person other than the defendant, the defendant's attorney, a
1114 person specified in an order entered by the court having
1115 jurisdiction of the alleged offense, or organizations authorized
1116 to receive such information made exempt by s. 119.071(2)(h), or
1117 to a rape crisis center or sexual assault counselor, as defined
1118 in s. 90.5035(1)(b), who will be offering services to the
1119 victim.

1120 Section 26. Subsection (1) of section 794.056, Florida
1121 Statutes, is amended to read:

1122 794.056 Rape Crisis Program Trust Fund.—

1123 (1) The Rape Crisis Program Trust Fund is created within
1124 the Department of Health for the purpose of providing funds for
1125 rape crisis centers in this state. Trust fund moneys shall be
1126 used exclusively for the purpose of providing services for
1127 victims of sexual assault. Funds credited to the trust fund
1128 consist of those funds collected as an additional court
1129 assessment in each case in which a defendant pleads guilty or
1130 nolo contendere to, or is found guilty of, regardless of
1131 adjudication, an offense provided in s. 775.21(6) and (10)(a),

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1132 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1133 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1134 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1135 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1136 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1137 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 1138 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1139 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 1140 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 1141 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 1142 credited to the trust fund also shall include revenues provided
 1143 by law, moneys appropriated by the Legislature, and grants from
 1144 public or private entities.

1145 Section 27. Section 794.10, Florida Statutes, is created to
 1146 read:

1147 794.10 Investigative subpoenas in certain cases involving
 1148 child victims.-

1149 (1) DEFINITIONS.-As used in this section, the term:

1150 (a) "Child" means a person who is less than 18 years of
 1151 age.

1152 (b) "Child sexual offender" means a person who is required
 1153 to register as a sexual predator under s. 775.21 or as a sexual
 1154 offender under s. 943.0435 if at least one of the offenses that
 1155 qualified the person for such registration requirement involved
 1156 a victim who was a child at the time of the offense.

1157 (c) "Criminal justice agency" means a law enforcement
 1158 agency, court, or prosecutor in this state.

1159 (d) "Sexual exploitation or abuse of a child" means a
 1160 criminal offense based on any conduct described in s. 39.01(71).

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1161 (2) AUTHORIZATION.—

1162 (a) In any investigation of:

1163 1. An offense involving the sexual exploitation or abuse
1164 of a child;

1165 2. A sexual offense allegedly committed by a child sexual
1166 offender who has not registered as required under s. 775.21 or
1167 s. 943.0435; or

1168 3. An offense under chapter 847 involving a child victim
1169 which is not otherwise included in subparagraph 1. or
1170 subparagraph 2.,

1171
1172 a criminal justice agency may issue in writing and cause to be
1173 served a subpoena requiring the production of any record,
1174 object, or other information or testimony described in paragraph
1175 (b).

1176 (b) A subpoena issued under this section may require:

1177 1. The production of any record, object, or other
1178 information relevant to the investigation.

1179 2. Testimony by the custodian of the record, object, or
1180 other information concerning its production and authenticity.

1181 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this
1182 section shall describe any record, object, or other information
1183 required to be produced and prescribe a reasonable return date
1184 within which the record, object, or other information can be
1185 assembled and made available.

1186 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this
1187 section shall be reimbursed for fees and mileage at the same
1188 rate at which witnesses in the courts of this state are
1189 reimbursed.

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1190 (5) PETITIONS BEFORE RETURN DATE.—At any time before the
1191 return date specified in the subpoena, the recipient of the
1192 subpoena may, in the circuit court of the county in which the
1193 recipient conducts business or resides, petition for an order
1194 modifying or setting aside the subpoena or the requirement for
1195 nondisclosure of certain information under subsection (6).

1196 (6) NONDISCLOSURE.—

1197 (a)1. If a subpoena issued under this section is
1198 accompanied by a written certification under subparagraph 2. and
1199 notice under paragraph (c), the recipient of the subpoena, and a
1200 person to whom information is disclosed under subparagraph
1201 (b)1., may not disclose, for a period of 180 days, to any person
1202 the existence or contents of the subpoena.

1203 2. The requirement in subparagraph 1. applies if the
1204 criminal justice agency that issued the subpoena certifies in
1205 writing that the disclosure may result in one or more of the
1206 following circumstances:

1207 a. Endangering a person's life or physical safety;
1208 b. Encouraging a person's flight from prosecution;
1209 c. Destruction of or tampering with evidence;
1210 d. Intimidation of potential witnesses; or
1211 e. Otherwise seriously jeopardizing an investigation or
1212 unduly delaying a trial.

1213 (b)1. A recipient of a subpoena may disclose information
1214 subject to the nondisclosure requirement in subparagraph (a)1.
1215 to:

1216 a. A person to whom disclosure is necessary in order to
1217 comply with the subpoena;
1218 b. An attorney in order to obtain legal advice or

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1219 assistance regarding the subpoena; or

1220 c. Any other person as authorized by the criminal justice
1221 agency that issued the subpoena.

1222 2. A recipient of a subpoena who discloses to a person
1223 described in subparagraph 1. information subject to the
1224 nondisclosure requirement shall notify such person of the
1225 nondisclosure requirement by providing the person with a copy of
1226 the subpoena. A person to whom information is disclosed under
1227 subparagraph 1. is subject to the nondisclosure requirement in
1228 subparagraph (a)1.

1229 3. At the request of the criminal justice agency that
1230 issued the subpoena, a recipient of a subpoena who discloses or
1231 intends to disclose to a person described in sub-subparagraph
1232 1.a. or sub-subparagraph 1.b. information subject to the
1233 nondisclosure requirement shall provide to the criminal justice
1234 agency the identity of the person to whom such disclosure was or
1235 will be made.

1236 (c)1. The nondisclosure requirement imposed under paragraph
1237 (a) is subject to judicial review under subsection (13).

1238 2. A subpoena issued under this section, in connection with
1239 which a nondisclosure requirement under paragraph (a) is
1240 imposed, shall include:

1241 a. Notice of the nondisclosure requirement and the
1242 availability of judicial review.

1243 b. Notice that a violation of the nondisclosure requirement
1244 is subject to the penalties provided in paragraph (11)(b).

1245 (d) The nondisclosure requirement in paragraph (a) may be
1246 extended under subsection (13).

1247 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this

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1248 section may not require the production of anything that is
1249 protected from production under the standards applicable to a
1250 subpoena duces tecum issued by a court of this state.

1251 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding
1252 resulting from the production of any record, object, or other
1253 information under this section does not arise within a
1254 reasonable period of time after such production, the criminal
1255 justice agency to which it was delivered shall, upon written
1256 demand made by the person producing it, return the record,
1257 object, or other information to such person, unless the record
1258 was a copy and not an original.

1259 (9) TIME OF PRODUCTION.—A subpoena issued under this
1260 section may require production of any record, object, or other
1261 information as soon as possible, but the recipient of the
1262 subpoena must have at least 24 hours after he or she is served
1263 to produce the record, object, or other information.

1264 (10) SERVICE.—A subpoena issued under this section may be
1265 served as provided in chapter 48.

1266 (11) ENFORCEMENT.—

1267 (a) If a recipient of a subpoena under this section refuses
1268 to comply with the subpoena, the criminal justice agency may
1269 invoke the aid of any circuit court described in subsection (5)
1270 or of the circuit court of the county in which the authorized
1271 investigation is being conducted. Such court may issue an order
1272 requiring the recipient of a subpoena to appear before the
1273 criminal justice agency that issued the subpoena to produce any
1274 record, object, or other information or to testify concerning
1275 the production and authenticity of the record, object, or other
1276 information. Any failure to comply with an order under this

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1277 paragraph may be punished by the court as a contempt of court.
1278 All process in any such case may be served in any county in
1279 which such person may be found.

1280 (b) A recipient of a subpoena, or a person to whom
1281 information is disclosed under subparagraph(6)(b)1., who
1282 knowingly violates:

1283 1. A nondisclosure requirement imposed under paragraph
1284 (6)(a) commits a noncriminal violation punishable as provided in
1285 s. 775.083. Each person to whom a disclosure is made in
1286 violation of this subparagraph constitutes a separate violation
1287 subject to a separate fine.

1288 2. A nondisclosure requirement ordered by the court under
1289 this section may be held in contempt of court.

1290 (12) IMMUNITY.—Notwithstanding any other law, any person,
1291 including any officer, agent, or employee, receiving a subpoena
1292 under this section who complies in good faith with the subpoena
1293 and produces or discloses any record, object, or other
1294 information sought is not liable in any court in this state to
1295 any customer or other person for such production or disclosure.

1296 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1297 (a)1.a. If a recipient of a subpoena under this section, or
1298 a person to whom information is disclosed under subparagraph
1299 (6)(b)1., wishes to have a court review a nondisclosure
1300 requirement under subsection (6), such recipient or person may
1301 notify the criminal justice agency issuing the subpoena or file
1302 a petition for judicial review in the circuit court described in
1303 subsection (5).

1304 b. Within 30 days after the date on which the criminal
1305 justice agency receives the notification under sub-subparagraph

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1306 a., the criminal justice agency shall apply for an order
1307 prohibiting the disclosure of the existence or contents of the
1308 subpoena. An application under this sub-subparagraph may be
1309 filed in the circuit court described in subsection (5) or in the
1310 circuit court of the county in which the authorized
1311 investigation is being conducted.

1312 c. The nondisclosure requirement shall remain in effect
1313 during the pendency of proceedings relating to the requirement.

1314 d. A circuit court that receives a petition under sub-
1315 paragraph a. or an application under sub-subparagraph b.
1316 shall rule on such petition or application as expeditiously as
1317 possible.

1318 2. An application for a nondisclosure order or extension
1319 thereof or a response to a petition filed under this paragraph
1320 must include a certification from the criminal justice agency
1321 that issued the subpoena indicating that the disclosure of such
1322 information may result in one or more of the circumstances
1323 described in subparagraph (6) (a)2.

1324 3. A circuit court shall issue a nondisclosure order or
1325 extension thereof under this paragraph if it determines that
1326 there is reason to believe that disclosure of such information
1327 may result in one or more of the circumstances described in
1328 subparagraph (6) (a)2.

1329 4. Upon a showing that any of the circumstances described
1330 in subparagraph (6) (a)2. continue to exist, a circuit court may
1331 issue an ex parte order extending a nondisclosure order imposed
1332 under this section for an additional 180 days. There is no limit
1333 on the number of nondisclosure extensions that may be granted
1334 under this subparagraph.

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1335 (b) In all proceedings under this subsection, subject to
 1336 any right to an open hearing in a contempt proceeding, a circuit
 1337 court must close any hearing to the extent necessary to prevent
 1338 the unauthorized disclosure of a request for records, objects,
 1339 or other information made to any person under this section.
 1340 Petitions, filings, records, orders, certifications, and
 1341 subpoenas must also be kept under seal to the extent and as long
 1342 as necessary to prevent the unauthorized disclosure of any
 1343 information under this section.

1344 Section 28. Section 796.001, Florida Statutes, is amended
 1345 to read:

1346 796.001 Offenses by adults involving minors; intent.—It is
 1347 the intent of the Legislature that adults who involve minors in
 1348 any behavior prohibited under this chapter be prosecuted under
 1349 other laws of this state, such as, but not limited to, s.
 1350 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
 1351 ~~chapter 827~~, and chapter 847. The Legislature finds that
 1352 prosecution of such adults under this chapter is inappropriate
 1353 since a minor is unable to consent to such behavior.

1354 Section 29. Section 827.071, Florida Statutes, is repealed.

1355 Section 30. Subsections (3), (8), and (16) of section
 1356 847.001, Florida Statutes, are amended to read:

1357 847.001 Definitions.—As used in this chapter, the term:

1358 (3) "Child pornography" has the same meaning as provided in
 1359 s. 847.0137 ~~means any image depicting a minor engaged in sexual~~
 1360 ~~conduct.~~

1361 (8) "Minor" or "child" means a any person under the age of
 1362 18 years.

1363 (16) "Sexual conduct" means actual or simulated sexual

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1364 intercourse, deviate sexual intercourse, sexual bestiality,
 1365 masturbation, or sadomasochistic abuse; actual or simulated lewd
 1366 exhibition of the genitals; actual physical contact with a
 1367 person's clothed or unclothed genitals, pubic area, buttocks,
 1368 or, if such person is a female, breast with the intent to arouse
 1369 or gratify the sexual desire of either party; or any act or
 1370 conduct which constitutes sexual battery or simulates that
 1371 sexual battery is being or will be committed. A mother's
 1372 breastfeeding of her baby does not under any circumstance
 1373 constitute "sexual conduct."

1374 Section 31. Section 847.003, Florida Statutes, is created
 1375 to read:

1376 847.003 Sexual performance by a child; penalties.—

1377 (1) As used in this section, the term:

1378 (a) "Performance" means a play, motion picture, photograph,
 1379 or dance or other visual representation exhibited before an
 1380 audience.

1381 (b) "Promote" means to procure, manufacture, issue, sell,
 1382 give, provide, lend, mail, deliver, transfer, transmute,
 1383 publish, distribute, circulate, disseminate, present, exhibit,
 1384 or advertise or to offer or agree to do the same.

1385 (c) "Sexual performance" means a performance or part
 1386 thereof which includes sexual conduct by a child.

1387 (2) A person who, knowing the character and content
 1388 thereof, employs, authorizes, or induces a child to engage in a
 1389 sexual performance or, being a parent, legal guardian, or
 1390 custodian of such child, consents to the participation by such
 1391 child in a sexual performance commits the offense of use of a
 1392 child in a sexual performance, a felony of the second degree,

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1393 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1394 (3) A person who, knowing the character and content
 1395 thereof, produces, directs, or promotes a performance that
 1396 includes sexual conduct by a child commits the offense of
 1397 promoting a sexual performance by a child, a felony of the
 1398 second degree, punishable as provided in s. 775.082, s. 775.083,
 1399 or s. 775.084.

1400 Section 32. Subsections (2), (3), and (4) of section
 1401 847.0135, Florida Statutes, are amended to read:

1402 847.0135 Computer pornography; child exploitation
 1403 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1404 (2) COMPUTER PORNOGRAPHY.—A person who:

1405 (a) Knowingly compiles, enters into, or transmits by use of
 1406 computer;

1407 (b) Makes, prints, publishes, or reproduces by other
 1408 computerized means;

1409 (c) Knowingly causes or allows to be entered into or
 1410 transmitted by use of computer; or

1411 (d) Buys, sells, receives, exchanges, or disseminates,
 1412
 1413 a any notice, a statement, or an advertisement of a any minor's
 1414 name, telephone number, place of residence, physical
 1415 characteristics, or other descriptive or identifying information
 1416 for purposes of facilitating, encouraging, offering, or
 1417 soliciting sexual conduct of or with a any minor, or the visual
 1418 depiction of such conduct, commits a felony of the third degree,
 1419 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1420 The fact that an undercover operative or law enforcement officer
 1421 was involved in the detection and investigation of an offense

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1422 under this section shall not constitute a defense to a
1423 prosecution under this section.

1424 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
1425 PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online
1426 service, Internet service, local bulletin board service, or ~~any~~
1427 other device capable of electronic data storage or transmission
1428 to:

1429 (a) Seduce, solicit, lure, or entice, or attempt to seduce,
1430 solicit, lure, or entice, a child or another person believed by
1431 the person to be a child, to commit an ~~any~~ illegal act described
1432 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~
1433 s. 847.003, or s. 847.0137, or to otherwise engage in ~~any~~
1434 unlawful sexual conduct with a child or with another person
1435 believed by the person to be a child; or

1436 (b) Solicit, lure, or entice, or attempt to solicit, lure,
1437 or entice a parent, legal guardian, or custodian of a child or a
1438 person believed to be a parent, legal guardian, or custodian of
1439 a child to consent to the participation of such child in an ~~any~~
1440 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
1441 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
1442 in ~~any~~ sexual conduct,

1443
1444 commits a felony of the third degree, punishable as provided in
1445 s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in
1446 violating this subsection, misrepresents his or her age, commits
1447 a felony of the second degree, punishable as provided in s.
1448 775.082, s. 775.083, or s. 775.084. Each separate use of a
1449 computer online service, Internet service, local bulletin board
1450 service, or ~~any~~ other device capable of electronic data storage

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1451 or transmission wherein an offense described in this section is
1452 committed may be charged as a separate offense.

1453 (4) TRAVELING TO MEET A MINOR.—A ~~Any~~ person who travels any
1454 distance either within this state, to this state, or from this
1455 state by any means, who attempts to do so, or who causes another
1456 to do so or to attempt to do so for the purpose of engaging in
1457 an any illegal act described in chapter 794, chapter 800, former
1458 s. 827.071 or chapter 827, s. 847.003, or s. 847.0137, or to
1459 otherwise engage in other unlawful sexual conduct with a child
1460 or with another person believed by the person to be a child
1461 after using a computer online service, Internet service, local
1462 bulletin board service, or ~~any~~ other device capable of
1463 electronic data storage or transmission to:

1464 (a) Seduce, solicit, lure, or entice or attempt to seduce,
1465 solicit, lure, or entice a child or another person believed by
1466 the person to be a child, to engage in an any illegal act
1467 described in chapter 794, chapter 800, former s. 827.071 or
1468 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
1469 in other unlawful sexual conduct with a child; or

1470 (b) Solicit, lure, or entice or attempt to solicit, lure,
1471 or entice a parent, legal guardian, or custodian of a child or a
1472 person believed to be a parent, legal guardian, or custodian of
1473 a child to consent to the participation of such child in an any
1474 act described in chapter 794, chapter 800, former s. 827.071 or
1475 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
1476 in ~~any~~ sexual conduct,

1477
1478 commits a felony of the second degree, punishable as provided in
1479 s. 775.082, s. 775.083, or s. 775.084.

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1480 Section 33. Subsection (1) of section 847.01357, Florida
1481 Statutes, is amended to read:

1482 847.01357 Exploited children's civil remedy.—

1483 (1) A ~~Any~~ person who, while under the age of 18, was a
1484 victim of a sexual abuse crime listed in chapter 794, chapter
1485 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
1486 portion of such abuse was used in the production of child
1487 pornography, and who suffers personal or psychological injury as
1488 a result of the production, promotion, or possession of such
1489 images or movies, may bring an action in an appropriate state
1490 court against the producer, promoter, or possessor of such
1491 images or movies, regardless of whether the victim is now an
1492 adult. In any action brought under this section, a prevailing
1493 plaintiff shall recover the actual damages such person sustained
1494 and the cost of the suit, including reasonable attorney
1495 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this
1496 section shall be deemed to have sustained damages of at least
1497 \$150,000.

1498 Section 34. Section 847.0137, Florida Statutes, is amended
1499 to read:

1500 847.0137 Child pornography; Transmission of pornography by
1501 ~~electronic device or equipment~~ prohibited acts; penalties.—

1502 (1) For purposes of this section, the term:

1503 (a) "Child pornography" means a visual depiction of sexual
1504 conduct, in which:

1505 1. The production of such visual depiction involves the use
1506 of a minor engaging in sexual conduct; or

1507 2. Such visual depiction has been created, adapted, or
1508 modified to appear that an identifiable minor is engaging in

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1509 sexual conduct.

1510 (b) "Identifiable minor" means a person who is recognizable
1511 as an actual person by the person's face, likeness, or other
1512 distinguishing characteristic, such as a unique birthmark, or
1513 other recognizable feature and:

1514 1. Who was a minor at the time the visual depiction was
1515 created, adapted, or modified; or

1516 2. Whose image as a minor was used in creating, adapting,
1517 or modifying the visual depiction.

1518
1519 This paragraph does not require proof of the actual identity of
1520 the identifiable minor.

1521 (c) "Intentionally view" means to deliberately,
1522 purposefully, and voluntarily view. Proof of intentional viewing
1523 requires establishing that a person deliberately, purposefully,
1524 and voluntarily viewed more than one visual depiction over any
1525 period of time.

1526 (d) "Promote" means to procure, manufacture, issue, sell,
1527 give, provide, lend, mail, deliver, transfer, transmute,
1528 publish, distribute, circulate, disseminate, present, exhibit,
1529 or advertise or to offer or agree to do the same. "Minor" means
1530 any person less than 18 years of age.

1531 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
1532 be delivered, including the act of providing access for
1533 receiving and causing to be delivered, a visual depiction ~~any~~
1534 image, information, or data ~~from one or more persons or places~~
1535 ~~to one or more other persons or places~~ over or through any
1536 medium, including the Internet or an interconnected network, by
1537 use of ~~any~~ electronic equipment or other device.

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1538 (f) "Visual depiction" includes, but is not limited to, a
1539 photograph, picture, image, motion picture, film, video,
1540 representation, or computer or computer-generated image or
1541 picture, whether made or produced by electronic, mechanical, or
1542 other means. The term also includes undeveloped film and
1543 videotape, data stored on computer disk or by electronic means
1544 which is capable of conversion into a visual image, and data
1545 that is capable of conversion into a visual image that has been
1546 transmitted by any means, whether stored in a permanent or
1547 nonpermanent format.

1548 (2) (a) It is unlawful for a person to possess, with the
1549 intent to promote, child pornography. The possession of three or
1550 more visual depictions of child pornography is prima facie
1551 evidence of an intent to promote. A person who violates this
1552 paragraph commits a felony of the second degree, punishable as
1553 provided in s. 775.082, s. 775.083, or s. 775.084.

1554 (b) It is unlawful for a person to knowingly possess,
1555 control, or intentionally view child pornography. The
1556 possession, control, or intentional viewing of each visual
1557 depiction of child pornography is a separate offense. If the
1558 visual depiction includes sexual conduct by more than one minor,
1559 each minor in each visual depiction that is knowingly possessed,
1560 controlled, or intentionally viewed is a separate offense. A
1561 person who violates this paragraph commits a felony of the third
1562 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1563 775.084.

1564 (c) This subsection does not apply to child pornography
1565 possessed, controlled, or intentionally viewed as part of a law
1566 enforcement investigation.

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1567 (d) Prosecution of a person for an offense under this
1568 subsection does not prohibit prosecution of that person in this
1569 state for a violation of any law of this state, including a law
1570 providing for greater penalties than prescribed in this section
1571 or for any other crime punishing the sexual performance or
1572 sexual exploitation of children.

1573 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any
1574 person in this state who knew or reasonably should have known
1575 that he or she was transmitting child pornography, as defined in
1576 s. 847.001, to another person in this state or in another
1577 jurisdiction commits a felony of the third degree, punishable as
1578 provided in s. 775.082, s. 775.083, or s. 775.084.

1579 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any
1580 person in any jurisdiction other than this state who knew or
1581 reasonably should have known that he or she was transmitting
1582 child pornography, as defined in s. 847.001, to another any
1583 person in this state commits a felony of the third degree,
1584 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1585 (c) (4) This subsection does ~~section shall~~ not be construed
1586 ~~to~~ prohibit prosecution of a person in this state or another
1587 jurisdiction for a violation of any law of this state, including
1588 a law providing for greater penalties than prescribed in this
1589 subsection ~~section,~~ for the transmission of child pornography,
1590 ~~as defined in s. 847.001, to another any~~ person in this state.

1591 (d) (5) A person is subject to prosecution in this state
1592 pursuant to chapter 910 for any act or conduct proscribed by
1593 this subsection ~~section,~~ including a person in a jurisdiction
1594 other than this state, if the act or conduct violates paragraph
1595 (b) subsection (3).

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1596 (e) This subsection does ~~The provisions of this section do~~
1597 not apply to subscription-based transmissions such as list
1598 servers.

1599 Section 35. Subsection (1) of section 856.022, Florida
1600 Statutes, is amended to read:

1601 856.022 Loitering or prowling by certain offenders in close
1602 proximity to children; penalty.—

1603 (1) Except as provided in subsection (2), this section
1604 applies to a person convicted of committing, or attempting,
1605 soliciting, or conspiring to commit, any of the criminal
1606 offenses proscribed in the following statutes in this state or
1607 similar offenses in another jurisdiction against a victim who
1608 was under 18 years of age at the time of the offense: s. 787.01,
1609 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1610 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1611 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
1612 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
1613 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1614 s. 985.701(1); or any similar offense committed in this state
1615 which has been redesignated from a former statute number to one
1616 of those listed in this subsection, if the person has not
1617 received a pardon for any felony or similar law of another
1618 jurisdiction necessary for the operation of this subsection and
1619 a conviction of a felony or similar law of another jurisdiction
1620 necessary for the operation of this subsection has not been set
1621 aside in any postconviction proceeding.

1622 Section 36. Paragraph (a) of subsection (8) of section
1623 895.02, Florida Statutes, is amended to read:

1624 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

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1625 (8) "Racketeering activity" means to commit, to attempt to
1626 commit, to conspire to commit, or to solicit, coerce, or
1627 intimidate another person to commit:

1628 (a) Any crime that is chargeable by petition, indictment,
1629 or information under the following provisions of the Florida
1630 Statutes:

1631 1. Section 210.18, relating to evasion of payment of
1632 cigarette taxes.

1633 2. Section 316.1935, relating to fleeing or attempting to
1634 elude a law enforcement officer and aggravated fleeing or
1635 eluding.

1636 3. Section 403.727(3)(b), relating to environmental
1637 control.

1638 4. Section 409.920 or s. 409.9201, relating to Medicaid
1639 fraud.

1640 5. Section 414.39, relating to public assistance fraud.

1641 6. Section 440.105 or s. 440.106, relating to workers'
1642 compensation.

1643 7. Section 443.071(4), relating to creation of a fictitious
1644 employer scheme to commit reemployment assistance fraud.

1645 8. Section 465.0161, relating to distribution of medicinal
1646 drugs without a permit as an Internet pharmacy.

1647 9. Section 499.0051, relating to crimes involving
1648 contraband, adulterated, or misbranded drugs.

1649 10. Part IV of chapter 501, relating to telemarketing.

1650 11. Chapter 517, relating to sale of securities and
1651 investor protection.

1652 12. Section 550.235 or s. 550.3551, relating to dogracing
1653 and horseracing.

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- 1654 13. Chapter 550, relating to jai alai frontons.
- 1655 14. Section 551.109, relating to slot machine gaming.
- 1656 15. Chapter 552, relating to the manufacture, distribution,
1657 and use of explosives.
- 1658 16. Chapter 560, relating to money transmitters, if the
1659 violation is punishable as a felony.
- 1660 17. Chapter 562, relating to beverage law enforcement.
- 1661 18. Section 624.401, relating to transacting insurance
1662 without a certificate of authority, s. 624.437(4)(c)1., relating
1663 to operating an unauthorized multiple-employer welfare
1664 arrangement, or s. 626.902(1)(b), relating to representing or
1665 aiding an unauthorized insurer.
- 1666 19. Section 655.50, relating to reports of currency
1667 transactions, when such violation is punishable as a felony.
- 1668 20. Chapter 687, relating to interest and usurious
1669 practices.
- 1670 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1671 real estate timeshare plans.
- 1672 22. Section 775.13(5)(b), relating to registration of
1673 persons found to have committed any offense for the purpose of
1674 benefiting, promoting, or furthering the interests of a criminal
1675 gang.
- 1676 23. Section 777.03, relating to commission of crimes by
1677 accessories after the fact.
- 1678 24. Chapter 782, relating to homicide.
- 1679 25. Chapter 784, relating to assault and battery.
- 1680 26. Chapter 787, relating to kidnapping or human
1681 trafficking.
- 1682 27. Chapter 790, relating to weapons and firearms.

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1683 28. Chapter 794, relating to sexual battery, but only if
1684 such crime was committed with the intent to benefit, promote, or
1685 further the interests of a criminal gang, or for the purpose of
1686 increasing a criminal gang member's own standing or position
1687 within a criminal gang.

1688 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
1689 796.05, or s. 796.07, relating to prostitution.

1690 30. Chapter 806, relating to arson and criminal mischief.

1691 31. Chapter 810, relating to burglary and trespass.

1692 32. Chapter 812, relating to theft, robbery, and related
1693 crimes.

1694 33. Chapter 815, relating to computer-related crimes.

1695 34. Chapter 817, relating to fraudulent practices, false
1696 pretenses, fraud generally, credit card crimes, and patient
1697 brokering.

1698 35. Chapter 825, relating to abuse, neglect, or
1699 exploitation of an elderly person or disabled adult.

1700 36. Former s. Section 827.071, relating to commercial
1701 sexual exploitation of children.

1702 37. Section 828.122, relating to fighting or baiting
1703 animals.

1704 38. Chapter 831, relating to forgery and counterfeiting.

1705 39. Chapter 832, relating to issuance of worthless checks
1706 and drafts.

1707 40. Section 836.05, relating to extortion.

1708 41. Chapter 837, relating to perjury.

1709 42. Chapter 838, relating to bribery and misuse of public
1710 office.

1711 43. Chapter 843, relating to obstruction of justice.

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1712 44. Section 847.003, relating to sexual performance by a
1713 child.

1714 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
1715 or s. 847.07, relating to obscene literature and profanity.

1716 ~~46.45.~~ Chapter 849, relating to gambling, lottery, gambling
1717 or gaming devices, slot machines, or any of the provisions
1718 within that chapter.

1719 ~~47.46.~~ Chapter 874, relating to criminal gangs.

1720 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
1721 control.

1722 ~~49.48.~~ Chapter 896, relating to offenses related to
1723 financial transactions.

1724 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
1725 with or harassing a witness, victim, or informant, and
1726 retaliation against a witness, victim, or informant.

1727 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
1728 with jurors and evidence.

1729 Section 37. Section 905.34, Florida Statutes, is amended to
1730 read:

1731 905.34 Powers and duties; law applicable.—The jurisdiction
1732 of a statewide grand jury impaneled under this chapter shall
1733 extend throughout the state. The subject matter jurisdiction of
1734 the statewide grand jury shall be limited to the offenses of:

1735 (1) Bribery, burglary, carjacking, home-invasion robbery,
1736 criminal usury, extortion, gambling, kidnapping, larceny,
1737 murder, prostitution, perjury, and robbery;

1738 (2) Crimes involving narcotic or other dangerous drugs;

1739 (3) Any violation of the provisions of the Florida RICO
1740 (Racketeer Influenced and Corrupt Organization) Act, including

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1741 any offense listed in the definition of racketeering activity in
1742 s. 895.02(8)(a), providing such listed offense is investigated
1743 in connection with a violation of s. 895.03 and is charged in a
1744 separate count of an information or indictment containing a
1745 count charging a violation of s. 895.03, the prosecution of
1746 which listed offense may continue independently if the
1747 prosecution of the violation of s. 895.03 is terminated for any
1748 reason;

1749 (4) Any violation of the provisions of the Florida Anti-
1750 Fencing Act;

1751 (5) Any violation of the provisions of the Florida
1752 Antitrust Act of 1980, as amended;

1753 (6) Any violation of the provisions of chapter 815;

1754 (7) Any crime involving, or resulting in, fraud or deceit
1755 upon any person;

1756 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
1757 or s. 847.0138 relating to computer pornography and child
1758 exploitation prevention, or any offense related to a violation
1759 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
1760 violation of former s. 827.071 ~~chapter 827~~ where the crime is
1761 facilitated by or connected to the use of the Internet or any
1762 device capable of electronic data storage or transmission;

1763 (9) Any criminal violation of part I of chapter 499;

1764 (10) Any criminal violation of s. 409.920 or s. 409.9201;

1765 (11) Any criminal violation of the Florida Money Laundering
1766 Act;

1767 (12) Any criminal violation of the Florida Securities and
1768 Investor Protection Act; or

1769 (13) Any violation of chapter 787, as well as any and all

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1770 offenses related to a violation of chapter 787;

1771
1772 or any attempt, solicitation, or conspiracy to commit any
1773 violation of the crimes specifically enumerated above, when any
1774 such offense is occurring, or has occurred, in two or more
1775 judicial circuits as part of a related transaction or when any
1776 such offense is connected with an organized criminal conspiracy
1777 affecting two or more judicial circuits. The statewide grand
1778 jury may return indictments and presentments irrespective of the
1779 county or judicial circuit where the offense is committed or
1780 triable. If an indictment is returned, it shall be certified and
1781 transferred for trial to the county where the offense was
1782 committed. The powers and duties of, and law applicable to,
1783 county grand juries shall apply to a statewide grand jury except
1784 when such powers, duties, and law are inconsistent with the
1785 provisions of ss. 905.31-905.40.

1786 Section 38. Paragraph (a) of subsection (1) of section
1787 934.07, Florida Statutes, is amended to read:

1788 934.07 Authorization for interception of wire, oral, or
1789 electronic communications.—

1790 (1) The Governor, the Attorney General, the statewide
1791 prosecutor, or any state attorney may authorize an application
1792 to a judge of competent jurisdiction for, and such judge may
1793 grant in conformity with ss. 934.03-934.09 an order authorizing
1794 or approving the interception of, wire, oral, or electronic
1795 communications by:

1796 (a) The Department of Law Enforcement or any law
1797 enforcement agency as defined in s. 934.02 having responsibility
1798 for the investigation of the offense as to which the application

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1799 is made when such interception may provide or has provided
1800 evidence of the commission of the offense of murder, kidnapping,
1801 aircraft piracy, arson, gambling, robbery, burglary, theft,
1802 dealing in stolen property, criminal usury, bribery, or
1803 extortion; any felony violation of ss. 790.161-790.166,
1804 inclusive; any violation of s. 787.06; any violation of chapter
1805 893; any violation of the provisions of the Florida Anti-Fencing
1806 Act; any violation of chapter 895; any violation of chapter 896;
1807 any violation of chapter 815; any violation of chapter 847; any
1808 violation of former s. 827.071; any violation of s. 944.40; or
1809 any conspiracy or solicitation to commit any violation of the
1810 laws of this state relating to the crimes specifically
1811 enumerated in this paragraph.

1812 Section 39. Section 938.085, Florida Statutes, is amended
1813 to read:

1814 938.085 Additional cost to fund rape crisis centers.—In
1815 addition to any sanction imposed when a person pleads guilty or
1816 nolo contendere to, or is found guilty of, regardless of
1817 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
1818 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1819 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1820 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1821 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
1822 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
1823 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
1824 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
1825 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
1826 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4) (c), (7),
1827 (8), (9) (a), (13), and (14) (c); or s. 985.701(1), the court

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1828 shall impose a surcharge of \$151. Payment of the surcharge shall
1829 be a condition of probation, community control, or any other
1830 court-ordered supervision. The sum of \$150 of the surcharge
1831 shall be deposited into the Rape Crisis Program Trust Fund
1832 established within the Department of Health by chapter 2003-140,
1833 Laws of Florida. The clerk of the court shall retain \$1 of each
1834 surcharge that the clerk of the court collects as a service
1835 charge of the clerk's office.

1836 Section 40. Subsection (1) of section 938.10, Florida
1837 Statutes, is amended to read:

1838 938.10 Additional court cost imposed in cases of certain
1839 crimes.—

1840 (1) If a person pleads guilty or nolo contendere to, or is
1841 found guilty of, regardless of adjudication, any offense against
1842 a minor in violation of s. 784.085, chapter 787, chapter 794,
1843 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
1844 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
1845 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
1846 893.147(3), or s. 985.701, or any offense in violation of s.
1847 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1848 court shall impose a court cost of \$151 against the offender in
1849 addition to any other cost or penalty required by law.

1850 Section 41. Paragraph (h) of subsection (1) of section
1851 943.0435, Florida Statutes, is amended to read:

1852 943.0435 Sexual offenders required to register with the
1853 department; penalty.—

1854 (1) As used in this section, the term:

1855 (h)1. "Sexual offender" means a person who meets the
1856 criteria in sub-subparagraph a., sub-subparagraph b., sub-

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1857 subparagraph c., or sub-subparagraph d., as follows:

1858 a.(I) Has been convicted of committing, or attempting,
1859 soliciting, or conspiring to commit, any of the criminal
1860 offenses proscribed in the following statutes in this state or
1861 similar offenses in another jurisdiction: s. 393.135(2); s.
1862 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
1863 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
1864 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
1865 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
1866 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
1867 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
1868 847.0138; s. 847.0145; s. 895.03, if the court makes a written
1869 finding that the racketeering activity involved at least one
1870 sexual offense listed in this sub-sub-subparagraph or at least
1871 one offense listed in this sub-sub-subparagraph with sexual
1872 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
1873 similar offense committed in this state which has been
1874 redesignated from a former statute number to one of those listed
1875 in this sub-sub-subparagraph; and

1876 (II) Has been released on or after October 1, 1997, from
1877 the sanction imposed for any conviction of an offense described
1878 in sub-sub-subparagraph (I). For purposes of sub-sub-
1879 subparagraph (I), a sanction imposed in this state or in any
1880 other jurisdiction includes, but is not limited to, a fine,
1881 probation, community control, parole, conditional release,
1882 control release, or incarceration in a state prison, federal
1883 prison, private correctional facility, or local detention
1884 facility;

1885 b. Establishes or maintains a residence in this state and

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1886 who has not been designated as a sexual predator by a court of
1887 this state but who has been designated as a sexual predator, as
1888 a sexually violent predator, or by another sexual offender
1889 designation in another state or jurisdiction and was, as a
1890 result of such designation, subjected to registration or
1891 community or public notification, or both, or would be if the
1892 person were a resident of that state or jurisdiction, without
1893 regard to whether the person otherwise meets the criteria for
1894 registration as a sexual offender;

1895 c. Establishes or maintains a residence in this state who
1896 is in the custody or control of, or under the supervision of,
1897 any other state or jurisdiction as a result of a conviction for
1898 committing, or attempting, soliciting, or conspiring to commit,
1899 any of the criminal offenses proscribed in the following
1900 statutes or similar offense in another jurisdiction: s.
1901 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
1902 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
1903 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
1904 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1905 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
1906 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1907 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1908 makes a written finding that the racketeering activity involved
1909 at least one sexual offense listed in this sub-subparagraph or
1910 at least one offense listed in this sub-subparagraph with sexual
1911 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
1912 similar offense committed in this state which has been
1913 redesignated from a former statute number to one of those listed
1914 in this sub-subparagraph; or

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1915 d. On or after July 1, 2007, has been adjudicated
1916 delinquent for committing, or attempting, soliciting, or
1917 conspiring to commit, any of the criminal offenses proscribed in
1918 the following statutes in this state or similar offenses in
1919 another jurisdiction when the juvenile was 14 years of age or
1920 older at the time of the offense:

1921 (I) Section 794.011, excluding s. 794.011(10);

1922 (II) Section 800.04(4)(a)2. where the victim is under 12
1923 years of age or where the court finds sexual activity by the use
1924 of force or coercion;

1925 (III) Section 800.04(5)(c)1. where the court finds
1926 molestation involving unclothed genitals;

1927 (IV) Section 800.04(5)(d) where the court finds the use of
1928 force or coercion and unclothed genitals; or

1929 (V) Any similar offense committed in this state which has
1930 been redesignated from a former statute number to one of those
1931 listed in this sub-subparagraph.

1932 2. For all qualifying offenses listed in sub-subparagraph
1933 1.d., the court shall make a written finding of the age of the
1934 offender at the time of the offense.

1935
1936 For each violation of a qualifying offense listed in this
1937 subsection, except for a violation of s. 794.011, the court
1938 shall make a written finding of the age of the victim at the
1939 time of the offense. For a violation of s. 800.04(4), the court
1940 shall also make a written finding indicating whether the offense
1941 involved sexual activity and indicating whether the offense
1942 involved force or coercion. For a violation of s. 800.04(5), the
1943 court shall also make a written finding that the offense did or

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1944 did not involve unclothed genitals or genital area and that the
 1945 offense did or did not involve the use of force or coercion.

1946 Section 42. Paragraph (a) of subsection (1) and subsection
 1947 (3) of section 943.04354, Florida Statutes, are amended to read:

1948 943.04354 Removal of the requirement to register as a
 1949 sexual offender or sexual predator in special circumstances.—

1950 (1) For purposes of this section, a person shall be
 1951 considered for removal of the requirement to register as a
 1952 sexual offender or sexual predator only if the person:

1953 (a) Was convicted, regardless of adjudication, or
 1954 adjudicated delinquent of a violation of s. 800.04, former s.
 1955 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
 1956 a similar offense in another jurisdiction and if the person does
 1957 not have any other conviction, regardless of adjudication, or
 1958 adjudication of delinquency for a violation of s. 794.011, s.
 1959 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 1960 847.0137(2) or for a similar offense in another jurisdiction;

1961 (3) If a person provides to the Department of Law
 1962 Enforcement a certified copy of the court's order removing the
 1963 requirement that the person register as a sexual offender or
 1964 sexual predator for the violation of s. 794.011, s. 800.04,
 1965 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 1966 847.0137(2) or a similar offense in another jurisdiction, the
 1967 registration requirement will not apply to the person and the
 1968 department shall remove all information about the person from
 1969 the public registry of sexual offenders and sexual predators
 1970 maintained by the department. However, the removal of this
 1971 information from the public registry does not mean that the
 1972 public is denied access to information about the person's

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1973 criminal history or record that is otherwise available as a
1974 public record.

1975 Section 43. Section 943.0585, Florida Statutes, is amended
1976 to read:

1977 943.0585 Court-ordered expunction of criminal history
1978 records.—The courts of this state have jurisdiction over their
1979 own procedures, including the maintenance, expunction, and
1980 correction of judicial records containing criminal history
1981 information to the extent such procedures are not inconsistent
1982 with the conditions, responsibilities, and duties established by
1983 this section. Any court of competent jurisdiction may order a
1984 criminal justice agency to expunge the criminal history record
1985 of a minor or an adult who complies with the requirements of
1986 this section. The court shall not order a criminal justice
1987 agency to expunge a criminal history record until the person
1988 seeking to expunge a criminal history record has applied for and
1989 received a certificate of eligibility for expunction pursuant to
1990 subsection (2) or subsection (5). A criminal history record that
1991 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1992 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1993 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1994 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
1995 s. 916.1075, a violation enumerated in s. 907.041, or any
1996 violation specified as a predicate offense for registration as a
1997 sexual predator pursuant to s. 775.21, without regard to whether
1998 that offense alone is sufficient to require such registration,
1999 or for registration as a sexual offender pursuant to s.
2000 943.0435, may not be expunged, without regard to whether
2001 adjudication was withheld, if the defendant was found guilty of

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2002 or pled guilty or nolo contendere to the offense, or if the
2003 defendant, as a minor, was found to have committed, or pled
2004 guilty or nolo contendere to committing, the offense as a
2005 delinquent act. The court may only order expunction of a
2006 criminal history record pertaining to one arrest or one incident
2007 of alleged criminal activity, except as provided in this
2008 section. The court may, at its sole discretion, order the
2009 expunction of a criminal history record pertaining to more than
2010 one arrest if the additional arrests directly relate to the
2011 original arrest. If the court intends to order the expunction of
2012 records pertaining to such additional arrests, such intent must
2013 be specified in the order. A criminal justice agency may not
2014 expunge any record pertaining to such additional arrests if the
2015 order to expunge does not articulate the intention of the court
2016 to expunge a record pertaining to more than one arrest. This
2017 section does not prevent the court from ordering the expunction
2018 of only a portion of a criminal history record pertaining to one
2019 arrest or one incident of alleged criminal activity.

2020 Notwithstanding any law to the contrary, a criminal justice
2021 agency may comply with laws, court orders, and official requests
2022 of other jurisdictions relating to expunction, correction, or
2023 confidential handling of criminal history records or information
2024 derived therefrom. This section does not confer any right to the
2025 expunction of any criminal history record, and any request for
2026 expunction of a criminal history record may be denied at the
2027 sole discretion of the court.

2028 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
2029 petition to a court to expunge a criminal history record is
2030 complete only when accompanied by:

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2031 (a) A valid certificate of eligibility for expunction
2032 issued by the department pursuant to subsection (2).

2033 (b) The petitioner's sworn statement attesting that the
2034 petitioner:

2035 1. Has never, prior to the date on which the petition is
2036 filed, been adjudicated guilty of a criminal offense or
2037 comparable ordinance violation, or been adjudicated delinquent
2038 for committing any felony or a misdemeanor specified in s.
2039 943.051(3)(b).

2040 2. Has not been adjudicated guilty of, or adjudicated
2041 delinquent for committing, any of the acts stemming from the
2042 arrest or alleged criminal activity to which the petition
2043 pertains.

2044 3. Has never secured a prior sealing or expunction of a
2045 criminal history record under this section, s. 943.059, former
2046 s. 893.14, former s. 901.33, or former s. 943.058, unless
2047 expunction is sought of a criminal history record previously
2048 sealed for 10 years pursuant to paragraph (2)(h) and the record
2049 is otherwise eligible for expunction.

2050 4. Is eligible for such an expunction to the best of his or
2051 her knowledge or belief and does not have any other petition to
2052 expunge or any petition to seal pending before any court.

2053
2054 Any person who knowingly provides false information on such
2055 sworn statement to the court commits a felony of the third
2056 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2057 775.084.

2058 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
2059 petitioning the court to expunge a criminal history record, a

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2060 person seeking to expunge a criminal history record shall apply
2061 to the department for a certificate of eligibility for
2062 expunction. The department shall, by rule adopted pursuant to
2063 chapter 120, establish procedures pertaining to the application
2064 for and issuance of certificates of eligibility for expunction.
2065 A certificate of eligibility for expunction is valid for 12
2066 months after the date stamped on the certificate when issued by
2067 the department. After that time, the petitioner must reapply to
2068 the department for a new certificate of eligibility. Eligibility
2069 for a renewed certification of eligibility must be based on the
2070 status of the applicant and the law in effect at the time of the
2071 renewal application. The department shall issue a certificate of
2072 eligibility for expunction to a person who is the subject of a
2073 criminal history record if that person:

2074 (a) Has obtained, and submitted to the department, a
2075 written, certified statement from the appropriate state attorney
2076 or statewide prosecutor which indicates:

2077 1. That an indictment, information, or other charging
2078 document was not filed or issued in the case.

2079 2. That an indictment, information, or other charging
2080 document, if filed or issued in the case, was dismissed or nolle
2081 prosequi by the state attorney or statewide prosecutor, or was
2082 dismissed by a court of competent jurisdiction, and that none of
2083 the charges related to the arrest or alleged criminal activity
2084 to which the petition to expunge pertains resulted in a trial,
2085 without regard to whether the outcome of the trial was other
2086 than an adjudication of guilt.

2087 3. That the criminal history record does not relate to a
2088 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,

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2089 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
2090 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
2091 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
2092 a violation enumerated in s. 907.041, or any violation specified
2093 as a predicate offense for registration as a sexual predator
2094 pursuant to s. 775.21, without regard to whether that offense
2095 alone is sufficient to require such registration, or for
2096 registration as a sexual offender pursuant to s. 943.0435, where
2097 the defendant was found guilty of, or pled guilty or nolo
2098 contendere to any such offense, or that the defendant, as a
2099 minor, was found to have committed, or pled guilty or nolo
2100 contendere to committing, such an offense as a delinquent act,
2101 without regard to whether adjudication was withheld.

2102 (b) Remits a \$75 processing fee to the department for
2103 placement in the Department of Law Enforcement Operating Trust
2104 Fund, unless such fee is waived by the executive director.

2105 (c) Has submitted to the department a certified copy of the
2106 disposition of the charge to which the petition to expunge
2107 pertains.

2108 (d) Has never, prior to the date on which the application
2109 for a certificate of eligibility is filed, been adjudicated
2110 guilty of a criminal offense or comparable ordinance violation,
2111 or been adjudicated delinquent for committing any felony or a
2112 misdemeanor specified in s. 943.051(3)(b).

2113 (e) Has not been adjudicated guilty of, or adjudicated
2114 delinquent for committing, any of the acts stemming from the
2115 arrest or alleged criminal activity to which the petition to
2116 expunge pertains.

2117 (f) Has never secured a prior sealing or expunction of a

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2118 criminal history record under this section, s. 943.059, former
2119 s. 893.14, former s. 901.33, or former s. 943.058, unless
2120 expunction is sought of a criminal history record previously
2121 sealed for 10 years pursuant to paragraph (h) and the record is
2122 otherwise eligible for expunction.

2123 (g) Is no longer under court supervision applicable to the
2124 disposition of the arrest or alleged criminal activity to which
2125 the petition to expunge pertains.

2126 (h) Has previously obtained a court order sealing the
2127 record under this section, former s. 893.14, former s. 901.33,
2128 or former s. 943.058 for a minimum of 10 years because
2129 adjudication was withheld or because all charges related to the
2130 arrest or alleged criminal activity to which the petition to
2131 expunge pertains were not dismissed prior to trial, without
2132 regard to whether the outcome of the trial was other than an
2133 adjudication of guilt. The requirement for the record to have
2134 previously been sealed for a minimum of 10 years does not apply
2135 when a plea was not entered or all charges related to the arrest
2136 or alleged criminal activity to which the petition to expunge
2137 pertains were dismissed prior to trial.

2138 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2139 (a) In judicial proceedings under this section, a copy of
2140 the completed petition to expunge shall be served upon the
2141 appropriate state attorney or the statewide prosecutor and upon
2142 the arresting agency; however, it is not necessary to make any
2143 agency other than the state a party. The appropriate state
2144 attorney or the statewide prosecutor and the arresting agency
2145 may respond to the court regarding the completed petition to
2146 expunge.

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2147 (b) If relief is granted by the court, the clerk of the
2148 court shall certify copies of the order to the appropriate state
2149 attorney or the statewide prosecutor and the arresting agency.
2150 The arresting agency is responsible for forwarding the order to
2151 any other agency to which the arresting agency disseminated the
2152 criminal history record information to which the order pertains.
2153 The department shall forward the order to expunge to the Federal
2154 Bureau of Investigation. The clerk of the court shall certify a
2155 copy of the order to any other agency which the records of the
2156 court reflect has received the criminal history record from the
2157 court.

2158 (c) For an order to expunge entered by a court prior to
2159 July 1, 1992, the department shall notify the appropriate state
2160 attorney or statewide prosecutor of an order to expunge which is
2161 contrary to law because the person who is the subject of the
2162 record has previously been convicted of a crime or comparable
2163 ordinance violation or has had a prior criminal history record
2164 sealed or expunged. Upon receipt of such notice, the appropriate
2165 state attorney or statewide prosecutor shall take action, within
2166 60 days, to correct the record and petition the court to void
2167 the order to expunge. The department shall seal the record until
2168 such time as the order is voided by the court.

2169 (d) On or after July 1, 1992, the department or any other
2170 criminal justice agency is not required to act on an order to
2171 expunge entered by a court when such order does not comply with
2172 the requirements of this section. Upon receipt of such an order,
2173 the department must notify the issuing court, the appropriate
2174 state attorney or statewide prosecutor, the petitioner or the
2175 petitioner's attorney, and the arresting agency of the reason

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2176 for noncompliance. The appropriate state attorney or statewide
2177 prosecutor shall take action within 60 days to correct the
2178 record and petition the court to void the order. No cause of
2179 action, including contempt of court, shall arise against any
2180 criminal justice agency for failure to comply with an order to
2181 expunge when the petitioner for such order failed to obtain the
2182 certificate of eligibility as required by this section or such
2183 order does not otherwise comply with the requirements of this
2184 section.

2185 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
2186 criminal history record of a minor or an adult which is ordered
2187 expunged by a court of competent jurisdiction pursuant to this
2188 section must be physically destroyed or obliterated by any
2189 criminal justice agency having custody of such record; except
2190 that any criminal history record in the custody of the
2191 department must be retained in all cases. A criminal history
2192 record ordered expunged that is retained by the department is
2193 confidential and exempt from the provisions of s. 119.07(1) and
2194 s. 24(a), Art. I of the State Constitution and not available to
2195 any person or entity except upon order of a court of competent
2196 jurisdiction. A criminal justice agency may retain a notation
2197 indicating compliance with an order to expunge.

2198 (a) The person who is the subject of a criminal history
2199 record that is expunged under this section or under other
2200 provisions of law, including former s. 893.14, former s. 901.33,
2201 and former s. 943.058, may lawfully deny or fail to acknowledge
2202 the arrests covered by the expunged record, except when the
2203 subject of the record:

2204 1. Is a candidate for employment with a criminal justice

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2205 agency;

2206 2. Is a defendant in a criminal prosecution;

2207 3. Concurrently or subsequently petitions for relief under

2208 this section, s. 943.0583, or s. 943.059;

2209 4. Is a candidate for admission to The Florida Bar;

2210 5. Is seeking to be employed or licensed by or to contract

2211 with the Department of Children and Families, the Division of

2212 Vocational Rehabilitation within the Department of Education,

2213 the Agency for Health Care Administration, the Agency for

2214 Persons with Disabilities, the Department of Health, the

2215 Department of Elderly Affairs, or the Department of Juvenile

2216 Justice or to be employed or used by such contractor or licensee

2217 in a sensitive position having direct contact with children, the

2218 disabled, or the elderly;

2219 6. Is seeking to be employed or licensed by the Department

2220 of Education, any district school board, any university

2221 laboratory school, any charter school, any private or parochial

2222 school, or any local governmental entity that licenses child

2223 care facilities;

2224 7. Is seeking to be licensed by the Division of Insurance

2225 Agent and Agency Services within the Department of Financial

2226 Services; or

2227 8. Is seeking to be appointed as a guardian pursuant to s.

2228 744.3125.

2229 (b) Subject to the exceptions in paragraph (a), a person

2230 who has been granted an expunction under this section, former s.

2231 893.14, former s. 901.33, or former s. 943.058 may not be held

2232 under any provision of law of this state to commit perjury or to

2233 be otherwise liable for giving a false statement by reason of

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2234 such person's failure to recite or acknowledge an expunged
2235 criminal history record.

2236 (c) Information relating to the existence of an expunged
2237 criminal history record which is provided in accordance with
2238 paragraph (a) is confidential and exempt from the provisions of
2239 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2240 except that the department shall disclose the existence of a
2241 criminal history record ordered expunged to the entities set
2242 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
2243 respective licensing, access authorization, and employment
2244 purposes, and to criminal justice agencies for their respective
2245 criminal justice purposes. It is unlawful for any employee of an
2246 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2247 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2248 subparagraph (a)8. to disclose information relating to the
2249 existence of an expunged criminal history record of a person
2250 seeking employment, access authorization, or licensure with such
2251 entity or contractor, except to the person to whom the criminal
2252 history record relates or to persons having direct
2253 responsibility for employment, access authorization, or
2254 licensure decisions. Any person who violates this paragraph
2255 commits a misdemeanor of the first degree, punishable as
2256 provided in s. 775.082 or s. 775.083.

2257 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
2258 eligibility requirements prescribed in paragraph (1)(b) and
2259 subsection (2), the department shall issue a certificate of
2260 eligibility for expunction under this subsection to a person who
2261 is the subject of a criminal history record if that person:

2262 (a) Has obtained, and submitted to the department, on a

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2263 form provided by the department, a written, certified statement
2264 from the appropriate state attorney or statewide prosecutor
2265 which states whether an information, indictment, or other
2266 charging document was not filed or was dismissed by the state
2267 attorney, or dismissed by the court, because it was found that
2268 the person acted in lawful self-defense pursuant to the
2269 provisions related to justifiable use of force in chapter 776.

2270 (b) Each petition to a court to expunge a criminal history
2271 record pursuant to this subsection is complete only when
2272 accompanied by:

2273 1. A valid certificate of eligibility for expunction issued
2274 by the department pursuant to this subsection.

2275 2. The petitioner's sworn statement attesting that the
2276 petitioner is eligible for such an expunction to the best of his
2277 or her knowledge or belief.

2278
2279 Any person who knowingly provides false information on such
2280 sworn statement to the court commits a felony of the third
2281 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2282 775.084.

2283 (c) This subsection does not confer any right to the
2284 expunction of a criminal history record, and any request for
2285 expunction of a criminal history record may be denied at the
2286 discretion of the court.

2287 (d) Subsections (3) and (4) shall apply to expunction
2288 ordered under this subsection.

2289 (e) The department shall, by rule adopted pursuant to
2290 chapter 120, establish procedures pertaining to the application
2291 for and issuance of certificates of eligibility for expunction

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2292 under this subsection.

2293 (6) STATUTORY REFERENCES.—Any reference to any other
2294 chapter, section, or subdivision of the Florida Statutes in this
2295 section constitutes a general reference under the doctrine of
2296 incorporation by reference.

2297 Section 44. Section 943.059, Florida Statutes, is amended
2298 to read:

2299 943.059 Court-ordered sealing of criminal history records.—
2300 The courts of this state shall continue to have jurisdiction
2301 over their own procedures, including the maintenance, sealing,
2302 and correction of judicial records containing criminal history
2303 information to the extent such procedures are not inconsistent
2304 with the conditions, responsibilities, and duties established by
2305 this section. Any court of competent jurisdiction may order a
2306 criminal justice agency to seal the criminal history record of a
2307 minor or an adult who complies with the requirements of this
2308 section. The court shall not order a criminal justice agency to
2309 seal a criminal history record until the person seeking to seal
2310 a criminal history record has applied for and received a
2311 certificate of eligibility for sealing pursuant to subsection
2312 (2). A criminal history record that relates to a violation of s.
2313 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
2314 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
2315 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
2316 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
2317 enumerated in s. 907.041, or any violation specified as a
2318 predicate offense for registration as a sexual predator pursuant
2319 to s. 775.21, without regard to whether that offense alone is
2320 sufficient to require such registration, or for registration as

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2321 a sexual offender pursuant to s. 943.0435, may not be sealed,
2322 without regard to whether adjudication was withheld, if the
2323 defendant was found guilty of or pled guilty or nolo contendere
2324 to the offense, or if the defendant, as a minor, was found to
2325 have committed or pled guilty or nolo contendere to committing
2326 the offense as a delinquent act. The court may only order
2327 sealing of a criminal history record pertaining to one arrest or
2328 one incident of alleged criminal activity, except as provided in
2329 this section. The court may, at its sole discretion, order the
2330 sealing of a criminal history record pertaining to more than one
2331 arrest if the additional arrests directly relate to the original
2332 arrest. If the court intends to order the sealing of records
2333 pertaining to such additional arrests, such intent must be
2334 specified in the order. A criminal justice agency may not seal
2335 any record pertaining to such additional arrests if the order to
2336 seal does not articulate the intention of the court to seal
2337 records pertaining to more than one arrest. This section does
2338 not prevent the court from ordering the sealing of only a
2339 portion of a criminal history record pertaining to one arrest or
2340 one incident of alleged criminal activity. Notwithstanding any
2341 law to the contrary, a criminal justice agency may comply with
2342 laws, court orders, and official requests of other jurisdictions
2343 relating to sealing, correction, or confidential handling of
2344 criminal history records or information derived therefrom. This
2345 section does not confer any right to the sealing of any criminal
2346 history record, and any request for sealing a criminal history
2347 record may be denied at the sole discretion of the court.

2348 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
2349 petition to a court to seal a criminal history record is

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2350 complete only when accompanied by:

2351 (a) A valid certificate of eligibility for sealing issued
2352 by the department pursuant to subsection (2).

2353 (b) The petitioner's sworn statement attesting that the
2354 petitioner:

2355 1. Has never, prior to the date on which the petition is
2356 filed, been adjudicated guilty of a criminal offense or
2357 comparable ordinance violation, or been adjudicated delinquent
2358 for committing any felony or a misdemeanor specified in s.
2359 943.051(3)(b).

2360 2. Has not been adjudicated guilty of or adjudicated
2361 delinquent for committing any of the acts stemming from the
2362 arrest or alleged criminal activity to which the petition to
2363 seal pertains.

2364 3. Has never secured a prior sealing or expunction of a
2365 criminal history record under this section, s. 943.0585, former
2366 s. 893.14, former s. 901.33, or former s. 943.058.

2367 4. Is eligible for such a sealing to the best of his or her
2368 knowledge or belief and does not have any other petition to seal
2369 or any petition to expunge pending before any court.

2370
2371 Any person who knowingly provides false information on such
2372 sworn statement to the court commits a felony of the third
2373 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2374 775.084.

2375 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2376 petitioning the court to seal a criminal history record, a
2377 person seeking to seal a criminal history record shall apply to
2378 the department for a certificate of eligibility for sealing. The

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2379 department shall, by rule adopted pursuant to chapter 120,
2380 establish procedures pertaining to the application for and
2381 issuance of certificates of eligibility for sealing. A
2382 certificate of eligibility for sealing is valid for 12 months
2383 after the date stamped on the certificate when issued by the
2384 department. After that time, the petitioner must reapply to the
2385 department for a new certificate of eligibility. Eligibility for
2386 a renewed certification of eligibility must be based on the
2387 status of the applicant and the law in effect at the time of the
2388 renewal application. The department shall issue a certificate of
2389 eligibility for sealing to a person who is the subject of a
2390 criminal history record provided that such person:

2391 (a) Has submitted to the department a certified copy of the
2392 disposition of the charge to which the petition to seal
2393 pertains.

2394 (b) Remits a \$75 processing fee to the department for
2395 placement in the Department of Law Enforcement Operating Trust
2396 Fund, unless such fee is waived by the executive director.

2397 (c) Has never, prior to the date on which the application
2398 for a certificate of eligibility is filed, been adjudicated
2399 guilty of a criminal offense or comparable ordinance violation,
2400 or been adjudicated delinquent for committing any felony or a
2401 misdemeanor specified in s. 943.051(3)(b).

2402 (d) Has not been adjudicated guilty of or adjudicated
2403 delinquent for committing any of the acts stemming from the
2404 arrest or alleged criminal activity to which the petition to
2405 seal pertains.

2406 (e) Has never secured a prior sealing or expunction of a
2407 criminal history record under this section, s. 943.0585, former

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2408 s. 893.14, former s. 901.33, or former s. 943.058.

2409 (f) Is no longer under court supervision applicable to the
2410 disposition of the arrest or alleged criminal activity to which
2411 the petition to seal pertains.

2412 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2413 (a) In judicial proceedings under this section, a copy of
2414 the completed petition to seal shall be served upon the
2415 appropriate state attorney or the statewide prosecutor and upon
2416 the arresting agency; however, it is not necessary to make any
2417 agency other than the state a party. The appropriate state
2418 attorney or the statewide prosecutor and the arresting agency
2419 may respond to the court regarding the completed petition to
2420 seal.

2421 (b) If relief is granted by the court, the clerk of the
2422 court shall certify copies of the order to the appropriate state
2423 attorney or the statewide prosecutor and to the arresting
2424 agency. The arresting agency is responsible for forwarding the
2425 order to any other agency to which the arresting agency
2426 disseminated the criminal history record information to which
2427 the order pertains. The department shall forward the order to
2428 seal to the Federal Bureau of Investigation. The clerk of the
2429 court shall certify a copy of the order to any other agency
2430 which the records of the court reflect has received the criminal
2431 history record from the court.

2432 (c) For an order to seal entered by a court prior to July
2433 1, 1992, the department shall notify the appropriate state
2434 attorney or statewide prosecutor of any order to seal which is
2435 contrary to law because the person who is the subject of the
2436 record has previously been convicted of a crime or comparable

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2437 ordinance violation or has had a prior criminal history record
2438 sealed or expunged. Upon receipt of such notice, the appropriate
2439 state attorney or statewide prosecutor shall take action, within
2440 60 days, to correct the record and petition the court to void
2441 the order to seal. The department shall seal the record until
2442 such time as the order is voided by the court.

2443 (d) On or after July 1, 1992, the department or any other
2444 criminal justice agency is not required to act on an order to
2445 seal entered by a court when such order does not comply with the
2446 requirements of this section. Upon receipt of such an order, the
2447 department must notify the issuing court, the appropriate state
2448 attorney or statewide prosecutor, the petitioner or the
2449 petitioner's attorney, and the arresting agency of the reason
2450 for noncompliance. The appropriate state attorney or statewide
2451 prosecutor shall take action within 60 days to correct the
2452 record and petition the court to void the order. No cause of
2453 action, including contempt of court, shall arise against any
2454 criminal justice agency for failure to comply with an order to
2455 seal when the petitioner for such order failed to obtain the
2456 certificate of eligibility as required by this section or when
2457 such order does not comply with the requirements of this
2458 section.

2459 (e) An order sealing a criminal history record pursuant to
2460 this section does not require that such record be surrendered to
2461 the court, and such record shall continue to be maintained by
2462 the department and other criminal justice agencies.

2463 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2464 history record of a minor or an adult which is ordered sealed by
2465 a court pursuant to this section is confidential and exempt from

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2466 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2467 Constitution and is available only to the person who is the
2468 subject of the record, to the subject's attorney, to criminal
2469 justice agencies for their respective criminal justice purposes,
2470 which include conducting a criminal history background check for
2471 approval of firearms purchases or transfers as authorized by
2472 state or federal law, to judges in the state courts system for
2473 the purpose of assisting them in their case-related
2474 decisionmaking responsibilities, as set forth in s. 943.053(5),
2475 or to those entities set forth in subparagraphs (a)1., 4., 5.,
2476 6., 8., 9., and 10. for their respective licensing, access
2477 authorization, and employment purposes.

2478 (a) The subject of a criminal history record sealed under
2479 this section or under other provisions of law, including former
2480 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
2481 deny or fail to acknowledge the arrests covered by the sealed
2482 record, except when the subject of the record:

- 2483 1. Is a candidate for employment with a criminal justice
2484 agency;
- 2485 2. Is a defendant in a criminal prosecution;
- 2486 3. Concurrently or subsequently petitions for relief under
2487 this section, s. 943.0583, or s. 943.0585;
- 2488 4. Is a candidate for admission to The Florida Bar;
- 2489 5. Is seeking to be employed or licensed by or to contract
2490 with the Department of Children and Families, the Division of
2491 Vocational Rehabilitation within the Department of Education,
2492 the Agency for Health Care Administration, the Agency for
2493 Persons with Disabilities, the Department of Health, the
2494 Department of Elderly Affairs, or the Department of Juvenile

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2495 Justice or to be employed or used by such contractor or licensee
2496 in a sensitive position having direct contact with children, the
2497 disabled, or the elderly;

2498 6. Is seeking to be employed or licensed by the Department
2499 of Education, a district school board, a university laboratory
2500 school, a charter school, a private or parochial school, or a
2501 local governmental entity that licenses child care facilities;

2502 7. Is attempting to purchase a firearm from a licensed
2503 importer, licensed manufacturer, or licensed dealer and is
2504 subject to a criminal history check under state or federal law;

2505 8. Is seeking to be licensed by the Division of Insurance
2506 Agent and Agency Services within the Department of Financial
2507 Services;

2508 9. Is seeking to be appointed as a guardian pursuant to s.
2509 744.3125; or

2510 10. Is seeking to be licensed by the Bureau of License
2511 Issuance of the Division of Licensing within the Department of
2512 Agriculture and Consumer Services to carry a concealed weapon or
2513 concealed firearm. This subparagraph applies only in the
2514 determination of an applicant's eligibility under s. 790.06.

2515 (b) Subject to the exceptions in paragraph (a), a person
2516 who has been granted a sealing under this section, former s.
2517 893.14, former s. 901.33, or former s. 943.058 may not be held
2518 under any provision of law of this state to commit perjury or to
2519 be otherwise liable for giving a false statement by reason of
2520 such person's failure to recite or acknowledge a sealed criminal
2521 history record.

2522 (c) Information relating to the existence of a sealed
2523 criminal record provided in accordance with the provisions of

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2524 paragraph (a) is confidential and exempt from the provisions of
2525 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2526 except that the department shall disclose the sealed criminal
2527 history record to the entities set forth in subparagraphs (a)1.,
2528 4., 5., 6., 8., 9., and 10. for their respective licensing,
2529 access authorization, and employment purposes. An employee of an
2530 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2531 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2532 subparagraph (a)9., or subparagraph (a)10. may not disclose
2533 information relating to the existence of a sealed criminal
2534 history record of a person seeking employment, access
2535 authorization, or licensure with such entity or contractor,
2536 except to the person to whom the criminal history record relates
2537 or to persons having direct responsibility for employment,
2538 access authorization, or licensure decisions. A person who
2539 violates the provisions of this paragraph commits a misdemeanor
2540 of the first degree, punishable as provided in s. 775.082 or s.
2541 775.083.

2542 (5) STATUTORY REFERENCES.—Any reference to any other
2543 chapter, section, or subdivision of the Florida Statutes in this
2544 section constitutes a general reference under the doctrine of
2545 incorporation by reference.

2546 Section 45. Paragraph (f) of subsection (1) of section
2547 944.606, Florida Statutes, is amended to read:

2548 944.606 Sexual offenders; notification upon release.—

2549 (1) As used in this section, the term:

2550 (f) "Sexual offender" means a person who has been convicted
2551 of committing, or attempting, soliciting, or conspiring to
2552 commit, any of the criminal offenses proscribed in the following

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2553 statutes in this state or similar offenses in another
 2554 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 2555 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2556 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2557 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2558 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2559 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2560 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2561 if the court makes a written finding that the racketeering
 2562 activity involved at least one sexual offense listed in this
 2563 paragraph or at least one offense listed in this paragraph with
 2564 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
 2565 any similar offense committed in this state which has been
 2566 redesignated from a former statute number to one of those listed
 2567 in this subsection, when the department has received verified
 2568 information regarding such conviction; an offender's
 2569 computerized criminal history record is not, in and of itself,
 2570 verified information.

2571 Section 46. Paragraph (f) of subsection (1) of section
 2572 944.607, Florida Statutes, is amended to read:

2573 944.607 Notification to Department of Law Enforcement of
 2574 information on sexual offenders.—

2575 (1) As used in this section, the term:

2576 (f) "Sexual offender" means a person who is in the custody
 2577 or control of, or under the supervision of, the department or is
 2578 in the custody of a private correctional facility:

2579 1. On or after October 1, 1997, as a result of a conviction
 2580 for committing, or attempting, soliciting, or conspiring to
 2581 commit, any of the criminal offenses proscribed in the following

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2582 statutes in this state or similar offenses in another
2583 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
2584 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
2585 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
2586 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
2587 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
2588 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
2589 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
2590 if the court makes a written finding that the racketeering
2591 activity involved at least one sexual offense listed in this
2592 subparagraph or at least one offense listed in this subparagraph
2593 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
2594 or any similar offense committed in this state which has been
2595 redesignated from a former statute number to one of those listed
2596 in this paragraph; or

2597 2. Who establishes or maintains a residence in this state
2598 and who has not been designated as a sexual predator by a court
2599 of this state but who has been designated as a sexual predator,
2600 as a sexually violent predator, or by another sexual offender
2601 designation in another state or jurisdiction and was, as a
2602 result of such designation, subjected to registration or
2603 community or public notification, or both, or would be if the
2604 person were a resident of that state or jurisdiction, without
2605 regard as to whether the person otherwise meets the criteria for
2606 registration as a sexual offender.

2607 Section 47. Subsections (7), (10), and (14) of section
2608 947.1405, Florida Statutes, are amended, and subsection (15) is
2609 added to that section, to read:

2610 947.1405 Conditional release program.—

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2611 (7) (a) Any inmate who is convicted of a crime committed on
2612 or after October 1, 1995, or who has been previously convicted
2613 of a crime committed on or after October 1, 1995, in violation
2614 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
2615 s. 847.0145, and is subject to conditional release supervision,
2616 shall have, in addition to any other conditions imposed, the
2617 following special conditions imposed by the commission:

2618 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission
2619 may designate another 8-hour period if the offender's employment
2620 precludes the above specified time, and such alternative is
2621 recommended by the Department of Corrections. If the commission
2622 determines that imposing a curfew would endanger the victim, the
2623 commission may consider alternative sanctions.

2624 2. If the victim was under the age of 18, a prohibition on
2625 living within 1,000 feet of a school, child care facility, park,
2626 playground, designated public school bus stop, or other place
2627 where children regularly congregate. A releasee who is subject
2628 to this subparagraph may not relocate to a residence that is
2629 within 1,000 feet of a public school bus stop. Beginning October
2630 1, 2004, the commission or the department may not approve a
2631 residence that is located within 1,000 feet of a school, child
2632 care facility, park, playground, designated school bus stop, or
2633 other place where children regularly congregate for any releasee
2634 who is subject to this subparagraph. On October 1, 2004, the
2635 department shall notify each affected school district of the
2636 location of the residence of a releasee 30 days prior to release
2637 and thereafter, if the releasee relocates to a new residence,
2638 shall notify any affected school district of the residence of
2639 the releasee within 30 days after relocation. If, on October 1,

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2640 2004, any public school bus stop is located within 1,000 feet of
2641 the existing residence of such releasee, the district school
2642 board shall relocate that school bus stop. Beginning October 1,
2643 2004, a district school board may not establish or relocate a
2644 public school bus stop within 1,000 feet of the residence of a
2645 releasee who is subject to this subparagraph. The failure of the
2646 district school board to comply with this subparagraph shall not
2647 result in a violation of conditional release supervision. A
2648 releasee who is subject to this subparagraph may not be forced
2649 to relocate and does not violate his or her conditional release
2650 supervision if he or she is living in a residence that meets the
2651 requirements of this subparagraph and a school, child care
2652 facility, park, playground, designated public school bus stop,
2653 or other place where children regularly congregate is
2654 subsequently established within 1,000 feet of his or her
2655 residence.

2656 3. Active participation in and successful completion of a
2657 sex offender treatment program with qualified practitioners
2658 specifically trained to treat sex offenders, at the releasee's
2659 own expense. If a qualified practitioner is not available within
2660 a 50-mile radius of the releasee's residence, the offender shall
2661 participate in other appropriate therapy.

2662 4. A prohibition on any contact with the victim, directly
2663 or indirectly, including through a third person, unless approved
2664 by the victim, a qualified practitioner in the sexual offender
2665 treatment program, and the sentencing court.

2666 5. If the victim was under the age of 18, a prohibition
2667 against contact with children under the age of 18 without review
2668 and approval by the commission. The commission may approve

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2669 supervised contact with a child under the age of 18 if the
2670 approval is based upon a recommendation for contact issued by a
2671 qualified practitioner who is basing the recommendation on a
2672 risk assessment. Further, the sex offender must be currently
2673 enrolled in or have successfully completed a sex offender
2674 therapy program. The commission may not grant supervised contact
2675 with a child if the contact is not recommended by a qualified
2676 practitioner and may deny supervised contact with a child at any
2677 time. When considering whether to approve supervised contact
2678 with a child, the commission must review and consider the
2679 following:

2680 a. A risk assessment completed by a qualified practitioner.
2681 The qualified practitioner must prepare a written report that
2682 must include the findings of the assessment and address each of
2683 the following components:

2684 (I) The sex offender's current legal status;

2685 (II) The sex offender's history of adult charges with
2686 apparent sexual motivation;

2687 (III) The sex offender's history of adult charges without
2688 apparent sexual motivation;

2689 (IV) The sex offender's history of juvenile charges,
2690 whenever available;

2691 (V) The sex offender's offender treatment history,
2692 including a consultation from the sex offender's treating, or
2693 most recent treating, therapist;

2694 (VI) The sex offender's current mental status;

2695 (VII) The sex offender's mental health and substance abuse
2696 history as provided by the Department of Corrections;

2697 (VIII) The sex offender's personal, social, educational,

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2698 and work history;

2699 (IX) The results of current psychological testing of the
2700 sex offender if determined necessary by the qualified
2701 practitioner;

2702 (X) A description of the proposed contact, including the
2703 location, frequency, duration, and supervisory arrangement;

2704 (XI) The child's preference and relative comfort level with
2705 the proposed contact, when age-appropriate;

2706 (XII) The parent's or legal guardian's preference regarding
2707 the proposed contact; and

2708 (XIII) The qualified practitioner's opinion, along with the
2709 basis for that opinion, as to whether the proposed contact would
2710 likely pose significant risk of emotional or physical harm to
2711 the child.

2712
2713 The written report of the assessment must be given to the
2714 commission.

2715 b. A recommendation made as a part of the risk-assessment
2716 report as to whether supervised contact with the child should be
2717 approved;

2718 c. A written consent signed by the child's parent or legal
2719 guardian, if the parent or legal guardian is not the sex
2720 offender, agreeing to the sex offender having supervised contact
2721 with the child after receiving full disclosure of the sex
2722 offender's present legal status, past criminal history, and the
2723 results of the risk assessment. The commission may not approve
2724 contact with the child if the parent or legal guardian refuses
2725 to give written consent for supervised contact;

2726 d. A safety plan prepared by the qualified practitioner,

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2727 who provides treatment to the offender, in collaboration with
2728 the sex offender, the child's parent or legal guardian, and the
2729 child, when age appropriate, which details the acceptable
2730 conditions of contact between the sex offender and the child.

2731 The safety plan must be reviewed and approved by the Department
2732 of Corrections before being submitted to the commission; and

2733 e. Evidence that the child's parent or legal guardian, if
2734 the parent or legal guardian is not the sex offender,
2735 understands the need for and agrees to the safety plan and has
2736 agreed to provide, or to designate another adult to provide,
2737 constant supervision any time the child is in contact with the
2738 offender.

2739
2740 The commission may not appoint a person to conduct a risk
2741 assessment and may not accept a risk assessment from a person
2742 who has not demonstrated to the commission that he or she has
2743 met the requirements of a qualified practitioner as defined in
2744 this section.

2745 6. If the victim was under age 18, a prohibition on working
2746 for pay or as a volunteer at any school, child care facility,
2747 park, playground, or other place where children regularly
2748 congregate, as prescribed by the commission.

2749 7. Unless otherwise indicated in the treatment plan
2750 provided by a qualified practitioner in the sexual offender
2751 treatment program, a prohibition on viewing, owning, or
2752 possessing any obscene, pornographic, or sexually stimulating
2753 visual or auditory material, including telephone, electronic
2754 media, computer programs, or computer services that are relevant
2755 to the offender's deviant behavior pattern.

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2756 8. Effective for a releasee whose crime is committed on or
2757 after July 1, 2005, a prohibition on accessing the Internet or
2758 other computer services until a qualified practitioner in the
2759 offender's sex offender treatment program, after a risk
2760 assessment is completed, approves and implements a safety plan
2761 for the offender's accessing or using the Internet or other
2762 computer services.

2763 9. A requirement that the releasee must submit two
2764 specimens of blood to the Department of Law Enforcement to be
2765 registered with the DNA database.

2766 10. A requirement that the releasee make restitution to the
2767 victim, as determined by the sentencing court or the commission,
2768 for all necessary medical and related professional services
2769 relating to physical, psychiatric, and psychological care.

2770 11. Submission to a warrantless search by the community
2771 control or probation officer of the probationer's or community
2772 controllee's person, residence, or vehicle.

2773 (b) For a releasee whose crime was committed on or after
2774 October 1, 1997, in violation of chapter 794, s. 800.04, former
2775 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2776 to conditional release supervision, in addition to any other
2777 provision of this subsection, the commission shall impose the
2778 following additional conditions of conditional release
2779 supervision:

2780 1. As part of a treatment program, participation in a
2781 minimum of one annual polygraph examination to obtain
2782 information necessary for risk management and treatment and to
2783 reduce the sex offender's denial mechanisms. The polygraph
2784 examination must be conducted by a polygrapher who is a member

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2785 of a national or state polygraph association and who is
2786 certified as a postconviction sex offender polygrapher, where
2787 available, and at the expense of the releasee. The results of
2788 the examination shall be provided to the releasee's probation
2789 officer and qualified practitioner and may not be used as
2790 evidence in a hearing to prove that a violation of supervision
2791 has occurred.

2792 2. Maintenance of a driving log and a prohibition against
2793 driving a motor vehicle alone without the prior approval of the
2794 supervising officer.

2795 3. A prohibition against obtaining or using a post office
2796 box without the prior approval of the supervising officer.

2797 4. If there was sexual contact, a submission to, at the
2798 releasee's expense, an HIV test with the results to be released
2799 to the victim or the victim's parent or guardian.

2800 5. Electronic monitoring of any form when ordered by the
2801 commission. Any person who has been placed under supervision and
2802 is electronically monitored by the department must pay the
2803 department for the cost of the electronic monitoring service at
2804 a rate that may not exceed the full cost of the monitoring
2805 service. Funds collected under this subparagraph shall be
2806 deposited into the General Revenue Fund. The department may
2807 exempt a person from the payment of all or any part of the
2808 electronic monitoring service cost if the department finds that
2809 any of the factors listed in s. 948.09(3) exist.

2810 (10) Effective for a releasee whose crime was committed on
2811 or after September 1, 2005, in violation of chapter 794, s.
2812 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2813 the unlawful activity involved a victim who was 15 years of age

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2814 or younger and the offender is 18 years of age or older or for a
2815 releasee who is designated as a sexual predator pursuant to s.
2816 775.21, in addition to any other provision of this section, the
2817 commission must order electronic monitoring for the duration of
2818 the releasee's supervision.

2819 (14) Effective for a releasee whose crime was committed on
2820 or after October 1, 2014, in violation of chapter 794, s.
2821 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2822 addition to any other provision of this section, the commission
2823 must impose a condition prohibiting the releasee from viewing,
2824 accessing, owning, or possessing any obscene, pornographic, or
2825 sexually stimulating visual or auditory material unless
2826 otherwise indicated in the treatment plan provided by a
2827 qualified practitioner in the sexual offender treatment program.
2828 Visual or auditory material includes, but is not limited to,
2829 telephone, electronic media, computer programs, and computer
2830 services.

2831 (15) Effective for a releasee whose crime was committed on
2832 or after October 1, 2018, in violation of s. 847.003 or s.
2833 847.0137(2), in addition to any other provision of this section,
2834 the commission must impose the conditions specified in
2835 subsections (7), (10), (12), and (14).

2836 Section 48. Subsection (2) of section 948.03, Florida
2837 Statutes, is amended to read:

2838 948.03 Terms and conditions of probation.—

2839 (2) The enumeration of specific kinds of terms and
2840 conditions does not prevent the court from adding thereto such
2841 other or others as it considers proper. However, the sentencing
2842 court may only impose a condition of supervision allowing an

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2843 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
2844 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 to
2845 reside in another state if the order stipulates that it is
2846 contingent upon the approval of the receiving state interstate
2847 compact authority. The court may rescind or modify at any time
2848 the terms and conditions theretofore imposed by it upon the
2849 probationer. However, if the court withholds adjudication of
2850 guilt or imposes a period of incarceration as a condition of
2851 probation, the period may not exceed 364 days, and incarceration
2852 shall be restricted to either a county facility, or a probation
2853 and restitution center under the jurisdiction of the Department
2854 of Corrections.

2855 Section 49. Subsection (1) of section 948.04, Florida
2856 Statutes, is amended to read:

2857 948.04 Period of probation; duty of probationer; early
2858 termination.—

2859 (1) Defendants found guilty of felonies who are placed on
2860 probation shall be under supervision not to exceed 2 years
2861 unless otherwise specified by the court. No defendant placed on
2862 probation pursuant to s. 948.012(1) is subject to the probation
2863 limitations of this subsection. A defendant who is placed on
2864 probation or community control for a violation of chapter 794,
2865 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the
2866 maximum level of supervision provided by the supervising agency,
2867 and that supervision shall continue through the full term of the
2868 court-imposed probation or community control.

2869 Section 50. Subsection (4) and paragraph (c) of subsection
2870 (8) of section 948.06, Florida Statutes, are amended to read:

2871 948.06 Violation of probation or community control;

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2872 revocation; modification; continuance; failure to pay
2873 restitution or cost of supervision.—

2874 (4) Notwithstanding any other provision of this section, a
2875 felony probationer or an offender in community control who is
2876 arrested for violating his or her probation or community control
2877 in a material respect may be taken before the court in the
2878 county or circuit in which the probationer or offender was
2879 arrested. That court shall advise him or her of the charge of a
2880 violation and, if such charge is admitted, shall cause him or
2881 her to be brought before the court that granted the probation or
2882 community control. If the violation is not admitted by the
2883 probationer or offender, the court may commit him or her or
2884 release him or her with or without bail to await further
2885 hearing. However, if the probationer or offender is under
2886 supervision for any criminal offense proscribed in chapter 794,
2887 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2888 a registered sexual predator or a registered sexual offender, or
2889 is under supervision for a criminal offense for which he or she
2890 would meet the registration criteria in s. 775.21, s. 943.0435,
2891 or s. 944.607 but for the effective date of those sections, the
2892 court must make a finding that the probationer or offender is
2893 not a danger to the public prior to release with or without
2894 bail. In determining the danger posed by the offender's or
2895 probationer's release, the court may consider the nature and
2896 circumstances of the violation and any new offenses charged; the
2897 offender's or probationer's past and present conduct, including
2898 convictions of crimes; any record of arrests without conviction
2899 for crimes involving violence or sexual crimes; any other
2900 evidence of allegations of unlawful sexual conduct or the use of

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2901 violence by the offender or probationer; the offender's or
2902 probationer's family ties, length of residence in the community,
2903 employment history, and mental condition; his or her history and
2904 conduct during the probation or community control supervision
2905 from which the violation arises and any other previous
2906 supervisions, including disciplinary records of previous
2907 incarcerations; the likelihood that the offender or probationer
2908 will engage again in a criminal course of conduct; the weight of
2909 the evidence against the offender or probationer; and any other
2910 facts the court considers relevant. The court, as soon as is
2911 practicable, shall give the probationer or offender an
2912 opportunity to be fully heard on his or her behalf in person or
2913 by counsel. After the hearing, the court shall make findings of
2914 fact and forward the findings to the court that granted the
2915 probation or community control and to the probationer or
2916 offender or his or her attorney. The findings of fact by the
2917 hearing court are binding on the court that granted the
2918 probation or community control. Upon the probationer or offender
2919 being brought before it, the court that granted the probation or
2920 community control may revoke, modify, or continue the probation
2921 or community control or may place the probationer into community
2922 control as provided in this section. However, the probationer or
2923 offender shall not be released and shall not be admitted to
2924 bail, but shall be brought before the court that granted the
2925 probation or community control if any violation of felony
2926 probation or community control other than a failure to pay costs
2927 or fines or make restitution payments is alleged to have been
2928 committed by:

2929 (a) A violent felony offender of special concern, as

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2930 defined in this section;

2931 (b) A person who is on felony probation or community
2932 control for any offense committed on or after the effective date
2933 of this act and who is arrested for a qualifying offense as
2934 defined in this section; or

2935 (c) A person who is on felony probation or community
2936 control and has previously been found by a court to be a
2937 habitual violent felony offender as defined in s. 775.084(1)(b),
2938 a three-time violent felony offender as defined in s.
2939 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2940 arrested for committing a qualifying offense as defined in this
2941 section on or after the effective date of this act.

2942 (8)

2943 (c) For purposes of this section, the term "qualifying
2944 offense" means any of the following:

2945 1. Kidnapping or attempted kidnapping under s. 787.01,
2946 false imprisonment of a child under the age of 13 under s.
2947 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
2948 or (c).

2949 2. Murder or attempted murder under s. 782.04, attempted
2950 felony murder under s. 782.051, or manslaughter under s. 782.07.

2951 3. Aggravated battery or attempted aggravated battery under
2952 s. 784.045.

2953 4. Sexual battery or attempted sexual battery under s.
2954 794.011(2), (3), (4), or (8)(b) or (c).

2955 5. Lewd or lascivious battery or attempted lewd or
2956 lascivious battery under s. 800.04(4), lewd or lascivious
2957 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
2958 conduct under s. 800.04(6)(b), or lewd or lascivious exhibition

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2959 under s. 800.04(7)(b), ~~or lewd or lascivious exhibition on~~
 2960 ~~computer under s. 847.0135(5)(b).~~

2961 6. Robbery or attempted robbery under s. 812.13, carjacking
 2962 or attempted carjacking under s. 812.133, or home invasion
 2963 robbery or attempted home invasion robbery under s. 812.135.

2964 7. Lewd or lascivious offense upon or in the presence of an
 2965 elderly or disabled person or attempted lewd or lascivious
 2966 offense upon or in the presence of an elderly or disabled person
 2967 under s. 825.1025.

2968 8. Sexual performance by a child or attempted sexual
 2969 performance by a child under former s. 827.071 or s. 847.003.

2970 9. Computer pornography or child exploitation under s.
 2971 847.0135 ~~847.0135(2) or (3)~~, ~~transmission of~~ child pornography
 2972 under s. 847.0137, or selling or buying of minors under s.
 2973 847.0145.

2974 10. Poisoning food or water under s. 859.01.

2975 11. Abuse of a dead human body under s. 872.06.

2976 12. Any burglary offense or attempted burglary offense that
 2977 is either a first degree felony or second degree felony under s.
 2978 810.02(2) or (3).

2979 13. Arson or attempted arson under s. 806.01(1).

2980 14. Aggravated assault under s. 784.021.

2981 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2982 (7).

2983 16. Aircraft piracy under s. 860.16.

2984 17. Unlawful throwing, placing, or discharging of a
 2985 destructive device or bomb under s. 790.161(2), (3), or (4).

2986 18. Treason under s. 876.32.

2987 19. Any offense committed in another jurisdiction which

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2988 would be an offense listed in this paragraph if that offense had
2989 been committed in this state.

2990 Section 51. Subsection (1) of section 948.062, Florida
2991 Statutes, is amended to read:

2992 948.062 Reviewing and reporting serious offenses committed
2993 by offenders placed on probation or community control.—

2994 (1) The department shall review the circumstances related
2995 to an offender placed on probation or community control who has
2996 been arrested while on supervision for the following offenses:

2997 (a) Any murder as provided in s. 782.04;

2998 (b) Any sexual battery as provided in s. 794.011 or s.
2999 794.023;

3000 (c) Any sexual performance by a child as provided in former
3001 s. 827.071 or s. 847.003;

3002 (d) Any kidnapping, false imprisonment, or luring of a
3003 child as provided in s. 787.01, s. 787.02, or s. 787.025;

3004 (e) Any lewd and lascivious battery or lewd and lascivious
3005 molestation as provided in s. 800.04(4) or (5);

3006 (f) Any aggravated child abuse as provided in s.
3007 827.03(2) (a);

3008 (g) Any robbery with a firearm or other deadly weapon, home
3009 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
3010 s. 812.135, or s. 812.133;

3011 (h) Any aggravated stalking as provided in s. 784.048(3),
3012 (4), or (5);

3013 (i) Any forcible felony as provided in s. 776.08, committed
3014 by a person on probation or community control who is designated
3015 as a sexual predator; or

3016 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),

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3017 or vehicular or vessel homicide as provided in s. 782.071 or s.
3018 782.072, committed by a person who is on probation or community
3019 control for an offense involving death or injury resulting from
3020 a driving incident.

3021 Section 52. Subsection (2) of section 948.101, Florida
3022 Statutes, is amended to read:

3023 948.101 Terms and conditions of community control.—

3024 (2) The enumeration of specific kinds of terms and
3025 conditions does not prevent the court from adding any other
3026 terms or conditions that the court considers proper. However,
3027 the sentencing court may only impose a condition of supervision
3028 allowing an offender convicted of s. 794.011, s. 800.04, former
3029 s. 827.071, s. 847.003, s. 847.0135(5), s. 847.0137(2), or s.
3030 847.0145 to reside in another state if the order stipulates that
3031 it is contingent upon the approval of the receiving state
3032 interstate compact authority. The court may rescind or modify at
3033 any time the terms and conditions theretofore imposed by it upon
3034 the offender in community control. However, if the court
3035 withholds adjudication of guilt or imposes a period of
3036 incarceration as a condition of community control, the period
3037 may not exceed 364 days, and incarceration shall be restricted
3038 to a county facility, a probation and restitution center under
3039 the jurisdiction of the Department of Corrections, or a
3040 residential treatment facility owned or operated by any entity
3041 providing such services.

3042 Section 53. Subsections (1), (2), (3), and (5) of section
3043 948.30, Florida Statutes, are amended, and subsection (6) is
3044 added to that section, to read:

3045 948.30 Additional terms and conditions of probation or

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3046 community control for certain sex offenses.—Conditions imposed
3047 pursuant to this section do not require oral pronouncement at
3048 the time of sentencing and shall be considered standard
3049 conditions of probation or community control for offenders
3050 specified in this section.

3051 (1) Effective for probationers or community controllees
3052 whose crime was committed on or after October 1, 1995, and who
3053 are placed under supervision for violation of chapter 794, s.
3054 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
3055 court must impose the following conditions in addition to all
3056 other standard and special conditions imposed:

3057 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
3058 designate another 8-hour period if the offender's employment
3059 precludes the above specified time, and the alternative is
3060 recommended by the Department of Corrections. If the court
3061 determines that imposing a curfew would endanger the victim, the
3062 court may consider alternative sanctions.

3063 (b) If the victim was under the age of 18, a prohibition on
3064 living within 1,000 feet of a school, child care facility, park,
3065 playground, or other place where children regularly congregate,
3066 as prescribed by the court. The 1,000-foot distance shall be
3067 measured in a straight line from the offender's place of
3068 residence to the nearest boundary line of the school, child care
3069 facility, park, playground, or other place where children
3070 congregate. The distance may not be measured by a pedestrian
3071 route or automobile route. A probationer or community controllee
3072 who is subject to this paragraph may not be forced to relocate
3073 and does not violate his or her probation or community control
3074 if he or she is living in a residence that meets the

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3075 requirements of this paragraph and a school, child care
3076 facility, park, playground, or other place where children
3077 regularly congregate is subsequently established within 1,000
3078 feet of his or her residence.

3079 (c) Active participation in and successful completion of a
3080 sex offender treatment program with qualified practitioners
3081 specifically trained to treat sex offenders, at the
3082 probationer's or community controllee's own expense. If a
3083 qualified practitioner is not available within a 50-mile radius
3084 of the probationer's or community controllee's residence, the
3085 offender shall participate in other appropriate therapy.

3086 (d) A prohibition on any contact with the victim, directly
3087 or indirectly, including through a third person, unless approved
3088 by the victim, a qualified practitioner in the sexual offender
3089 treatment program, and the sentencing court.

3090 (e) If the victim was under the age of 18, a prohibition on
3091 contact with a child under the age of 18 except as provided in
3092 this paragraph. The court may approve supervised contact with a
3093 child under the age of 18 if the approval is based upon a
3094 recommendation for contact issued by a qualified practitioner
3095 who is basing the recommendation on a risk assessment. Further,
3096 the sex offender must be currently enrolled in or have
3097 successfully completed a sex offender therapy program. The court
3098 may not grant supervised contact with a child if the contact is
3099 not recommended by a qualified practitioner and may deny
3100 supervised contact with a child at any time. When considering
3101 whether to approve supervised contact with a child, the court
3102 must review and consider the following:

- 3103 1. A risk assessment completed by a qualified practitioner.

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3104 The qualified practitioner must prepare a written report that
3105 must include the findings of the assessment and address each of
3106 the following components:

- 3107 a. The sex offender's current legal status;
- 3108 b. The sex offender's history of adult charges with
3109 apparent sexual motivation;
- 3110 c. The sex offender's history of adult charges without
3111 apparent sexual motivation;
- 3112 d. The sex offender's history of juvenile charges, whenever
3113 available;
- 3114 e. The sex offender's offender treatment history, including
3115 consultations with the sex offender's treating, or most recent
3116 treating, therapist;
- 3117 f. The sex offender's current mental status;
- 3118 g. The sex offender's mental health and substance abuse
3119 treatment history as provided by the Department of Corrections;
- 3120 h. The sex offender's personal, social, educational, and
3121 work history;
- 3122 i. The results of current psychological testing of the sex
3123 offender if determined necessary by the qualified practitioner;
- 3124 j. A description of the proposed contact, including the
3125 location, frequency, duration, and supervisory arrangement;
- 3126 k. The child's preference and relative comfort level with
3127 the proposed contact, when age appropriate;
- 3128 l. The parent's or legal guardian's preference regarding
3129 the proposed contact; and
- 3130 m. The qualified practitioner's opinion, along with the
3131 basis for that opinion, as to whether the proposed contact would
3132 likely pose significant risk of emotional or physical harm to

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3133 the child.

3134
3135 The written report of the assessment must be given to the court;

3136 2. A recommendation made as a part of the risk assessment
3137 report as to whether supervised contact with the child should be
3138 approved;

3139 3. A written consent signed by the child's parent or legal
3140 guardian, if the parent or legal guardian is not the sex
3141 offender, agreeing to the sex offender having supervised contact
3142 with the child after receiving full disclosure of the sex
3143 offender's present legal status, past criminal history, and the
3144 results of the risk assessment. The court may not approve
3145 contact with the child if the parent or legal guardian refuses
3146 to give written consent for supervised contact;

3147 4. A safety plan prepared by the qualified practitioner,
3148 who provides treatment to the offender, in collaboration with
3149 the sex offender, the child's parent or legal guardian, if the
3150 parent or legal guardian is not the sex offender, and the child,
3151 when age appropriate, which details the acceptable conditions of
3152 contact between the sex offender and the child. The safety plan
3153 must be reviewed and approved by the court; and

3154 5. Evidence that the child's parent or legal guardian
3155 understands the need for and agrees to the safety plan and has
3156 agreed to provide, or to designate another adult to provide,
3157 constant supervision any time the child is in contact with the
3158 offender.

3159
3160 The court may not appoint a person to conduct a risk assessment
3161 and may not accept a risk assessment from a person who has not

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3162 demonstrated to the court that he or she has met the
3163 requirements of a qualified practitioner as defined in this
3164 section.

3165 (f) If the victim was under age 18, a prohibition on
3166 working for pay or as a volunteer at any place where children
3167 regularly congregate, including, but not limited to, schools,
3168 child care facilities, parks, playgrounds, pet stores,
3169 libraries, zoos, theme parks, and malls.

3170 (g) Unless otherwise indicated in the treatment plan
3171 provided by a qualified practitioner in the sexual offender
3172 treatment program, a prohibition on viewing, accessing, owning,
3173 or possessing any obscene, pornographic, or sexually stimulating
3174 visual or auditory material, including telephone, electronic
3175 media, computer programs, or computer services that are relevant
3176 to the offender's deviant behavior pattern.

3177 (h) Effective for probationers and community controllees
3178 whose crime is committed on or after July 1, 2005, a prohibition
3179 on accessing the Internet or other computer services until a
3180 qualified practitioner in the offender's sex offender treatment
3181 program, after a risk assessment is completed, approves and
3182 implements a safety plan for the offender's accessing or using
3183 the Internet or other computer services.

3184 (i) A requirement that the probationer or community
3185 controllee must submit a specimen of blood or other approved
3186 biological specimen to the Department of Law Enforcement to be
3187 registered with the DNA data bank.

3188 (j) A requirement that the probationer or community
3189 controllee make restitution to the victim, as ordered by the
3190 court under s. 775.089, for all necessary medical and related

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3191 professional services relating to physical, psychiatric, and
3192 psychological care.

3193 (k) Submission to a warrantless search by the community
3194 control or probation officer of the probationer's or community
3195 controllee's person, residence, or vehicle.

3196 (2) Effective for a probationer or community controllee
3197 whose crime was committed on or after October 1, 1997, and who
3198 is placed on community control or sex offender probation for a
3199 violation of chapter 794, s. 800.04, former s. 827.071, s.
3200 847.0135(5), or s. 847.0145, in addition to any other provision
3201 of this section, the court must impose the following conditions
3202 of probation or community control:

3203 (a) As part of a treatment program, participation at least
3204 annually in polygraph examinations to obtain information
3205 necessary for risk management and treatment and to reduce the
3206 sex offender's denial mechanisms. A polygraph examination must
3207 be conducted by a polygrapher who is a member of a national or
3208 state polygraph association and who is certified as a
3209 postconviction sex offender polygrapher, where available, and
3210 shall be paid for by the probationer or community controllee.
3211 The results of the polygraph examination shall be provided to
3212 the probationer's or community controllee's probation officer
3213 and qualified practitioner and shall not be used as evidence in
3214 court to prove that a violation of community supervision has
3215 occurred.

3216 (b) Maintenance of a driving log and a prohibition against
3217 driving a motor vehicle alone without the prior approval of the
3218 supervising officer.

3219 (c) A prohibition against obtaining or using a post office

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3220 box without the prior approval of the supervising officer.

3221 (d) If there was sexual contact, a submission to, at the
3222 probationer's or community controllee's expense, an HIV test
3223 with the results to be released to the victim or the victim's
3224 parent or guardian.

3225 (e) Electronic monitoring when deemed necessary by the
3226 community control or probation officer and his or her
3227 supervisor, and ordered by the court at the recommendation of
3228 the Department of Corrections.

3229 (3) Effective for a probationer or community controllee
3230 whose crime was committed on or after September 1, 2005, and
3231 who:

3232 (a) Is placed on probation or community control for a
3233 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
3234 827.071, or s. 847.0145 and the unlawful sexual activity
3235 involved a victim 15 years of age or younger and the offender is
3236 18 years of age or older;

3237 (b) Is designated a sexual predator pursuant to s. 775.21;
3238 or

3239 (c) Has previously been convicted of a violation of chapter
3240 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
3241 847.0145 and the unlawful sexual activity involved a victim 15
3242 years of age or younger and the offender is 18 years of age or
3243 older,

3244
3245 the court must order, in addition to any other provision of this
3246 section, mandatory electronic monitoring as a condition of the
3247 probation or community control supervision.

3248 (5) Effective for a probationer or community controllee

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3249 whose crime was committed on or after October 1, 2014, and who
3250 is placed on probation or community control for a violation of
3251 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
3252 847.0145, in addition to all other conditions imposed, the court
3253 must impose a condition prohibiting the probationer or community
3254 controllee from viewing, accessing, owning, or possessing any
3255 obscene, pornographic, or sexually stimulating visual or
3256 auditory material unless otherwise indicated in the treatment
3257 plan provided by a qualified practitioner in the sexual offender
3258 treatment program. Visual or auditory material includes, but is
3259 not limited to, telephone, electronic media, computer programs,
3260 and computer services.

3261 (6) Effective for a probationer or community controllee
3262 whose crime was committed on or after October 1, 2018, and who
3263 is placed under supervision for violation of s. 847.003 or s.
3264 847.0137(2), the court must impose the conditions specified in
3265 subsections (1)-(5) in addition to all other standard and
3266 special conditions imposed.

3267 Section 54. Subsection (1) of section 948.32, Florida
3268 Statutes, is amended to read:

3269 948.32 Requirements of law enforcement agency upon arrest
3270 of persons for certain sex offenses.—

3271 (1) When any state or local law enforcement agency
3272 investigates or arrests a person for committing, or attempting,
3273 soliciting, or conspiring to commit, a violation of s.
3274 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
3275 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
3276 847.0135, s. 847.0137(2), or s. 847.0145, the law enforcement
3277 agency shall contact the Department of Corrections to verify

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3278 whether the person under investigation or under arrest is on
3279 probation, community control, parole, conditional release, or
3280 control release.

3281 Section 55. Paragraph (e) of subsection (3) and subsection
3282 (10) of section 960.03, Florida Statutes, are amended to read:

3283 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
3284 960.01-960.28, unless the context otherwise requires, the term:

3285 (3) "Crime" means:

3286 (e) A violation of former s. 827.071, s. 847.003, s.
3287 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
3288 exploitation and child pornography.

3289 (10) "Identified victim of child pornography" means any
3290 person who, while under the age of 18, is depicted in any visual
3291 depiction image or movie of child pornography, as defined in s.
3292 847.0137, and who is identified through a report generated by a
3293 law enforcement agency and provided to the National Center for
3294 Missing and Exploited Children's Child Victim Identification
3295 Program.

3296 Section 56. Section 960.197, Florida Statutes, is amended
3297 to read:

3298 960.197 Assistance to victims of online sexual exploitation
3299 and child pornography.—

3300 (1) Notwithstanding the criteria set forth in s. 960.13 for
3301 crime victim compensation awards, the department may award
3302 compensation for counseling and other mental health services to
3303 treat psychological injury or trauma to:

3304 (a) A child younger than 18 years of age who suffers
3305 psychiatric or psychological injury as a direct result of online
3306 sexual exploitation under former ~~any provision of~~ s. 827.071, s.

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3307 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
3308 not otherwise sustain a personal injury or death; or

3309 (b) Any person who, while younger than age 18, was depicted
3310 in any visual depiction ~~image or movie, regardless of length~~, of
3311 child pornography as defined in s. 847.0137 ~~847.001~~, who has
3312 been identified by a law enforcement agency or the National
3313 Center for Missing and Exploited Children as an identified
3314 victim of child pornography, who suffers psychiatric or
3315 psychological injury as a direct result of the crime, and who
3316 does not otherwise sustain a personal injury or death.

3317 (2) Compensation under this section is not contingent upon
3318 pursuit of a criminal investigation or prosecution.

3319 Section 57. Paragraph (d) of subsection (4) of section
3320 985.04, Florida Statutes, is amended to read:

3321 985.04 Oaths; records; confidential information.-

3322 (4)

3323 (d) The department shall disclose to the school
3324 superintendent the presence of any child in the care and custody
3325 or under the jurisdiction or supervision of the department who
3326 has a known history of criminal sexual behavior with other
3327 juveniles; is alleged to have committed juvenile sexual abuse as
3328 defined in s. 39.01; or has pled guilty or nolo contendere to,
3329 or has been found to have committed, a violation of chapter 794,
3330 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
3331 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
3332 adjudication. Any employee of a district school board who
3333 knowingly and willfully discloses such information to an
3334 unauthorized person commits a misdemeanor of the second degree,
3335 punishable as provided in s. 775.082 or s. 775.083.

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3336 Section 58. Paragraph (a) of subsection (1) of section
 3337 985.475, Florida Statutes, is amended to read:

3338 985.475 Juvenile sexual offenders.—

3339 (1) CRITERIA.—A “juvenile sexual offender” means:

3340 (a) A juvenile who has been found by the court under s.
 3341 985.35 to have committed a violation of chapter 794, chapter
 3342 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 3343 or s. 847.0137(2);

3344 Section 59. Paragraphs (mm) and (oo) of subsection (1) of
 3345 section 1012.315, Florida Statutes, are amended to read:

3346 1012.315 Disqualification from employment.—A person is
 3347 ineligible for educator certification, and instructional
 3348 personnel and school administrators, as defined in s. 1012.01,
 3349 are ineligible for employment in any position that requires
 3350 direct contact with students in a district school system,
 3351 charter school, or private school that accepts scholarship
 3352 students under s. 1002.39 or s. 1002.395, if the person,
 3353 instructional personnel, or school administrator has been
 3354 convicted of:

3355 (1) Any felony offense prohibited under any of the
 3356 following statutes:

3357 (mm) Former s. Section ~~Section~~ 827.071, relating to sexual
 3358 performance by a child.

3359 (oo) Chapter 847, relating to obscenity and child
 3360 exploitation.

3361 Section 60. Paragraphs (e), (f), and (h) of subsection (3)
 3362 of section 921.0022, Florida Statutes, are amended to read:

3363 921.0022 Criminal Punishment Code; offense severity ranking
 3364 chart.—

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3365 (3) OFFENSE SEVERITY RANKING CHART

3366 (e) LEVEL 5

3367

Florida Statute	Felony Degree	Description
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3368

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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3369

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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3370

316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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3371

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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3372

327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
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3373

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
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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.

3374

379.367(4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

3375

379.407(5)(b)3.

3rd

Possession of 100 or more undersized spiny lobsters.

3376

381.0041(11)(b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

3377

440.10(1)(g)

2nd

Failure to obtain workers' compensation coverage.

3378

440.105(5)

2nd

Unlawful solicitation for the purpose of making workers'

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3379			compensation claims.
3380	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3381	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3382	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3383	790.01 (2)	3rd	Carrying a concealed firearm.
3384	790.162	2nd	Threat to throw or discharge destructive device.
3385	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3386	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.

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3387	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3388	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3389	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3390	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3391	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3392	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3393	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property; dealing in or

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			trafficking in.
3394	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3395	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3396	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3397	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3398	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.
3399	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

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3400			persons.
3401	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3402	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3403	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3404	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
3405	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency

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			involving great bodily harm or death.
3406	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3407	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3408	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3409	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3410	<u>847.0137 (3)</u> 847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3411	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3412	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent

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3413

offense.

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

3414

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).

3415

893.13 (1) (c) 2.

2nd

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

3416

893.13 (1) (d) 1.

1st

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

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3417

drugs) within 1,000 feet of university.

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

3418

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.

3419

893.13(4)(b)

2nd

Use or hire of minor; deliver to minor other controlled substance.

3420

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

3421

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3422 (f) LEVEL 6

3423

Florida Statute	Felony Degree	Description
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3424

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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3425

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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3426

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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3427

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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3428

499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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3429

499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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3430

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3431	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3432	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3433	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3434	784.041	3rd	Felony battery; domestic battery by strangulation.
3435	784.048 (3)	3rd	Aggravated stalking; credible threat.
3436	784.048 (5)	3rd	Aggravated stalking of person under 16.
3437	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3438	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3439	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
	784.081 (2)	2nd	Aggravated assault on specified

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			official or employee.
3440	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3441	784.083 (2)	2nd	Aggravated assault on code inspector.
3442	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3443	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3444	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3445	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.
3446	790.19	2nd	Shooting or throwing deadly

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			missiles into dwellings, vessels, or vehicles.
3447	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3448	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3449	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.
3450	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3451	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3452	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3453	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.

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3454

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

3455

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

3456

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

3457

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

3458

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

3459

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

3460

817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

3461

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

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3462	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3463	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3464	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3465	827.03 (2) (c)	3rd	Abuse of a child.
3466	827.03 (2) (d)	3rd	Neglect of a child.
3467	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3468	836.05	2nd	Threats; extortion.
3469	836.10	2nd	Written threats to kill or do bodily injury.
3470	843.12	3rd	Aids or assists person to escape.
3471	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a</u>

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			<u>sexual performance, or promote</u> <u>or direct such performance.</u>
3472	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3473	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3474	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3475	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3476	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.
3477	944.40	2nd	Escapes.
3478			

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3479 944.46 3rd Harboring, concealing, aiding
escaped prisoners.

3480 944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

3481 951.22(1) 3rd Intoxicating drug, firearm, or
weapon introduced into county
facility.

3482 (h) LEVEL 8

3483 Florida Felony Description
Statute Degree

3484 316.193 2nd DUI manslaughter.
(3)(c)3.a.

3485 316.1935(4)(b) 1st Aggravated fleeing or attempted
eluding with serious bodily
injury or death.

3486 327.35(3)(c)3. 2nd Vessel BUI manslaughter.

3487 499.0051(6) 1st Knowing trafficking in
contraband prescription drugs.

3488 499.0051(7) 1st Knowing forgery of prescription

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			labels or prescription drug labels.
3489	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
3490	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
3491	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3492	777.03(2)(a)	1st	Accessory after the fact, capital felony.
3493	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping,

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3494	782.051 (2)	1st	aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3495	782.071 (1) (b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
3496	782.072 (2)	1st	Committing vehicular homicide and failing to render aid or give information.
3497	787.06 (3) (a) 1.	1st	Committing vessel homicide and failing to render aid or give information.
3498	787.06 (3) (b)	1st	Human trafficking for labor and services of a child.
3499	787.06 (3) (c) 2.	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3500			Human trafficking using coercion for labor and services of an unauthorized alien adult.

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3501

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.

3502

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.

3503

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

3504

794.011(5)(a) 1st Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

794.011(5)(b) 2nd Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

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3505

794.011 (5) (c) 2nd Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

3506

794.011 (5) (d) 1st Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

3507

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

3508

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

3509

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

3510

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

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3511

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

3512

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

3513

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

3514

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

3515

812.13 (2) (b) 1st Robbery with a weapon.

3516

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

3517

817.505 (4) (c) 1st Patient brokering; 20 or more patients.

3518

817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.

3519

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3520

817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.

3521

817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

3522

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.

3523

817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

3524

817.611 (2) (c) 1st Traffic in or possess 50 or more counterfeit credit cards or related documents.

3525

825.102 (2) 1st Aggravated abuse of an elderly person or disabled adult.

825.1025 (2) 2nd Lewd or lascivious battery upon

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			an elderly person or disabled adult.
3526	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3527	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3528	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3529	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3530	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3531	860.16	1st	Aircraft piracy.
3532	893.13 (1) (b)	1st	Sell or deliver in excess of 10

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			grams of any substance specified in s. 893.03(1) (a) or (b).
3533	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3534	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
3535	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3536	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3537	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3538	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3539	893.135	1st	Trafficking in oxycodone, 25

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3540	(1) (c) 3.c.		grams or more, less than 100 grams.
3541	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
3542	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
3543	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
3544	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
3545	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3546	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,

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3547 (1) (j) 1.b. 5 kilograms or more, less than
10 kilograms.

893.135 1st Trafficking in Phenethylamines,
3548 (1) (k) 2.b. 200 grams or more, less than
400 grams.

893.135 1st Trafficking in synthetic
3549 (1) (m) 2.c. cannabinoids, 1,000 grams or
more, less than 30 kilograms.

893.135 1st Trafficking in n-benzyl
3550 (1) (n) 2.b. phenethylamines, 100 grams or
more, less than 200 grams.

893.1351 (3) 1st Possession of a place used to
3551 manufacture controlled
substance when minor is present
or resides there.

895.03 (1) 1st Use or invest proceeds derived
3552 from pattern of racketeering
activity.

895.03 (2) 1st Acquire or maintain through
3553 racketeering activity any
interest in or control of any
enterprise or real property.

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3554

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

3555

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

3556

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.

3557

Section 61. The Division of Law Revision and Information is directed to rename chapter 847, Florida Statutes, as "Obscenity; Child Exploitation."

3560

Section 62. For the purpose of incorporating the amendment made by this act to section 39.0139, Florida Statutes, in a reference thereto, paragraph (a) of subsection (9) of section 39.402, Florida Statutes, is reenacted to read:

3564

39.402 Placement in a shelter.—

3565

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

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3570 for visitation or other contact must conform to s. 39.0139. If
3571 visitation is ordered but will not commence within 72 hours of
3572 the shelter hearing, the department shall provide justification
3573 to the court.

3574 Section 63. For the purpose of incorporating the amendment
3575 made by this act to section 39.0139, Florida Statutes, in a
3576 reference thereto, subsection (6) of section 39.506, Florida
3577 Statutes, is reenacted to read:

3578 39.506 Arraignment hearings.—

3579 (6) At any arraignment hearing, if the child is in an out-
3580 of-home placement, the court shall order visitation rights
3581 absent a clear and convincing showing that visitation is not in
3582 the best interest of the child. Any order for visitation or
3583 other contact must conform to the provisions of s. 39.0139.

3584 Section 64. For the purpose of incorporating the amendment
3585 made by this act to section 775.21, Florida Statutes, in a
3586 reference thereto, paragraph (b) of subsection (6) of section
3587 39.509, Florida Statutes, is reenacted to read:

3588 39.509 Grandparents rights.—Notwithstanding any other
3589 provision of law, a maternal or paternal grandparent as well as
3590 a stepgrandparent is entitled to reasonable visitation with his
3591 or her grandchild who has been adjudicated a dependent child and
3592 taken from the physical custody of the parent unless the court
3593 finds that such visitation is not in the best interest of the
3594 child or that such visitation would interfere with the goals of
3595 the case plan. Reasonable visitation may be unsupervised and,
3596 where appropriate and feasible, may be frequent and continuing.
3597 Any order for visitation or other contact must conform to the
3598 provisions of s. 39.0139.

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3599 (6) In determining whether grandparental visitation is not
3600 in the child's best interest, consideration may be given to the
3601 following:

3602 (b) The designation by a court as a sexual predator as
3603 defined in s. 775.21 or a substantially similar designation
3604 under laws of another jurisdiction.

3605 Section 65. For the purpose of incorporating the amendment
3606 made by this act to section 39.0139, Florida Statutes, in a
3607 reference thereto, paragraph (d) of subsection (3) of section
3608 39.521, Florida Statutes, is reenacted to read:

3609 39.521 Disposition hearings; powers of disposition.—

3610 (3) When any child is adjudicated by a court to be
3611 dependent, the court shall determine the appropriate placement
3612 for the child as follows:

3613 (d) If the child cannot be safely placed in a nonlicensed
3614 placement, the court shall commit the child to the temporary
3615 legal custody of the department. Such commitment invests in the
3616 department all rights and responsibilities of a legal custodian.
3617 The department shall not return any child to the physical care
3618 and custody of the person from whom the child was removed,
3619 except for court-approved visitation periods, without the
3620 approval of the court. Any order for visitation or other contact
3621 must conform to the provisions of s. 39.0139. The term of such
3622 commitment continues until terminated by the court or until the
3623 child reaches the age of 18. After the child is committed to the
3624 temporary legal custody of the department, all further
3625 proceedings under this section are governed by this chapter.

3626
3627 Protective supervision continues until the court terminates it

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3628 or until the child reaches the age of 18, whichever date is
3629 first. Protective supervision shall be terminated by the court
3630 whenever the court determines that permanency has been achieved
3631 for the child, whether with a parent, another relative, or a
3632 legal custodian, and that protective supervision is no longer
3633 needed. The termination of supervision may be with or without
3634 retaining jurisdiction, at the court's discretion, and shall in
3635 either case be considered a permanency option for the child. The
3636 order terminating supervision by the department shall set forth
3637 the powers of the custodian of the child and shall include the
3638 powers ordinarily granted to a guardian of the person of a minor
3639 unless otherwise specified. Upon the court's termination of
3640 supervision by the department, no further judicial reviews are
3641 required, so long as permanency has been established for the
3642 child.

3643 Section 66. For the purpose of incorporating the amendment
3644 made by this act to section 775.21, Florida Statutes, in
3645 references thereto, paragraphs (d) and (n) of subsection (1) of
3646 section 39.806, Florida Statutes, are reenacted to read:

3647 39.806 Grounds for termination of parental rights.—

3648 (1) Grounds for the termination of parental rights may be
3649 established under any of the following circumstances:

3650 (d) When the parent of a child is incarcerated and either:

3651 1. The period of time for which the parent is expected to
3652 be incarcerated will constitute a significant portion of the
3653 child's minority. When determining whether the period of time is
3654 significant, the court shall consider the child's age and the
3655 child's need for a permanent and stable home. The period of time
3656 begins on the date that the parent enters into incarceration;

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3657 2. The incarcerated parent has been determined by the court
3658 to be a violent career criminal as defined in s. 775.084, a
3659 habitual violent felony offender as defined in s. 775.084, or a
3660 sexual predator as defined in s. 775.21; has been convicted of
3661 first degree or second degree murder in violation of s. 782.04
3662 or a sexual battery that constitutes a capital, life, or first
3663 degree felony violation of s. 794.011; or has been convicted of
3664 an offense in another jurisdiction which is substantially
3665 similar to one of the offenses listed in this paragraph. As used
3666 in this section, the term "substantially similar offense" means
3667 any offense that is substantially similar in elements and
3668 penalties to one of those listed in this subparagraph, and that
3669 is in violation of a law of any other jurisdiction, whether that
3670 of another state, the District of Columbia, the United States or
3671 any possession or territory thereof, or any foreign
3672 jurisdiction; or

3673 3. The court determines by clear and convincing evidence
3674 that continuing the parental relationship with the incarcerated
3675 parent would be harmful to the child and, for this reason, that
3676 termination of the parental rights of the incarcerated parent is
3677 in the best interest of the child. When determining harm, the
3678 court shall consider the following factors:

3679 a. The age of the child.

3680 b. The relationship between the child and the parent.

3681 c. The nature of the parent's current and past provision
3682 for the child's developmental, cognitive, psychological, and
3683 physical needs.

3684 d. The parent's history of criminal behavior, which may
3685 include the frequency of incarceration and the unavailability of

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3686 the parent to the child due to incarceration.

3687 e. Any other factor the court deems relevant.

3688 (n) The parent is convicted of an offense that requires the
3689 parent to register as a sexual predator under s. 775.21.

3690 Section 67. For the purpose of incorporating the amendment
3691 made by this act to section 775.21, Florida Statutes, in a
3692 reference thereto, paragraph (b) of subsection (4) of section
3693 63.089, Florida Statutes, is reenacted to read:

3694 63.089 Proceeding to terminate parental rights pending
3695 adoption; hearing; grounds; dismissal of petition; judgment.—

3696 (4) FINDING OF ABANDONMENT.—A finding of abandonment
3697 resulting in a termination of parental rights must be based upon
3698 clear and convincing evidence that a parent or person having
3699 legal custody has abandoned the child in accordance with the
3700 definition contained in s. 63.032. A finding of abandonment may
3701 also be based upon emotional abuse or a refusal to provide
3702 reasonable financial support, when able, to a birth mother
3703 during her pregnancy or on whether the person alleged to have
3704 abandoned the child, while being able, failed to establish
3705 contact with the child or accept responsibility for the child's
3706 welfare.

3707 (b) The child has been abandoned when the parent of a child
3708 is incarcerated on or after October 1, 2001, in a federal,
3709 state, or county correctional institution and:

3710 1. The period of time for which the parent has been or is
3711 expected to be incarcerated will constitute a significant
3712 portion of the child's minority. In determining whether the
3713 period of time is significant, the court shall consider the
3714 child's age and the child's need for a permanent and stable

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3715 home. The period of time begins on the date that the parent
3716 enters into incarceration;

3717 2. The incarcerated parent has been determined by a court
3718 of competent jurisdiction to be a violent career criminal as
3719 defined in s. 775.084, a habitual violent felony offender as
3720 defined in s. 775.084, convicted of child abuse as defined in s.
3721 827.03, or a sexual predator as defined in s. 775.21; has been
3722 convicted of first degree or second degree murder in violation
3723 of s. 782.04 or a sexual battery that constitutes a capital,
3724 life, or first degree felony violation of s. 794.011; or has
3725 been convicted of a substantially similar offense in another
3726 jurisdiction. As used in this section, the term "substantially
3727 similar offense" means any offense that is substantially similar
3728 in elements and penalties to one of those listed in this
3729 subparagraph, and that is in violation of a law of any other
3730 jurisdiction, whether that of another state, the District of
3731 Columbia, the United States or any possession or territory
3732 thereof, or any foreign jurisdiction; or

3733 3. The court determines by clear and convincing evidence
3734 that continuing the parental relationship with the incarcerated
3735 parent would be harmful to the child and, for this reason,
3736 termination of the parental rights of the incarcerated parent is
3737 in the best interests of the child.

3738 Section 68. For the purpose of incorporating the amendment
3739 made by this act to section 775.21, Florida Statutes, in a
3740 reference thereto, subsection (3) of section 63.092, Florida
3741 Statutes, is reenacted to read:

3742 63.092 Report to the court of intended placement by an
3743 adoption entity; at-risk placement; preliminary study.-

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3744 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
3745 intended adoptive home, a preliminary home study must be
3746 performed by a licensed child-placing agency, a child-caring
3747 agency registered under s. 409.176, a licensed professional, or
3748 an agency described in s. 61.20(2), unless the adoptee is an
3749 adult or the petitioner is a stepparent or a relative. If the
3750 adoptee is an adult or the petitioner is a stepparent or a
3751 relative, a preliminary home study may be required by the court
3752 for good cause shown. The department is required to perform the
3753 preliminary home study only if there is no licensed child-
3754 placing agency, child-caring agency registered under s. 409.176,
3755 licensed professional, or agency described in s. 61.20(2), in
3756 the county where the prospective adoptive parents reside. The
3757 preliminary home study must be made to determine the suitability
3758 of the intended adoptive parents and may be completed prior to
3759 identification of a prospective adoptive minor. A favorable
3760 preliminary home study is valid for 1 year after the date of its
3761 completion. Upon its completion, a signed copy of the home study
3762 must be provided to the intended adoptive parents who were the
3763 subject of the home study. A minor may not be placed in an
3764 intended adoptive home before a favorable preliminary home study
3765 is completed unless the adoptive home is also a licensed foster
3766 home under s. 409.175. The preliminary home study must include,
3767 at a minimum:

- 3768 (a) An interview with the intended adoptive parents;
3769 (b) Records checks of the department's central abuse
3770 registry and criminal records correspondence checks under s.
3771 39.0138 through the Department of Law Enforcement on the
3772 intended adoptive parents;

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3773 (c) An assessment of the physical environment of the home;
3774 (d) A determination of the financial security of the
3775 intended adoptive parents;
3776 (e) Documentation of counseling and education of the
3777 intended adoptive parents on adoptive parenting;
3778 (f) Documentation that information on adoption and the
3779 adoption process has been provided to the intended adoptive
3780 parents;
3781 (g) Documentation that information on support services
3782 available in the community has been provided to the intended
3783 adoptive parents; and
3784 (h) A copy of each signed acknowledgment of receipt of
3785 disclosure required by s. 63.085.
3786
3787 If the preliminary home study is favorable, a minor may be
3788 placed in the home pending entry of the judgment of adoption. A
3789 minor may not be placed in the home if the preliminary home
3790 study is unfavorable. If the preliminary home study is
3791 unfavorable, the adoption entity may, within 20 days after
3792 receipt of a copy of the written recommendation, petition the
3793 court to determine the suitability of the intended adoptive
3794 home. A determination as to suitability under this subsection
3795 does not act as a presumption of suitability at the final
3796 hearing. In determining the suitability of the intended adoptive
3797 home, the court must consider the totality of the circumstances
3798 in the home. A minor may not be placed in a home in which there
3799 resides any person determined by the court to be a sexual
3800 predator as defined in s. 775.21 or to have been convicted of an
3801 offense listed in s. 63.089(4)(b)2.

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3802 Section 69. For the purpose of incorporating the amendments
3803 made by this act to sections 775.21 and 943.0435, Florida
3804 Statutes, in references thereto, paragraph (i) of subsection (3)
3805 and subsection (6) of section 68.07, Florida Statutes, are
3806 reenacted to read:

3807 68.07 Change of name.—

3808 (3) Each petition shall be verified and show:

3809 (i) Whether the petitioner has ever been required to
3810 register as a sexual predator under s. 775.21 or as a sexual
3811 offender under s. 943.0435.

3812 (6) The clerk of the court must, within 5 business days
3813 after the filing of the final judgment, send a report of the
3814 judgment to the Department of Law Enforcement on a form to be
3815 furnished by that department. If the petitioner is required to
3816 register as a sexual predator or a sexual offender pursuant to
3817 s. 775.21 or s. 943.0435, the clerk of court shall
3818 electronically notify the Department of Law Enforcement of the
3819 name change, in a manner prescribed by that department, within 2
3820 business days after the filing of the final judgment. The
3821 Department of Law Enforcement must send a copy of the report to
3822 the Department of Highway Safety and Motor Vehicles, which may
3823 be delivered by electronic transmission. The report must contain
3824 sufficient information to identify the petitioner, including the
3825 results of the criminal history records check if applicable, the
3826 new name of the petitioner, and the file number of the judgment.
3827 The Department of Highway Safety and Motor Vehicles shall
3828 monitor the records of any sexual predator or sexual offender
3829 whose name has been provided to it by the Department of Law
3830 Enforcement. If the sexual predator or sexual offender does not

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3831 obtain a replacement driver license or identification card
3832 within the required time as specified in s. 775.21 or s.
3833 943.0435, the Department of Highway Safety and Motor Vehicles
3834 shall notify the Department of Law Enforcement. The Department
3835 of Law Enforcement shall notify applicable law enforcement
3836 agencies of the predator's or offender's failure to comply with
3837 registration requirements. Any information retained by the
3838 Department of Law Enforcement and the Department of Highway
3839 Safety and Motor Vehicles may be revised or supplemented by said
3840 departments to reflect changes made by the final judgment. With
3841 respect to a person convicted of a felony in another state or of
3842 a federal offense, the Department of Law Enforcement must send
3843 the report to the respective state's office of law enforcement
3844 records or to the office of the Federal Bureau of Investigation.
3845 The Department of Law Enforcement may forward the report to any
3846 other law enforcement agency it believes may retain information
3847 related to the petitioner.

3848 Section 70. For the purpose of incorporating the amendments
3849 made by this act to sections 775.21 and 943.0435, Florida
3850 Statutes, in references thereto, paragraph (b) of subsection (1)
3851 of section 92.55, Florida Statutes, is reenacted to read:

3852 92.55 Judicial or other proceedings involving victim or
3853 witness under the age of 18, a person who has an intellectual
3854 disability, or a sexual offense victim or witness; special
3855 protections; use of therapy animals or facility dogs.—

3856 (1) For purposes of this section, the term:

3857 (b) "Sexual offense" means any offense specified in s.
3858 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3859 Section 71. For the purpose of incorporating the amendment

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3860 made by this act to section 16.56, Florida Statutes, in a
3861 reference thereto, paragraph (b) of subsection (1) of section
3862 92.605, Florida Statutes, is reenacted to read:

3863 92.605 Production of certain records by Florida businesses
3864 and out-of-state corporations.—

3865 (1) For the purposes of this section, the term:

3866 (b) "Applicant" means a law enforcement officer who is
3867 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
3868 905.185, or s. 914.04 or who is issued a search warrant under s.
3869 933.01, or anyone who is authorized to issue a subpoena under
3870 the Florida Rules of Criminal Procedure.

3871 Section 72. For the purpose of incorporating the amendments
3872 made by this act to sections 775.21, 943.0435, and 944.607,
3873 Florida Statutes, in references thereto, subsection (3) of
3874 section 322.141, Florida Statutes, is reenacted to read:

3875 322.141 Color or markings of certain licenses or
3876 identification cards.—

3877 (3) All licenses for the operation of motor vehicles or
3878 identification cards originally issued or reissued by the
3879 department to persons who are designated as sexual predators
3880 under s. 775.21 or subject to registration as sexual offenders
3881 under s. 943.0435 or s. 944.607, or who have a similar
3882 designation or are subject to a similar registration under the
3883 laws of another jurisdiction, shall have on the front of the
3884 license or identification card the following:

3885 (a) For a person designated as a sexual predator under s.
3886 775.21 or who has a similar designation under the laws of
3887 another jurisdiction, the marking "SEXUAL PREDATOR."

3888 (b) For a person subject to registration as a sexual

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3889 offender under s. 943.0435 or s. 944.607, or subject to a
3890 similar registration under the laws of another jurisdiction, the
3891 marking "943.0435, F.S."

3892 Section 73. For the purpose of incorporating the amendment
3893 made by this act to section 775.0877, Florida Statutes, in a
3894 reference thereto, paragraph (h) of subsection (2) of section
3895 381.004, Florida Statutes, is reenacted to read:

3896 381.004 HIV testing.—

3897 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
3898 RESULTS; COUNSELING; CONFIDENTIALITY.—

3899 (h) Paragraph (a) does not apply:

3900 1. When testing for sexually transmissible diseases is
3901 required by state or federal law, or by rule, including the
3902 following situations:

3903 a. HIV testing pursuant to s. 796.08 of persons convicted
3904 of prostitution or of procuring another to commit prostitution.

3905 b. HIV testing of inmates pursuant to s. 945.355 before
3906 their release from prison by reason of parole, accumulation of
3907 gain-time credits, or expiration of sentence.

3908 c. Testing for HIV by a medical examiner in accordance with
3909 s. 406.11.

3910 d. HIV testing of pregnant women pursuant to s. 384.31.

3911 2. To those exceptions provided for blood, plasma, organs,
3912 skin, semen, or other human tissue pursuant to s. 381.0041.

3913 3. For the performance of an HIV-related test by licensed
3914 medical personnel in bona fide medical emergencies if the test
3915 results are necessary for medical diagnostic purposes to provide
3916 appropriate emergency care or treatment to the person being
3917 tested and the patient is unable to consent, as supported by

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3918 documentation in the medical record. Notification of test
3919 results in accordance with paragraph (c) is required.

3920 4. For the performance of an HIV-related test by licensed
3921 medical personnel for medical diagnosis of acute illness where,
3922 in the opinion of the attending physician, providing
3923 notification would be detrimental to the patient, as supported
3924 by documentation in the medical record, and the test results are
3925 necessary for medical diagnostic purposes to provide appropriate
3926 care or treatment to the person being tested. Notification of
3927 test results in accordance with paragraph (c) is required if it
3928 would not be detrimental to the patient. This subparagraph does
3929 not authorize the routine testing of patients for HIV infection
3930 without notification.

3931 5. If HIV testing is performed as part of an autopsy for
3932 which consent was obtained pursuant to s. 872.04.

3933 6. For the performance of an HIV test upon a defendant
3934 pursuant to the victim's request in a prosecution for any type
3935 of sexual battery where a blood sample is taken from the
3936 defendant voluntarily, pursuant to court order for any purpose,
3937 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3938 the results of an HIV test performed shall be disclosed solely
3939 to the victim and the defendant, except as provided in ss.
3940 775.0877, 951.27, and 960.003.

3941 7. If an HIV test is mandated by court order.

3942 8. For epidemiological research pursuant to s. 381.0031,
3943 for research consistent with institutional review boards created
3944 by 45 C.F.R. part 46, or for the performance of an HIV-related
3945 test for the purpose of research, if the testing is performed in
3946 a manner by which the identity of the test subject is not known

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3947 and may not be retrieved by the researcher.

3948 9. If human tissue is collected lawfully without the
3949 consent of the donor for corneal removal as authorized by s.
3950 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3951 10. For the performance of an HIV test upon an individual
3952 who comes into contact with medical personnel in such a way that
3953 a significant exposure has occurred during the course of
3954 employment, within the scope of practice, or during the course
3955 of providing emergency medical assistance to the individual. The
3956 term "medical personnel" includes a licensed or certified health
3957 care professional; an employee of a health care professional or
3958 health care facility; employees of a laboratory licensed under
3959 chapter 483; personnel of a blood bank or plasma center; a
3960 medical student or other student who is receiving training as a
3961 health care professional at a health care facility; and a
3962 paramedic or emergency medical technician certified by the
3963 department to perform life-support procedures under s. 401.23.

3964 a. The occurrence of a significant exposure shall be
3965 documented by medical personnel under the supervision of a
3966 licensed physician and recorded only in the personnel record of
3967 the medical personnel.

3968 b. Costs of an HIV test shall be borne by the medical
3969 personnel or the employer of the medical personnel. However,
3970 costs of testing or treatment not directly related to the
3971 initial HIV tests or costs of subsequent testing or treatment
3972 may not be borne by the medical personnel or the employer of the
3973 medical personnel.

3974 c. In order to use the provisions of this subparagraph, the
3975 medical personnel must be tested for HIV pursuant to this

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3976 section or provide the results of an HIV test taken within 6
3977 months before the significant exposure if such test results are
3978 negative.

3979 d. A person who receives the results of an HIV test
3980 pursuant to this subparagraph shall maintain the confidentiality
3981 of the information received and of the persons tested. Such
3982 confidential information is exempt from s. 119.07(1).

3983 e. If the source of the exposure is not available and will
3984 not voluntarily present himself or herself to a health facility
3985 to be tested for HIV, the medical personnel or the employer of
3986 such person acting on behalf of the employee may seek a court
3987 order directing the source of the exposure to submit to HIV
3988 testing. A sworn statement by a physician licensed under chapter
3989 458 or chapter 459 that a significant exposure has occurred and
3990 that, in the physician's medical judgment, testing is medically
3991 necessary to determine the course of treatment constitutes
3992 probable cause for the issuance of an order by the court. The
3993 results of the test shall be released to the source of the
3994 exposure and to the person who experienced the exposure.

3995 11. For the performance of an HIV test upon an individual
3996 who comes into contact with nonmedical personnel in such a way
3997 that a significant exposure has occurred while the nonmedical
3998 personnel provides emergency medical assistance during a medical
3999 emergency. For the purposes of this subparagraph, a medical
4000 emergency means an emergency medical condition outside of a
4001 hospital or health care facility that provides physician care.
4002 The test may be performed only during the course of treatment
4003 for the medical emergency.

4004 a. The occurrence of a significant exposure shall be

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4005 documented by medical personnel under the supervision of a
4006 licensed physician and recorded in the medical record of the
4007 nonmedical personnel.

4008 b. Costs of any HIV test shall be borne by the nonmedical
4009 personnel or the employer of the nonmedical personnel. However,
4010 costs of testing or treatment not directly related to the
4011 initial HIV tests or costs of subsequent testing or treatment
4012 may not be borne by the nonmedical personnel or the employer of
4013 the nonmedical personnel.

4014 c. In order to use the provisions of this subparagraph, the
4015 nonmedical personnel shall be tested for HIV pursuant to this
4016 section or shall provide the results of an HIV test taken within
4017 6 months before the significant exposure if such test results
4018 are negative.

4019 d. A person who receives the results of an HIV test
4020 pursuant to this subparagraph shall maintain the confidentiality
4021 of the information received and of the persons tested. Such
4022 confidential information is exempt from s. 119.07(1).

4023 e. If the source of the exposure is not available and will
4024 not voluntarily present himself or herself to a health facility
4025 to be tested for HIV, the nonmedical personnel or the employer
4026 of the nonmedical personnel acting on behalf of the employee may
4027 seek a court order directing the source of the exposure to
4028 submit to HIV testing. A sworn statement by a physician licensed
4029 under chapter 458 or chapter 459 that a significant exposure has
4030 occurred and that, in the physician's medical judgment, testing
4031 is medically necessary to determine the course of treatment
4032 constitutes probable cause for the issuance of an order by the
4033 court. The results of the test shall be released to the source

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4034 of the exposure and to the person who experienced the exposure.

4035 12. For the performance of an HIV test by the medical
4036 examiner or attending physician upon an individual who expired
4037 or could not be resuscitated while receiving emergency medical
4038 assistance or care and who was the source of a significant
4039 exposure to medical or nonmedical personnel providing such
4040 assistance or care.

4041 a. HIV testing may be conducted only after appropriate
4042 medical personnel under the supervision of a licensed physician
4043 documents in the medical record of the medical personnel or
4044 nonmedical personnel that there has been a significant exposure
4045 and that, in accordance with the written protocols based on the
4046 National Centers for Disease Control and Prevention guidelines
4047 on HIV postexposure prophylaxis and in the physician's medical
4048 judgment, the information is medically necessary to determine
4049 the course of treatment for the medical personnel or nonmedical
4050 personnel.

4051 b. Costs of an HIV test performed under this subparagraph
4052 may not be charged to the deceased or to the family of the
4053 deceased person.

4054 c. For this subparagraph to be applicable, the medical
4055 personnel or nonmedical personnel must be tested for HIV under
4056 this section or must provide the results of an HIV test taken
4057 within 6 months before the significant exposure if such test
4058 results are negative.

4059 d. A person who receives the results of an HIV test
4060 pursuant to this subparagraph shall comply with paragraph (e).

4061 13. For the performance of an HIV-related test medically
4062 indicated by licensed medical personnel for medical diagnosis of

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4063 a hospitalized infant as necessary to provide appropriate care
4064 and treatment of the infant if, after a reasonable attempt, a
4065 parent cannot be contacted to provide consent. The medical
4066 records of the infant must reflect the reason consent of the
4067 parent was not initially obtained. Test results shall be
4068 provided to the parent when the parent is located.

4069 14. For the performance of HIV testing conducted to monitor
4070 the clinical progress of a patient previously diagnosed to be
4071 HIV positive.

4072 15. For the performance of repeated HIV testing conducted
4073 to monitor possible conversion from a significant exposure.

4074 Section 74. For the purpose of incorporating the amendment
4075 made by this act to section 775.0877, Florida Statutes, in
4076 references thereto, paragraph (c) of subsection (1) and
4077 subsection (3) of section 384.29, Florida Statutes, are
4078 reenacted to read:

4079 384.29 Confidentiality.—

4080 (1) All information and records held by the department or
4081 its authorized representatives relating to known or suspected
4082 cases of sexually transmissible diseases are strictly
4083 confidential and exempt from the provisions of s. 119.07(1).
4084 Such information shall not be released or made public by the
4085 department or its authorized representatives, or by a court or
4086 parties to a lawsuit upon revelation by subpoena, except under
4087 the following circumstances:

4088 (c) When made to medical personnel, appropriate state
4089 agencies, public health agencies, or courts of appropriate
4090 jurisdiction, to enforce the provisions of this chapter or s.
4091 775.0877 and related rules;

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4092 (3) No employee of the department or its authorized
4093 representatives shall be examined in a civil, criminal, special,
4094 or other proceeding as to the existence or contents of pertinent
4095 records of a person examined or treated for a sexually
4096 transmissible disease by the department or its authorized
4097 representatives, or of the existence or contents of such reports
4098 received from a private physician or private health facility,
4099 without the consent of the person examined and treated for such
4100 diseases, except in proceedings under ss. 384.27 and 384.28 or
4101 involving offenders pursuant to s. 775.0877.

4102 Section 75. For the purpose of incorporating the amendment
4103 made by this act to section 39.01, Florida Statutes, in
4104 references thereto, paragraphs (b) and (e) of subsection (2) of
4105 section 390.01114, Florida Statutes, are reenacted to read:

4106 390.01114 Parental Notice of Abortion Act.—

4107 (2) DEFINITIONS.—As used in this section, the term:

4108 (b) "Child abuse" means abandonment, abuse, harm, mental
4109 injury, neglect, physical injury, or sexual abuse of a child as
4110 those terms are defined in ss. 39.01, 827.04, and 984.03.

4111 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

4112 Section 76. For the purpose of incorporating the amendment
4113 made by this act to section 39.01, Florida Statutes, in
4114 references thereto, paragraph (h) of subsection (4) and
4115 subsections (7) and (9) of section 393.067, Florida Statutes,
4116 are reenacted to read:

4117 393.067 Facility licensure.—

4118 (4) The application shall be under oath and shall contain
4119 the following:

4120 (h) Certification that the staff of the facility or program

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4121 will receive training to detect, report, and prevent sexual
4122 abuse, abuse, neglect, exploitation, and abandonment, as defined
4123 in ss. 39.01 and 415.102, of residents and clients.

4124 (7) The agency shall adopt rules establishing minimum
4125 standards for facilities and programs licensed under this
4126 section, including rules requiring facilities and programs to
4127 train staff to detect, report, and prevent sexual abuse, abuse,
4128 neglect, exploitation, and abandonment, as defined in ss. 39.01
4129 and 415.102, of residents and clients, minimum standards of
4130 quality and adequacy of client care, incident reporting
4131 requirements, and uniform firesafety standards established by
4132 the State Fire Marshal which are appropriate to the size of the
4133 facility or of the component centers or units of the program.

4134 (9) The agency may conduct unannounced inspections to
4135 determine compliance by foster care facilities, group home
4136 facilities, residential habilitation centers, and comprehensive
4137 transitional education programs with the applicable provisions
4138 of this chapter and the rules adopted pursuant hereto, including
4139 the rules adopted for training staff of a facility or a program
4140 to detect, report, and prevent sexual abuse, abuse, neglect,
4141 exploitation, and abandonment, as defined in ss. 39.01 and
4142 415.102, of residents and clients. The facility or program shall
4143 make copies of inspection reports available to the public upon
4144 request.

4145 Section 77. For the purpose of incorporating the amendment
4146 made by this act to section 39.01, Florida Statutes, in a
4147 reference thereto, paragraph (p) of subsection (4) of section
4148 394.495, Florida Statutes, is reenacted to read:

4149 394.495 Child and adolescent mental health system of care;

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4150 programs and services.-

4151 (4) The array of services may include, but is not limited
4152 to:

4153 (p) Trauma-informed services for children who have suffered
4154 sexual exploitation as defined in s. 39.01(71)(g).

4155 Section 78. For the purpose of incorporating the amendment
4156 made by this act to section 943.0435, Florida Statutes, in a
4157 reference thereto, paragraph (a) of subsection (2) of section
4158 394.9125, Florida Statutes, is reenacted to read:

4159 394.9125 State attorney; authority to refer a person for
4160 civil commitment.-

4161 (2) A state attorney may refer a person to the department
4162 for civil commitment proceedings if the person:

4163 (a) Is required to register as a sexual offender pursuant
4164 to s. 943.0435;

4165 Section 79. For the purpose of incorporating the amendments
4166 made by this act to sections 775.21, 943.0435, and 943.04354,
4167 Florida Statutes, in references thereto, paragraphs (a) and (c)
4168 of subsection (2) of section 397.4872, Florida Statutes, are
4169 reenacted to read:

4170 397.4872 Exemption from disqualification; publication.-

4171 (2) The department may exempt a person from ss. 397.487(6)
4172 and 397.4871(5) if it has been at least 3 years since the person
4173 has completed or been lawfully released from confinement,
4174 supervision, or sanction for the disqualifying offense. An
4175 exemption from the disqualifying offenses may not be given under
4176 any circumstances for any person who is a:

4177 (a) Sexual predator pursuant to s. 775.21;

4178 (c) Sexual offender pursuant to s. 943.0435, unless the

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4179 requirement to register as a sexual offender has been removed
4180 pursuant to s. 943.04354.

4181 Section 80. For the purpose of incorporating the amendments
4182 made by this act to sections 775.21, 943.0435, and 943.04354,
4183 Florida Statutes, in references thereto, paragraph (b) of
4184 subsection (4) of section 435.07, Florida Statutes, is reenacted
4185 to read:

4186 435.07 Exemptions from disqualification.—Unless otherwise
4187 provided by law, the provisions of this section apply to
4188 exemptions from disqualification for disqualifying offenses
4189 revealed pursuant to background screenings required under this
4190 chapter, regardless of whether those disqualifying offenses are
4191 listed in this chapter or other laws.

4192 (4)

4193 (b) Disqualification from employment under this chapter may
4194 not be removed from, nor may an exemption be granted to, any
4195 person who is a:

- 4196 1. Sexual predator as designated pursuant to s. 775.21;
- 4197 2. Career offender pursuant to s. 775.261; or
- 4198 3. Sexual offender pursuant to s. 943.0435, unless the
4199 requirement to register as a sexual offender has been removed
4200 pursuant to s. 943.04354.

4201 Section 81. For the purpose of incorporating the amendment
4202 made by this act to section 775.21, Florida Statutes, in a
4203 reference thereto, subsection (9) of section 507.07, Florida
4204 Statutes, is reenacted to read:

4205 507.07 Violations.—It is a violation of this chapter:

4206 (9) For a mover or a moving broker to knowingly refuse or
4207 fail to disclose in writing to a customer before a household

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4208 move that the mover, or an employee or subcontractor of the
4209 mover or moving broker, who has access to the dwelling or
4210 property of the customer, including access to give a quote for
4211 the move, has been convicted of a felony listed in s.
4212 775.21(4)(a)1. or convicted of a similar offense of another
4213 jurisdiction, regardless of when such felony offense was
4214 committed.

4215 Section 82. For the purpose of incorporating the amendment
4216 made by this act to section 895.02, Florida Statutes, in a
4217 reference thereto, paragraph (g) of subsection (3) of section
4218 655.50, Florida Statutes, is reenacted to read:

4219 655.50 Florida Control of Money Laundering and Terrorist
4220 Financing in Financial Institutions Act.—

4221 (3) As used in this section, the term:

4222 (g) "Specified unlawful activity" means "racketeering
4223 activity" as defined in s. 895.02.

4224 Section 83. For the purpose of incorporating the amendment
4225 made by this act to section 784.046, Florida Statutes, in a
4226 reference thereto, paragraph (e) of subsection (1) of section
4227 741.313, Florida Statutes, is reenacted to read:

4228 741.313 Unlawful action against employees seeking
4229 protection.—

4230 (1) As used in this section, the term:

4231 (e) "Sexual violence" means sexual violence, as defined in
4232 s. 784.046, or any crime the underlying factual basis of which
4233 has been found by a court to include an act of sexual violence.

4234 Section 84. For the purpose of incorporating the amendment
4235 made by this act to section 947.1405, Florida Statutes, in a
4236 reference thereto, paragraph (j) of subsection (4) of section

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4237 775.084, Florida Statutes, is reenacted to read:

4238 775.084 Violent career criminals; habitual felony offenders
4239 and habitual violent felony offenders; three-time violent felony
4240 offenders; definitions; procedure; enhanced penalties or
4241 mandatory minimum prison terms.—

4242 (4)

4243 (j) The provisions of s. 947.1405 shall apply to persons
4244 sentenced as habitual felony offenders and persons sentenced as
4245 habitual violent felony offenders.

4246 Section 85. For the purpose of incorporating the amendment
4247 made by this act to section 943.0435, Florida Statutes, in a
4248 reference thereto, subsection (2) of section 775.0862, Florida
4249 Statutes, is reenacted to read:

4250 775.0862 Sexual offenses against students by authority
4251 figures; reclassification.—

4252 (2) The felony degree of a violation of an offense listed
4253 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
4254 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
4255 as provided in this section if the offense is committed by an
4256 authority figure of a school against a student of the school.

4257 Section 86. For the purpose of incorporating the amendments
4258 made by this act to sections 775.21, 943.0435, and 944.607,
4259 Florida Statutes, in references thereto, paragraphs (e) and (f)
4260 of subsection (4) of section 775.13, Florida Statutes, are
4261 reenacted to read:

4262 775.13 Registration of convicted felons, exemptions;
4263 penalties.—

4264 (4) This section does not apply to an offender:

4265 (e) Who is a sexual predator and has registered as required

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4266 under s. 775.21;

4267 (f) Who is a sexual offender and has registered as required
4268 in s. 943.0435 or s. 944.607; or

4269 Section 87. For the purpose of incorporating the amendments
4270 made by this act to sections 943.0435, 944.607, 947.1405, and
4271 948.30, Florida Statutes, in references thereto, paragraph (b)
4272 of subsection (3), paragraph (d) of subsection (5), paragraph
4273 (f) of subsection (6), and paragraph (c) of subsection (10) of
4274 section 775.21, Florida Statutes, are reenacted to read:

4275 775.21 The Florida Sexual Predators Act.—

4276 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4277 (b) The high level of threat that a sexual predator
4278 presents to the public safety, and the long-term effects
4279 suffered by victims of sex offenses, provide the state with
4280 sufficient justification to implement a strategy that includes:

4281 1. Incarcerating sexual predators and maintaining adequate
4282 facilities to ensure that decisions to release sexual predators
4283 into the community are not made on the basis of inadequate
4284 space.

4285 2. Providing for specialized supervision of sexual
4286 predators who are in the community by specially trained
4287 probation officers with low caseloads, as described in ss.
4288 947.1405(7) and 948.30. The sexual predator is subject to
4289 specified terms and conditions implemented at sentencing or at
4290 the time of release from incarceration, with a requirement that
4291 those who are financially able must pay all or part of the costs
4292 of supervision.

4293 3. Requiring the registration of sexual predators, with a
4294 requirement that complete and accurate information be maintained

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4295 and accessible for use by law enforcement authorities,
4296 communities, and the public.

4297 4. Providing for community and public notification
4298 concerning the presence of sexual predators.

4299 5. Prohibiting sexual predators from working with children,
4300 either for compensation or as a volunteer.

4301 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4302 as a sexual predator as follows:

4303 (d) A person who establishes or maintains a residence in
4304 this state and who has not been designated as a sexual predator
4305 by a court of this state but who has been designated as a sexual
4306 predator, as a sexually violent predator, or by another sexual
4307 offender designation in another state or jurisdiction and was,
4308 as a result of such designation, subjected to registration or
4309 community or public notification, or both, or would be if the
4310 person was a resident of that state or jurisdiction, without
4311 regard to whether the person otherwise meets the criteria for
4312 registration as a sexual offender, shall register in the manner
4313 provided in s. 943.0435 or s. 944.607 and shall be subject to
4314 community and public notification as provided in s. 943.0435 or
4315 s. 944.607. A person who meets the criteria of this section is
4316 subject to the requirements and penalty provisions of s.
4317 943.0435 or s. 944.607 until the person provides the department
4318 with an order issued by the court that designated the person as
4319 a sexual predator, as a sexually violent predator, or by another
4320 sexual offender designation in the state or jurisdiction in
4321 which the order was issued which states that such designation
4322 has been removed or demonstrates to the department that such
4323 designation, if not imposed by a court, has been removed by

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4324 operation of law or court order in the state or jurisdiction in
4325 which the designation was made, and provided such person no
4326 longer meets the criteria for registration as a sexual offender
4327 under the laws of this state.

4328 (6) REGISTRATION.—

4329 (f) Within 48 hours after the registration required under
4330 paragraph (a) or paragraph (e), a sexual predator who is not
4331 incarcerated and who resides in the community, including a
4332 sexual predator under the supervision of the Department of
4333 Corrections, shall register in person at a driver license office
4334 of the Department of Highway Safety and Motor Vehicles and shall
4335 present proof of registration unless a driver license or an
4336 identification card that complies with the requirements of s.
4337 322.141(3) was previously secured or updated under s. 944.607.
4338 At the driver license office the sexual predator shall:

4339 1. If otherwise qualified, secure a Florida driver license,
4340 renew a Florida driver license, or secure an identification
4341 card. The sexual predator shall identify himself or herself as a
4342 sexual predator who is required to comply with this section,
4343 provide his or her place of permanent, temporary, or transient
4344 residence, including a rural route address and a post office
4345 box, and submit to the taking of a photograph for use in issuing
4346 a driver license, a renewed license, or an identification card,
4347 and for use by the department in maintaining current records of
4348 sexual predators. A post office box may not be provided in lieu
4349 of a physical residential address. If the sexual predator's
4350 place of residence is a motor vehicle, trailer, mobile home, or
4351 manufactured home, as defined in chapter 320, the sexual
4352 predator shall also provide to the Department of Highway Safety

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4353 and Motor Vehicles the vehicle identification number; the
4354 license tag number; the registration number; and a description,
4355 including color scheme, of the motor vehicle, trailer, mobile
4356 home, or manufactured home. If a sexual predator's place of
4357 residence is a vessel, live-aboard vessel, or houseboat, as
4358 defined in chapter 327, the sexual predator shall also provide
4359 to the Department of Highway Safety and Motor Vehicles the hull
4360 identification number; the manufacturer's serial number; the
4361 name of the vessel, live-aboard vessel, or houseboat; the
4362 registration number; and a description, including color scheme,
4363 of the vessel, live-aboard vessel, or houseboat.

4364 2. Pay the costs assessed by the Department of Highway
4365 Safety and Motor Vehicles for issuing or renewing a driver
4366 license or an identification card as required by this section.
4367 The driver license or identification card issued to the sexual
4368 predator must comply with s. 322.141(3).

4369 3. Provide, upon request, any additional information
4370 necessary to confirm the identity of the sexual predator,
4371 including a set of fingerprints.

4372 (10) PENALTIES.—

4373 (c) Any person who misuses public records information
4374 relating to a sexual predator, as defined in this section, or a
4375 sexual offender, as defined in s. 943.0435 or s. 944.607, to
4376 secure a payment from such a predator or offender; who knowingly
4377 distributes or publishes false information relating to such a
4378 predator or offender which the person misrepresents as being
4379 public records information; or who materially alters public
4380 records information with the intent to misrepresent the
4381 information, including documents, summaries of public records

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4382 information provided by law enforcement agencies, or public
4383 records information displayed by law enforcement agencies on
4384 websites or provided through other means of communication,
4385 commits a misdemeanor of the first degree, punishable as
4386 provided in s. 775.082 or s. 775.083.

4387 Section 88. For the purpose of incorporating the amendments
4388 made by this act to sections 943.0435, 944.606, and 944.607,
4389 Florida Statutes, in references thereto, subsection (2) of
4390 section 775.24, Florida Statutes, is reenacted to read:

4391 775.24 Duty of the court to uphold laws governing sexual
4392 predators and sexual offenders.-

4393 (2) If a person meets the criteria in this chapter for
4394 designation as a sexual predator or meets the criteria in s.
4395 943.0435, s. 944.606, s. 944.607, or any other law for
4396 classification as a sexual offender, the court may not enter an
4397 order, for the purpose of approving a plea agreement or for any
4398 other reason, which:

4399 (a) Exempts a person who meets the criteria for designation
4400 as a sexual predator or classification as a sexual offender from
4401 such designation or classification, or exempts such person from
4402 the requirements for registration or community and public
4403 notification imposed upon sexual predators and sexual offenders;

4404 (b) Restricts the compiling, reporting, or release of
4405 public records information that relates to sexual predators or
4406 sexual offenders; or

4407 (c) Prevents any person or entity from performing its
4408 duties or operating within its statutorily conferred authority
4409 as such duty or authority relates to sexual predators or sexual
4410 offenders.

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4411 Section 89. For the purpose of incorporating the amendments
4412 made by this act to sections 775.21, 943.0435, 944.606, and
4413 944.607, Florida Statutes, in references thereto, section
4414 775.25, Florida Statutes, is reenacted to read:

4415 775.25 Prosecutions for acts or omissions.—A sexual
4416 predator or sexual offender who commits any act or omission in
4417 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4418 944.607, or former s. 947.177 may be prosecuted for the act or
4419 omission in the county in which the act or omission was
4420 committed, in the county of the last registered address of the
4421 sexual predator or sexual offender, in the county in which the
4422 conviction occurred for the offense or offenses that meet the
4423 criteria for designating a person as a sexual predator or sexual
4424 offender, in the county where the sexual predator or sexual
4425 offender was released from incarceration, or in the county of
4426 the intended address of the sexual predator or sexual offender
4427 as reported by the predator or offender prior to his or her
4428 release from incarceration. In addition, a sexual predator may
4429 be prosecuted for any such act or omission in the county in
4430 which he or she was designated a sexual predator.

4431 Section 90. For the purpose of incorporating the amendments
4432 made by this act to sections 775.21, 943.0435, and 944.607,
4433 Florida Statutes, in references thereto, paragraph (b) of
4434 subsection (3) of section 775.261, Florida Statutes, is
4435 reenacted to read:

4436 775.261 The Florida Career Offender Registration Act.—

4437 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4438 (b) This section does not apply to any person who has been
4439 designated as a sexual predator and required to register under

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4440 s. 775.21 or who is required to register as a sexual offender
4441 under s. 943.0435 or s. 944.607. However, if a person is no
4442 longer required to register as a sexual predator under s. 775.21
4443 or as a sexual offender under s. 943.0435 or s. 944.607, the
4444 person must register as a career offender under this section if
4445 the person is otherwise designated as a career offender as
4446 provided in this section.

4447 Section 91. For the purpose of incorporating the amendment
4448 made by this act to section 847.001, Florida Statutes, in a
4449 reference thereto, paragraph (d) of subsection (2) of section
4450 784.049, Florida Statutes, is reenacted to read:

4451 784.049 Sexual cyberharassment.—

4452 (2) As used in this section, the term:

4453 (d) "Sexually explicit image" means any image depicting
4454 nudity, as defined in s. 847.001, or depicting a person engaging
4455 in sexual conduct, as defined in s. 847.001.

4456 Section 92. For the purpose of incorporating the amendment
4457 made by this act to section 794.0115, Florida Statutes, in
4458 references thereto, paragraph (a) of subsection (2) and
4459 subsections (3), (4), and (5) of section 794.011, Florida
4460 Statutes, are reenacted to read:

4461 794.011 Sexual battery.—

4462 (2) (a) A person 18 years of age or older who commits sexual
4463 battery upon, or in an attempt to commit sexual battery injures
4464 the sexual organs of, a person less than 12 years of age commits
4465 a capital felony, punishable as provided in ss. 775.082 and
4466 921.141.

4467 (3) A person who commits sexual battery upon a person 12
4468 years of age or older, without that person's consent, and in the

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4469 process thereof uses or threatens to use a deadly weapon or uses
4470 actual physical force likely to cause serious personal injury
4471 commits a life felony, punishable as provided in s. 775.082, s.
4472 775.083, s. 775.084, or s. 794.0115.

4473 (4) (a) A person 18 years of age or older who commits sexual
4474 battery upon a person 12 years of age or older but younger than
4475 18 years of age without that person's consent, under any of the
4476 circumstances listed in paragraph (e), commits a felony of the
4477 first degree, punishable by a term of years not exceeding life
4478 or as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4479 794.0115.

4480 (b) A person 18 years of age or older who commits sexual
4481 battery upon a person 18 years of age or older without that
4482 person's consent, under any of the circumstances listed in
4483 paragraph (e), commits a felony of the first degree, punishable
4484 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4485 794.0115.

4486 (c) A person younger than 18 years of age who commits
4487 sexual battery upon a person 12 years of age or older without
4488 that person's consent, under any of the circumstances listed in
4489 paragraph (e), commits a felony of the first degree, punishable
4490 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4491 794.0115.

4492 (d) A person commits a felony of the first degree,
4493 punishable by a term of years not exceeding life or as provided
4494 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4495 person commits sexual battery upon a person 12 years of age or
4496 older without that person's consent, under any of the
4497 circumstances listed in paragraph (e), and such person was

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4498 previously convicted of a violation of:

4499 1. Section 787.01(2) or s. 787.02(2) when the violation
4500 involved a victim who was a minor and, in the course of
4501 committing that violation, the defendant committed against the
4502 minor a sexual battery under this chapter or a lewd act under s.
4503 800.04 or s. 847.0135(5);

4504 2. Section 787.01(3)(a)2. or 3.;

4505 3. Section 787.02(3)(a)2. or 3.;

4506 4. Section 800.04;

4507 5. Section 825.1025;

4508 6. Section 847.0135(5); or

4509 7. This chapter, excluding subsection (10) of this section.

4510 (e) The following circumstances apply to paragraphs (a)-
4511 (d):

4512 1. The victim is physically helpless to resist.

4513 2. The offender coerces the victim to submit by threatening
4514 to use force or violence likely to cause serious personal injury
4515 on the victim, and the victim reasonably believes that the
4516 offender has the present ability to execute the threat.

4517 3. The offender coerces the victim to submit by threatening
4518 to retaliate against the victim, or any other person, and the
4519 victim reasonably believes that the offender has the ability to
4520 execute the threat in the future.

4521 4. The offender, without the prior knowledge or consent of
4522 the victim, administers or has knowledge of someone else
4523 administering to the victim any narcotic, anesthetic, or other
4524 intoxicating substance that mentally or physically incapacitates
4525 the victim.

4526 5. The victim is mentally defective, and the offender has

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4527 reason to believe this or has actual knowledge of this fact.

4528 6. The victim is physically incapacitated.

4529 7. The offender is a law enforcement officer, correctional
4530 officer, or correctional probation officer as defined in s.
4531 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
4532 under s. 943.1395 or is an elected official exempt from such
4533 certification by virtue of s. 943.253, or any other person in a
4534 position of control or authority in a probation, community
4535 control, controlled release, detention, custodial, or similar
4536 setting, and such officer, official, or person is acting in such
4537 a manner as to lead the victim to reasonably believe that the
4538 offender is in a position of control or authority as an agent or
4539 employee of government.

4540 (5) (a) A person 18 years of age or older who commits sexual
4541 battery upon a person 12 years of age or older but younger than
4542 18 years of age, without that person's consent, and in the
4543 process does not use physical force and violence likely to cause
4544 serious personal injury commits a felony of the first degree,
4545 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4546 s. 794.0115.

4547 (b) A person 18 years of age or older who commits sexual
4548 battery upon a person 18 years of age or older, without that
4549 person's consent, and in the process does not use physical force
4550 and violence likely to cause serious personal injury commits a
4551 felony of the second degree, punishable as provided in s.
4552 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4553 (c) A person younger than 18 years of age who commits
4554 sexual battery upon a person 12 years of age or older, without
4555 that person's consent, and in the process does not use physical

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4556 force and violence likely to cause serious personal injury
4557 commits a felony of the second degree, punishable as provided in
4558 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4559 (d) A person commits a felony of the first degree,
4560 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4561 s. 794.0115 if the person commits sexual battery upon a person
4562 12 years of age or older, without that person's consent, and in
4563 the process does not use physical force and violence likely to
4564 cause serious personal injury and the person was previously
4565 convicted of a violation of:

4566 1. Section 787.01(2) or s. 787.02(2) when the violation
4567 involved a victim who was a minor and, in the course of
4568 committing that violation, the defendant committed against the
4569 minor a sexual battery under this chapter or a lewd act under s.
4570 800.04 or s. 847.0135(5);

4571 2. Section 787.01(3)(a)2. or 3.;

4572 3. Section 787.02(3)(a)2. or 3.;

4573 4. Section 800.04;

4574 5. Section 825.1025;

4575 6. Section 847.0135(5); or

4576 7. This chapter, excluding subsection (10) of this section.
4577 Section 93. 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

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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 94. 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 95. 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 criminal
4608 investigation, recovers images or movies of child pornography
4609 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.

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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 96. 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

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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 97. 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 section
4655 shall, upon request, be provided a pseudonym, pursuant to s.
4656 92.56(3), which shall be issued and maintained by the Department
4657 of Legal Affairs for use in all legal pleadings. This identifier
4658 shall be fully recognized in all courts in this state as a valid
4659 legal identity.

4660 Section 98. For the purpose of incorporating the amendment
4661 made by this act to section 847.001, Florida Statutes, in a
4662 reference thereto, subsections (2) and (3) of section 847.0138,
4663 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.

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4672 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
4673 any jurisdiction other than this state who knew or believed that
4674 he or she was transmitting an image, information, or data that
4675 is harmful to minors, as defined in s. 847.001, to a specific
4676 individual known by the defendant to be a minor commits a felony
4677 of the third degree, punishable as provided in s. 775.082, s.
4678 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 99. For the purpose of incorporating the amendments
4683 made by this act to sections 16.56 and 895.02, Florida Statutes,
4684 in references thereto, paragraph (h) of subsection (2) and
4685 subsection (10) of section 896.101, Florida Statutes, are
4686 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 (h) "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

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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 100. 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

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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 101. 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 bail
4746 or other conditions, and what that bail or those conditions may
4747 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 102. For the purpose of incorporating the amendment
4756 made by this act to section 895.02, Florida Statutes, in a
4757 reference thereto, subsection (3) of section 905.34, Florida
4758 Statutes, is reenacted to read:

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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.

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4788 Section 103. 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 ranking
 4794 chart.—

4795 (3) OFFENSE SEVERITY RANKING CHART

4796 (g) LEVEL 7

4797

4798

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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

4804

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

4805

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

4806

409.920 2nd Medicaid provider fraud; more
(2) (b) 1.b. than \$10,000, but less than
\$50,000.

4807

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

4808

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

4809

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

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

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4810	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4811	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4812	462.17	3rd	Practicing naturopathy without a license.
4813	463.015 (1)	3rd	Practicing optometry without a license.
4814	464.016 (1)	3rd	Practicing nursing without a license.
4815	465.015 (2)	3rd	Practicing pharmacy without a license.
4816	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4817	467.201	3rd	Practicing midwifery without a license.
4818	468.366	3rd	Delivering respiratory care services without a license.
4819	483.828 (1)	3rd	Practicing as clinical

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4820	483.901(7)	3rd	laboratory personnel without a license.
4821	484.013(1)(c)	3rd	Practicing medical physics without a license. Preparing or dispensing optical devices without a prescription.
4822	484.053	3rd	Dispensing hearing aids without a license.
4823	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.
4824	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.
4825	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

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655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

4827

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

4828

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

4829

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

4830

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

4831

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another

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			(manslaughter).
4832	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4833	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4834	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4835	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4836	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4837	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4838	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4839			

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- 4840 784.07(2)(d) 1st Aggravated battery on law enforcement officer.
- 4841 784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.
- 4842 784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.
- 4843 784.081(1) 1st Aggravated battery on specified official or employee.
- 4844 784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.
- 4845 784.083(1) 1st Aggravated battery on code inspector.
- 4846 787.06(3)(a)2. 1st Human trafficking using coercion for labor and services of an adult.
- 787.06(3)(e)2. 1st Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

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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.

4850

790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

4851

790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

4852

790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

4853

790.23 1st, PBL Possession of a firearm by a person who qualifies for the

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4854	794.08(4)	3rd	penalty enhancements provided for in s. 874.04.
4855	796.05(1)	1st	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
4856	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
4857	800.04(5)(c)1.	2nd	Live on earnings of a prostitute; 3rd and subsequent offense.
4858	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4859	800.04(5)(e)	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.
	800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older

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4860	806.01 (2)	2nd	but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
4861	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
4862	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4863	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4864	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4865	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.
			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.

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- 812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.034 (4) (a) 1. 1st Communications fraud, value greater than \$50,000.

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

4876

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

4877

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

4878

817.2341 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.

4879

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

4880

817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or

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4881			disfigurement.
	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.
4882			
	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4883			
	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4884			
	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4885			
	838.015	2nd	Bribery.
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			

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4890	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4891	843.0855 (3)	3rd	Unlawful simulation of legal process.
4892	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4893	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4894	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4895	872.06	2nd	Abuse of a dead human body.
4896	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4897	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver

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4898	893.13(1)(e)1.	1st	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.
4899	893.13(4)(a)	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.
4900	893.135(1)(a)1.	1st	Use or hire of minor; deliver to minor other controlled substance.
4901	893.135	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
			Trafficking in cocaine, more

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4902	(1) (b) 1.a.		than 28 grams, less than 200 grams.
4903	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4904	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4905	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4906	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4907	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4908	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200

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			grams.
4909	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
4910	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
4911	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4912	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4913	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4914	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4915	893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or

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4916			more, less than 500 grams.
	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
4917			
	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
4918			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4919			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4920			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4921			
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
4922			

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4923	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4924	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
4925	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4926	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4927	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
4928	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	944.607 (12)	3rd	Failure to report or providing

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4929

false information about a sexual offender; harbor or conceal a sexual offender.

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4930

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

4931

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

4932

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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Section 104. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (o) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

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4938 921.141 Sentence of death or life imprisonment for capital
4939 felonies; further proceedings to determine sentence.-

4940 (6) AGGRAVATING FACTORS.-Aggravating factors shall be
4941 limited to the following:

4942 (o) The capital felony was committed by a person designated
4943 as a sexual predator pursuant to s. 775.21 or a person
4944 previously designated as a sexual predator who had the sexual
4945 predator designation removed.

4946 Section 105. For the purpose of incorporating the
4947 amendments made by this act to sections 775.21, 944.606, and
4948 944.607, Florida Statutes, in references thereto, subsection
4949 (3), paragraph (a) of subsection (4), and subsection (5) of
4950 section 943.0435, Florida Statutes, are reenacted to read:

4951 943.0435 Sexual offenders required to register with the
4952 department; penalty.-

4953 (3) Within 48 hours after the report required under
4954 subsection (2), a sexual offender shall report in person at a
4955 driver license office of the Department of Highway Safety and
4956 Motor Vehicles, unless a driver license or identification card
4957 that complies with the requirements of s. 322.141(3) was
4958 previously secured or updated under s. 944.607. At the driver
4959 license office the sexual offender shall:

4960 (a) If otherwise qualified, secure a Florida driver
4961 license, renew a Florida driver license, or secure an
4962 identification card. The sexual offender shall identify himself
4963 or herself as a sexual offender who is required to comply with
4964 this section and shall provide proof that the sexual offender
4965 reported as required in subsection (2). The sexual offender
4966 shall provide any of the information specified in subsection

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4967 (2), if requested. The sexual offender shall submit to the
4968 taking of a photograph for use in issuing a driver license,
4969 renewed license, or identification card, and for use by the
4970 department in maintaining current records of sexual offenders.

4971 (b) Pay the costs assessed by the Department of Highway
4972 Safety and Motor Vehicles for issuing or renewing a driver
4973 license or identification card as required by this section. The
4974 driver license or identification card issued must be in
4975 compliance with s. 322.141(3).

4976 (c) Provide, upon request, any additional information
4977 necessary to confirm the identity of the sexual offender,
4978 including a set of fingerprints.

4979 (4) (a) Each time a sexual offender's driver license or
4980 identification card is subject to renewal, and, without regard
4981 to the status of the offender's driver license or identification
4982 card, within 48 hours after any change in the offender's
4983 permanent, temporary, or transient residence or change in the
4984 offender's name by reason of marriage or other legal process,
4985 the offender shall report in person to a driver license office,
4986 and is subject to the requirements specified in subsection (3).
4987 The Department of Highway Safety and Motor Vehicles shall
4988 forward to the department all photographs and information
4989 provided by sexual offenders. Notwithstanding the restrictions
4990 set forth in s. 322.142, the Department of Highway Safety and
4991 Motor Vehicles may release a reproduction of a color-photograph
4992 or digital-image license to the Department of Law Enforcement
4993 for purposes of public notification of sexual offenders as
4994 provided in this section and ss. 943.043 and 944.606. A sexual
4995 offender who is unable to secure or update a driver license or

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4996 an identification card with the Department of Highway Safety and
4997 Motor Vehicles as provided in subsection (3) and this subsection
4998 shall also report any change in the sexual offender's permanent,
4999 temporary, or transient residence or change in the offender's
5000 name by reason of marriage or other legal process within 48
5001 hours after the change to the sheriff's office in the county
5002 where the offender resides or is located and provide
5003 confirmation that he or she reported such information to the
5004 Department of Highway Safety and Motor Vehicles. The reporting
5005 requirements under this paragraph do not negate the requirement
5006 for a sexual offender to obtain a Florida driver license or an
5007 identification card as required in this section.

5008 (5) This section does not apply to a sexual offender who is
5009 also a sexual predator, as defined in s. 775.21. A sexual
5010 predator must register as required under s. 775.21.

5011 Section 106. For the purpose of incorporating the
5012 amendments made by this act to sections 943.0435, 944.606, and
5013 944.607, Florida Statutes, in references thereto, subsection (2)
5014 of section 943.0436, Florida Statutes, is reenacted to read:

5015 943.0436 Duty of the court to uphold laws governing sexual
5016 predators and sexual offenders.—

5017 (2) If a person meets the criteria in chapter 775 for
5018 designation as a sexual predator or meets the criteria in s.
5019 943.0435, s. 944.606, s. 944.607, or any other law for
5020 classification as a sexual offender, the court may not enter an
5021 order, for the purpose of approving a plea agreement or for any
5022 other reason, which:

5023 (a) Exempts a person who meets the criteria for designation
5024 as a sexual predator or classification as a sexual offender from

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5025 such designation or classification, or exempts such person from
5026 the requirements for registration or community and public
5027 notification imposed upon sexual predators and sexual offenders;

5028 (b) Restricts the compiling, reporting, or release of
5029 public records information that relates to sexual predators or
5030 sexual offenders; or

5031 (c) Prevents any person or entity from performing its
5032 duties or operating within its statutorily conferred authority
5033 as such duty or authority relates to sexual predators or sexual
5034 offenders.

5035 Section 107. For the purpose of incorporating the amendment
5036 made by this act to section 847.0135, Florida Statutes, in a
5037 reference thereto, paragraph (g) of subsection (2) of section
5038 943.325, Florida Statutes, is reenacted to read:

5039 943.325 DNA database.—

5040 (2) DEFINITIONS.—As used in this section, the term:

5041 (g) "Qualifying offender" means any person, including
5042 juveniles and adults, who is:

5043 1.a. Committed to a county jail;

5044 b. Committed to or under the supervision of the Department
5045 of Corrections, including persons incarcerated in a private
5046 correctional institution operated under contract pursuant to s.
5047 944.105;

5048 c. Committed to or under the supervision of the Department
5049 of Juvenile Justice;

5050 d. Transferred to this state under the Interstate Compact
5051 on Juveniles, part XIII of chapter 985; or

5052 e. Accepted under Article IV of the Interstate Corrections
5053 Compact, part III of chapter 941; and who is:

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5054 2.a. Convicted of any felony offense or attempted felony
5055 offense in this state or of a similar offense in another
5056 jurisdiction;

5057 b. Convicted of a misdemeanor violation of s. 784.048, s.
5058 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
5059 offense that was found, pursuant to s. 874.04, to have been
5060 committed for the purpose of benefiting, promoting, or
5061 furthering the interests of a criminal gang as defined in s.
5062 874.03; or

5063 c. Arrested for any felony offense or attempted felony
5064 offense in this state.

5065 Section 108. For the purpose of incorporating the amendment
5066 made by this act to section 847.001, Florida Statutes, in a
5067 reference thereto, subsection (2) of section 944.11, Florida
5068 Statutes, is reenacted to read:

5069 944.11 Department to regulate admission of books.—

5070 (2) The department shall have the authority to prohibit
5071 admission of reading materials or publications with content
5072 which depicts sexual conduct as defined by s. 847.001 or
5073 presents nudity in such a way as to create the appearance that
5074 sexual conduct is imminent. The department shall have the
5075 authority to prohibit admission of such materials at a
5076 particular state correctional facility upon a determination by
5077 the department that such material or publications would be
5078 detrimental to the safety, security, order or rehabilitative
5079 interests of a particular state correctional facility or would
5080 create a risk of disorder at a particular state correctional
5081 facility.

5082 Section 109. For the purpose of incorporating the

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5083 amendments made by this act to sections 775.21 and 943.0435,
5084 Florida Statutes, in references thereto, paragraph (a) of
5085 subsection (4) and subsection (9) of section 944.607, Florida
5086 Statutes, are reenacted to read:

5087 944.607 Notification to Department of Law Enforcement of
5088 information on sexual offenders.—

5089 (4) A sexual offender, as described in this section, who is
5090 under the supervision of the Department of Corrections but is
5091 not incarcerated shall register with the Department of
5092 Corrections within 3 business days after sentencing for a
5093 registrable offense and otherwise provide information as
5094 required by this subsection.

5095 (a) The sexual offender shall provide his or her name; date
5096 of birth; social security number; race; sex; height; weight;
5097 hair and eye color; tattoos or other identifying marks; all
5098 electronic mail addresses and Internet identifiers required to
5099 be provided pursuant to s. 943.0435(4)(e); employment
5100 information required to be provided pursuant to s.
5101 943.0435(4)(e); all home telephone numbers and cellular
5102 telephone numbers required to be provided pursuant to s.
5103 943.0435(4)(e); the make, model, color, vehicle identification
5104 number (VIN), and license tag number of all vehicles owned;
5105 permanent or legal residence and address of temporary residence
5106 within the state or out of state while the sexual offender is
5107 under supervision in this state, including any rural route
5108 address or post office box; if no permanent or temporary
5109 address, any transient residence within the state; and address,
5110 location or description, and dates of any current or known
5111 future temporary residence within the state or out of state. The

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5112 sexual offender shall also produce his or her passport, if he or
5113 she has a passport, and, if he or she is an alien, shall produce
5114 or provide information about documents establishing his or her
5115 immigration status. The sexual offender shall also provide
5116 information about any professional licenses he or she has. The
5117 Department of Corrections shall verify the address of each
5118 sexual offender in the manner described in ss. 775.21 and
5119 943.0435. The department shall report to the Department of Law
5120 Enforcement any failure by a sexual predator or sexual offender
5121 to comply with registration requirements.

5122 (9) A sexual offender, as described in this section, who is
5123 under the supervision of the Department of Corrections but who
5124 is not incarcerated shall, in addition to the registration
5125 requirements provided in subsection (4), register and obtain a
5126 distinctive driver license or identification card in the manner
5127 provided in s. 943.0435(3), (4), and (5), unless the sexual
5128 offender is a sexual predator, in which case he or she shall
5129 register and obtain a distinctive driver license or
5130 identification card as required under s. 775.21. A sexual
5131 offender who fails to comply with the requirements of s.
5132 943.0435 is subject to the penalties provided in s. 943.0435(9).

5133 Section 110. For the purpose of incorporating the
5134 amendments made by this act to sections 775.21 and 944.607,
5135 Florida Statutes, in references thereto, subsection (7) of
5136 section 944.608, Florida Statutes, is reenacted to read:

5137 944.608 Notification to Department of Law Enforcement of
5138 information on career offenders.—

5139 (7) A career offender who is under the supervision of the
5140 department but who is not incarcerated shall, in addition to the

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5141 registration requirements provided in subsection (3), register
5142 in the manner provided in s. 775.261(4)(c), unless the career
5143 offender is a sexual predator, in which case he or she shall
5144 register as required under s. 775.21, or is a sexual offender,
5145 in which case he or she shall register as required in s.
5146 944.607. A career offender who fails to comply with the
5147 requirements of s. 775.261(4) is subject to the penalties
5148 provided in s. 775.261(8).

5149 Section 111. For the purpose of incorporating the amendment
5150 made by this act to section 775.21, Florida Statutes, in a
5151 reference thereto, subsection (4) of section 944.609, Florida
5152 Statutes, is reenacted to read:

5153 944.609 Career offenders; notification upon release.—

5154 (4) The department or any law enforcement agency may notify
5155 the community and the public of a career offender's presence in
5156 the community. However, with respect to a career offender who
5157 has been found to be a sexual predator under s. 775.21, the
5158 Department of Law Enforcement or any other law enforcement
5159 agency must inform the community and the public of the career
5160 offender's presence in the community, as provided in s. 775.21.

5161 Section 112. For the purpose of incorporating the amendment
5162 made by this act to section 947.1405, Florida Statutes, in a
5163 reference thereto, subsection (1) of section 944.70, Florida
5164 Statutes, is reenacted to read:

5165 944.70 Conditions for release from incarceration.—

5166 (1)(a) A person who is convicted of a crime committed on or
5167 after October 1, 1983, but before January 1, 1994, may be
5168 released from incarceration only:

5169 1. Upon expiration of the person's sentence;

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- 5170 2. Upon expiration of the person's sentence as reduced by
5171 accumulated gain-time;
- 5172 3. As directed by an executive order granting clemency;
- 5173 4. Upon attaining the provisional release date;
- 5174 5. Upon placement in a conditional release program pursuant
5175 to s. 947.1405; or
- 5176 6. Upon the granting of control release pursuant to s.
5177 947.146.

5178 (b) A person who is convicted of a crime committed on or
5179 after January 1, 1994, may be released from incarceration only:

- 5180 1. Upon expiration of the person's sentence;
- 5181 2. Upon expiration of the person's sentence as reduced by
5182 accumulated meritorious or incentive gain-time;
- 5183 3. As directed by an executive order granting clemency;
- 5184 4. Upon placement in a conditional release program pursuant
5185 to s. 947.1405 or a conditional medical release program pursuant
5186 to s. 947.149; or
- 5187 5. Upon the granting of control release, including
5188 emergency control release, pursuant to s. 947.146.

5189 Section 113. For the purpose of incorporating the amendment
5190 made by this act to section 947.1405, Florida Statutes, in a
5191 reference thereto, paragraph (f) of subsection (1) of section
5192 947.13, Florida Statutes, is reenacted to read:

5193 947.13 Powers and duties of commission.—

5194 (1) The commission shall have the powers and perform the
5195 duties of:

5196 (f) Establishing the terms and conditions of persons
5197 released on conditional release under s. 947.1405, and
5198 determining subsequent ineligibility for conditional release due

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5199 to a violation of the terms or conditions of conditional release
5200 and taking action with respect to such a violation.

5201 Section 114. For the purpose of incorporating the
5202 amendments made by this act to sections 775.21, 943.0435, and
5203 943.4354, Florida Statutes, in references thereto, paragraph (c)
5204 of subsection (2) and subsection (12) of section 947.1405,
5205 Florida Statutes, are reenacted to read:

5206 947.1405 Conditional release program.—

5207 (2) Any inmate who:

5208 (c) Is found to be a sexual predator under s. 775.21 or
5209 former s. 775.23,

5210
5211 shall, upon reaching the tentative release date or provisional
5212 release date, whichever is earlier, as established by the
5213 Department of Corrections, be released under supervision subject
5214 to specified terms and conditions, including payment of the cost
5215 of supervision pursuant to s. 948.09. Such supervision shall be
5216 applicable to all sentences within the overall term of sentences
5217 if an inmate's overall term of sentences includes one or more
5218 sentences that are eligible for conditional release supervision
5219 as provided herein. Effective July 1, 1994, and applicable for
5220 offenses committed on or after that date, the commission may
5221 require, as a condition of conditional release, that the
5222 releasee make payment of the debt due and owing to a county or
5223 municipal detention facility under s. 951.032 for medical care,
5224 treatment, hospitalization, or transportation received by the
5225 releasee while in that detention facility. The commission, in
5226 determining whether to order such repayment and the amount of
5227 such repayment, shall consider the amount of the debt, whether

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5228 there was any fault of the institution for the medical expenses
5229 incurred, the financial resources of the releasee, the present
5230 and potential future financial needs and earning ability of the
5231 releasee, and dependents, and other appropriate factors. If any
5232 inmate placed on conditional release supervision is also subject
5233 to probation or community control, resulting from a probationary
5234 or community control split sentence within the overall term of
5235 sentences, the Department of Corrections shall supervise such
5236 person according to the conditions imposed by the court and the
5237 commission shall defer to such supervision. If the court revokes
5238 probation or community control and resentences the offender to a
5239 term of incarceration, such revocation also constitutes a
5240 sufficient basis for the revocation of the conditional release
5241 supervision on any nonprobationary or noncommunity control
5242 sentence without further hearing by the commission. If any such
5243 supervision on any nonprobationary or noncommunity control
5244 sentence is revoked, such revocation may result in a forfeiture
5245 of all gain-time, and the commission may revoke the resulting
5246 deferred conditional release supervision or take other action it
5247 considers appropriate. If the term of conditional release
5248 supervision exceeds that of the probation or community control,
5249 then, upon expiration of the probation or community control,
5250 authority for the supervision shall revert to the commission and
5251 the supervision shall be subject to the conditions imposed by
5252 the commission. A panel of no fewer than two commissioners shall
5253 establish the terms and conditions of any such release. If the
5254 offense was a controlled substance violation, the conditions
5255 shall include a requirement that the offender submit to random
5256 substance abuse testing intermittently throughout the term of

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5257 conditional release supervision, upon the direction of the
5258 correctional probation officer as defined in s. 943.10(3). The
5259 commission shall also determine whether the terms and conditions
5260 of such release have been violated and whether such violation
5261 warrants revocation of the conditional release.

5262 (12) In addition to all other conditions imposed, for a
5263 releasee who is subject to conditional release for a crime that
5264 was committed on or after May 26, 2010, and who has been
5265 convicted at any time of committing, or attempting, soliciting,
5266 or conspiring to commit, any of the criminal offenses listed in
5267 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5268 jurisdiction against a victim who was under 18 years of age at
5269 the time of the offense, if the releasee has not received a
5270 pardon for any felony or similar law of another jurisdiction
5271 necessary for the operation of this subsection, if a conviction
5272 of a felony or similar law of another jurisdiction necessary for
5273 the operation of this subsection has not been set aside in any
5274 postconviction proceeding, or if the releasee has not been
5275 removed from the requirement to register as a sexual offender or
5276 sexual predator pursuant to s. 943.04354, the commission must
5277 impose the following conditions:

5278 (a) A prohibition on visiting schools, child care
5279 facilities, parks, and playgrounds without prior approval from
5280 the releasee's supervising officer. The commission may also
5281 designate additional prohibited locations to protect a victim.
5282 The prohibition ordered under this paragraph does not prohibit
5283 the releasee from visiting a school, child care facility, park,
5284 or playground for the sole purpose of attending a religious
5285 service as defined in s. 775.0861 or picking up or dropping off

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5286 the releasee's child or grandchild at a child care facility or
5287 school.

5288 (b) A prohibition on distributing candy or other items to
5289 children on Halloween; wearing a Santa Claus costume, or other
5290 costume to appeal to children, on or preceding Christmas;
5291 wearing an Easter Bunny costume, or other costume to appeal to
5292 children, on or preceding Easter; entertaining at children's
5293 parties; or wearing a clown costume without prior approval from
5294 the commission.

5295 Section 115. For the purpose of incorporating the amendment
5296 made by this act to section 947.1405, Florida Statutes, in
5297 references thereto, subsections (1), (2), and (7) of section
5298 947.141, Florida Statutes, are reenacted to read:

5299 947.141 Violations of conditional release, control release,
5300 or conditional medical release or addiction-recovery
5301 supervision.—

5302 (1) If a member of the commission or a duly authorized
5303 representative of the commission has reasonable grounds to
5304 believe that an offender who is on release supervision under s.
5305 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5306 the terms and conditions of the release in a material respect,
5307 such member or representative may cause a warrant to be issued
5308 for the arrest of the releasee; if the offender was found to be
5309 a sexual predator, the warrant must be issued.

5310 (2) Upon the arrest on a felony charge of an offender who
5311 is on release supervision under s. 947.1405, s. 947.146, s.
5312 947.149, or s. 944.4731, the offender must be detained without
5313 bond until the initial appearance of the offender at which a
5314 judicial determination of probable cause is made. If the trial

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5315 court judge determines that there was no probable cause for the
5316 arrest, the offender may be released. If the trial court judge
5317 determines that there was probable cause for the arrest, such
5318 determination also constitutes reasonable grounds to believe
5319 that the offender violated the conditions of the release. Within
5320 24 hours after the trial court judge's finding of probable
5321 cause, the detention facility administrator or designee shall
5322 notify the commission and the department of the finding and
5323 transmit to each a facsimile copy of the probable cause
5324 affidavit or the sworn offense report upon which the trial court
5325 judge's probable cause determination is based. The offender must
5326 continue to be detained without bond for a period not exceeding
5327 72 hours excluding weekends and holidays after the date of the
5328 probable cause determination, pending a decision by the
5329 commission whether to issue a warrant charging the offender with
5330 violation of the conditions of release. Upon the issuance of the
5331 commission's warrant, the offender must continue to be held in
5332 custody pending a revocation hearing held in accordance with
5333 this section.

5334 (7) If a law enforcement officer has probable cause to
5335 believe that an offender who is on release supervision under s.
5336 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5337 the terms and conditions of his or her release by committing a
5338 felony offense, the officer shall arrest the offender without a
5339 warrant, and a warrant need not be issued in the case.

5340 Section 116. For the purpose of incorporating the
5341 amendments made by this act to sections 775.21 and 943.0435,
5342 Florida Statutes, in references thereto, paragraph (b) of
5343 subsection (2) of section 948.013, Florida Statutes, is

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5344 reenacted to read:

5345 948.013 Administrative probation.-

5346 (2)

5347 (b) Effective for an offense committed on or after October
5348 1, 2017, a person is ineligible for placement on administrative
5349 probation if the person is sentenced to or is serving a term of
5350 probation or community control, regardless of the conviction or
5351 adjudication, for committing, or attempting, conspiring, or
5352 soliciting to commit, any of the felony offenses described in s.
5353 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

5354 Section 117. For the purpose of incorporating the amendment
5355 made by this act to section 775.21, Florida Statutes, in
5356 references thereto, paragraphs (b) and (d) of subsection (8) of
5357 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, 948.064,
5363 and 921.0024, the term "violent felony offender of special
5364 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

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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 previously
5376 been found by a court to be a habitual violent felony offender
5377 as defined in s. 775.084(1)(b) and has committed a qualifying
5378 offense on or after the effective date of this act;

5379 5. Felony probation or community control and has previously
5380 been found by a court to be a three-time violent felony offender
5381 as defined in s. 775.084(1)(c) and has committed a qualifying
5382 offense on or after the effective date of this act; or

5383 6. Felony probation or community control and has previously
5384 been found by a court to be a sexual predator under s. 775.21
5385 and has committed a qualifying offense on or after the effective
5386 date of this act.

5387 (d) In the case of an alleged violation of probation or
5388 community control other than a failure to pay costs, fines, or
5389 restitution, the following individuals shall remain in custody
5390 pending the resolution of the probation or community control
5391 violation:

5392 1. A violent felony offender of special concern, as defined
5393 in this section;

5394 2. A person who is on felony probation or community control
5395 for any offense committed on or after the effective date of this
5396 act and who is arrested for a qualifying offense as defined in
5397 this section; or

5398 3. A person who is on felony probation or community control
5399 and has previously been found by a court to be a habitual
5400 violent felony offender as defined in s. 775.084(1)(b), a three-
5401 time violent felony offender as defined in s. 775.084(1)(c), or

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5402 a sexual predator under s. 775.21, and who is arrested for
5403 committing a qualifying offense as defined in this section on or
5404 after the effective date of this act.

5405
5406 The court shall not dismiss the probation or community control
5407 violation warrant pending against an offender enumerated in this
5408 paragraph without holding a recorded violation-of-probation
5409 hearing at which both the state and the offender are
5410 represented.

5411 Section 118. For the purpose of incorporating the
5412 amendments made by this act to sections 775.21, 943.0435, and
5413 944.607, Florida Statutes, in references thereto, section
5414 948.063, Florida Statutes, is reenacted to read:

5415 948.063 Violations of probation or community control by
5416 designated sexual offenders and sexual predators.—

5417 (1) If probation or community control for any felony
5418 offense is revoked by the court pursuant to s. 948.06(2)(e) and
5419 the offender is designated as a sexual offender pursuant to s.
5420 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
5421 775.21 for unlawful sexual activity involving a victim 15 years
5422 of age or younger and the offender is 18 years of age or older,
5423 and if the court imposes a subsequent term of supervision
5424 following the revocation of probation or community control, the
5425 court must order electronic monitoring as a condition of the
5426 subsequent term of probation or community control.

5427 (2) If the probationer or offender is required to register
5428 as a sexual predator under s. 775.21 or as a sexual offender
5429 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5430 involving a victim 15 years of age or younger and the

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5431 probationer or offender is 18 years of age or older and has
5432 violated the conditions of his or her probation or community
5433 control, but the court does not revoke the probation or
5434 community control, the court shall nevertheless modify the
5435 probation or community control to include electronic monitoring
5436 for any probationer or offender not then subject to electronic
5437 monitoring.

5438 Section 119. For the purpose of incorporating the amendment
5439 made by this act to section 775.21, Florida Statutes, in a
5440 reference thereto, subsection (4) of section 948.064, Florida
5441 Statutes, is reenacted to read:

5442 948.064 Notification of status as a violent felony offender
5443 of special concern.—

5444 (4) The state attorney, or the statewide prosecutor if
5445 applicable, shall advise the court at each critical stage in the
5446 judicial process, at which the state attorney or statewide
5447 prosecutor is represented, whether an alleged or convicted
5448 offender is a violent felony offender of special concern; a
5449 person who is on felony probation or community control for any
5450 offense committed on or after the effective date of this act and
5451 who is arrested for a qualifying offense; or a person who is on
5452 felony probation or community control and has previously been
5453 found by a court to be a habitual violent felony offender as
5454 defined in s. 775.084(1)(b), a three-time violent felony
5455 offender as defined in s. 775.084(1)(c), or a sexual predator
5456 under s. 775.21, and who is arrested for committing a qualifying
5457 offense on or after the effective date of this act.

5458 Section 120. For the purpose of incorporating the amendment
5459 made by this act to section 948.06, Florida Statutes, in a

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5460 reference thereto, paragraph (a) of subsection (7) of section
5461 948.08, Florida Statutes, is reenacted to read:

5462 948.08 Pretrial intervention program.—

5463 (7) (a) Notwithstanding any provision of this section, a
5464 person who is charged with a felony, other than a felony listed
5465 in s. 948.06(8)(c), and identified as a veteran, as defined in
5466 s. 1.01, including a veteran who is discharged or released under
5467 a general discharge, or servicemember, as defined in s. 250.01,
5468 who suffers from a military service-related mental illness,
5469 traumatic brain injury, substance abuse disorder, or
5470 psychological problem, is eligible for voluntary admission into
5471 a pretrial veterans' treatment intervention program approved by
5472 the chief judge of the circuit, upon motion of either party or
5473 the court's own motion, except:

5474 1. If a defendant was previously offered admission to a
5475 pretrial veterans' treatment intervention program at any time
5476 before trial and the defendant rejected that offer on the
5477 record, the court may deny the defendant's admission to such a
5478 program.

5479 2. If a defendant previously entered a court-ordered
5480 veterans' treatment program, the court may deny the defendant's
5481 admission into the pretrial veterans' treatment program.

5482 Section 121. For the purpose of incorporating the amendment
5483 made by this act to section 775.21, Florida Statutes, in a
5484 reference thereto, subsection (3) of section 948.12, Florida
5485 Statutes, is reenacted to read:

5486 948.12 Intensive supervision for postprison release of
5487 violent offenders.—It is the finding of the Legislature that the
5488 population of violent offenders released from state prison into

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5489 the community poses the greatest threat to the public safety of
5490 the groups of offenders under community supervision. Therefore,
5491 for the purpose of enhanced public safety, any offender released
5492 from state prison who:

5493 (3) Has been found to be a sexual predator pursuant to s.
5494 775.21,

5495

5496 and who has a term of probation to follow the period of
5497 incarceration shall be provided intensive supervision by
5498 experienced correctional probation officers. Subject to specific
5499 appropriation by the Legislature, caseloads may be restricted to
5500 a maximum of 40 offenders per officer to provide for enhanced
5501 public safety as well as to effectively monitor conditions of
5502 electronic monitoring or curfews, if such was ordered by the
5503 court.

5504 Section 122. For the purpose of incorporating the
5505 amendments made by this act to sections 775.21 and 943.0435,
5506 Florida Statutes, in references thereto, paragraph (b) of
5507 subsection (3) and subsection (4) of section 948.30, Florida
5508 Statutes, are reenacted to read:

5509 948.30 Additional terms and conditions of probation or
5510 community control for certain sex offenses.—Conditions imposed
5511 pursuant to this section do not require oral pronouncement at
5512 the time of sentencing and shall be considered standard
5513 conditions of probation or community control for offenders
5514 specified in this section.

5515 (3) Effective for a probationer or community controllee
5516 whose crime was committed on or after September 1, 2005, and
5517 who:

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5518 (b) Is designated a sexual predator pursuant to s. 775.21;
5519 or
5520
5521 the court must order, in addition to any other provision of this
5522 section, mandatory electronic monitoring as a condition of the
5523 probation or community control supervision.

5524 (4) In addition to all other conditions imposed, for a
5525 probationer or community controllee who is subject to
5526 supervision for a crime that was committed on or after May 26,
5527 2010, and who has been convicted at any time of committing, or
5528 attempting, soliciting, or conspiring to commit, any of the
5529 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5530 similar offense in another jurisdiction, against a victim who
5531 was under the age of 18 at the time of the offense; if the
5532 offender has not received a pardon for any felony or similar law
5533 of another jurisdiction necessary for the operation of this
5534 subsection, if a conviction of a felony or similar law of
5535 another jurisdiction necessary for the operation of this
5536 subsection has not been set aside in any postconviction
5537 proceeding, or if the offender has not been removed from the
5538 requirement to register as a sexual offender or sexual predator
5539 pursuant to s. 943.04354, the court must impose the following
5540 conditions:

5541 (a) A prohibition on visiting schools, child care
5542 facilities, parks, and playgrounds, without prior approval from
5543 the offender's supervising officer. The court may also designate
5544 additional locations to protect a victim. The prohibition
5545 ordered under this paragraph does not prohibit the offender from
5546 visiting a school, child care facility, park, or playground for

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5547 the sole purpose of attending a religious service as defined in
5548 s. 775.0861 or picking up or dropping off the offender's
5549 children or grandchildren at a child care facility or school.

5550 (b) A prohibition on distributing candy or other items to
5551 children on Halloween; wearing a Santa Claus costume, or other
5552 costume to appeal to children, on or preceding Christmas;
5553 wearing an Easter Bunny costume, or other costume to appeal to
5554 children, on or preceding Easter; entertaining at children's
5555 parties; or wearing a clown costume; without prior approval from
5556 the court.

5557 Section 123. For the purpose of incorporating the
5558 amendments made by this act to sections 775.21, 943.0435,
5559 944.606, and 944.607, Florida Statutes, in references thereto,
5560 section 948.31, Florida Statutes, is reenacted to read:

5561 948.31 Evaluation and treatment of sexual predators and
5562 offenders on probation or community control.—The court may
5563 require any probationer or community controllee who is required
5564 to register as a sexual predator under s. 775.21 or sexual
5565 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5566 an evaluation, at the probationer or community controllee's
5567 expense, by a qualified practitioner to determine whether such
5568 probationer or community controllee needs sexual offender
5569 treatment. If the qualified practitioner determines that sexual
5570 offender treatment is needed and recommends treatment, the
5571 probationer or community controllee must successfully complete
5572 and pay for the treatment. Such treatment must be obtained from
5573 a qualified practitioner as defined in s. 948.001. Treatment may
5574 not be administered by a qualified practitioner who has been
5575 convicted or adjudicated delinquent of committing, or

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5576 attempting, soliciting, or conspiring to commit, any offense
5577 that is listed in s. 943.0435(1)(h)1.a.(I).

5578 Section 124. For the purpose of incorporating the amendment
5579 made by this act to section 775.0877, Florida Statutes, in a
5580 reference thereto, section 951.27, Florida Statutes, is
5581 reenacted to read:

5582 951.27 Blood tests of inmates.—

5583 (1) Each county and each municipal detention facility shall
5584 have a written procedure developed, in consultation with the
5585 facility medical provider, establishing conditions under which
5586 an inmate will be tested for infectious disease, including human
5587 immunodeficiency virus pursuant to s. 775.0877, which procedure
5588 is consistent with guidelines of the Centers for Disease Control
5589 and Prevention and recommendations of the Correctional Medical
5590 Authority. It is not unlawful for the person receiving the test
5591 results to divulge the test results to the sheriff or chief
5592 correctional officer.

5593 (2) Except as otherwise provided in this subsection,
5594 serologic blood test results obtained pursuant to subsection (1)
5595 are confidential and exempt from the provisions of s. 119.07(1)
5596 and s. 24(a), Art. I of the State Constitution. However, such
5597 results may be provided to employees or officers of the sheriff
5598 or chief correctional officer who are responsible for the
5599 custody and care of the affected inmate and have a need to know
5600 such information, and as provided in ss. 775.0877 and 960.003.
5601 In addition, upon request of the victim or the victim's legal
5602 guardian, or the parent or legal guardian of the victim if the
5603 victim is a minor, the results of any HIV test performed on an
5604 inmate who has been arrested for any sexual offense involving

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5605 oral, anal, or vaginal penetration by, or union with, the sexual
5606 organ of another, shall be disclosed to the victim or the
5607 victim's legal guardian, or to the parent or legal guardian of
5608 the victim if the victim is a minor. In such cases, the county
5609 or municipal detention facility shall furnish the test results
5610 to the Department of Health, which is responsible for disclosing
5611 the results to public health agencies as provided in s. 775.0877
5612 and to the victim or the victim's legal guardian, or the parent
5613 or legal guardian of the victim if the victim is a minor, as
5614 provided in s. 960.003(3).

5615 (3) The results of any serologic blood test on an inmate
5616 are a part of that inmate's permanent medical file. Upon
5617 transfer of the inmate to any other correctional facility, such
5618 file is also transferred, and all relevant authorized persons
5619 must be notified of positive HIV test results, as required in s.
5620 775.0877.

5621 Section 125. For the purpose of incorporating the amendment
5622 made by this act to section 775.0877, Florida Statutes, in
5623 references thereto, paragraphs (a) and (b) of subsection (2) and
5624 paragraph (a) of subsection (3) of section 960.003, Florida
5625 Statutes, are reenacted to read:

5626 960.003 Hepatitis and HIV testing for persons charged with
5627 or alleged by petition for delinquency to have committed certain
5628 offenses; disclosure of results to victims.—

5629 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5630 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5631 (a) In any case in which a person has been charged by
5632 information or indictment with or alleged by petition for
5633 delinquency to have committed any offense enumerated in s.

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5634 775.0877(1)(a)-(n), which involves the transmission of body
5635 fluids from one person to another, upon request of the victim or
5636 the victim's legal guardian, or of the parent or legal guardian
5637 of the victim if the victim is a minor, the court shall order
5638 such person to undergo hepatitis and HIV testing within 48 hours
5639 after the information, indictment, or petition for delinquency
5640 is filed. In the event the victim or, if the victim is a minor,
5641 the victim's parent or legal guardian requests hepatitis and HIV
5642 testing after 48 hours have elapsed from the filing of the
5643 indictment, information, or petition for delinquency, the
5644 testing shall be done within 48 hours after the request.

5645 (b) However, when a victim of any sexual offense enumerated
5646 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the
5647 offense was committed or when a victim of any sexual offense
5648 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled
5649 adult or elderly person as defined in s. 825.1025 regardless of
5650 whether the offense involves the transmission of bodily fluids
5651 from one person to another, then upon the request of the victim
5652 or the victim's legal guardian, or of the parent or legal
5653 guardian, the court shall order such person to undergo hepatitis
5654 and HIV testing within 48 hours after the information,
5655 indictment, or petition for delinquency is filed. In the event
5656 the victim or, if the victim is a minor, the victim's parent or
5657 legal guardian requests hepatitis and HIV testing after 48 hours
5658 have elapsed from the filing of the indictment, information, or
5659 petition for delinquency, the testing shall be done within 48
5660 hours after the request. The testing shall be performed under
5661 the direction of the Department of Health in accordance with s.
5662 381.004. The results of a hepatitis and HIV test performed on a

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5663 defendant or juvenile offender pursuant to this subsection shall
5664 not be admissible in any criminal or juvenile proceeding arising
5665 out of the alleged offense.

5666 (3) DISCLOSURE OF RESULTS.—

5667 (a) The results of the test shall be disclosed no later
5668 than 2 weeks after the court receives such results, under the
5669 direction of the Department of Health, to the person charged
5670 with or alleged by petition for delinquency to have committed or
5671 to the person convicted of or adjudicated delinquent for any
5672 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5673 transmission of body fluids from one person to another, and,
5674 upon request, to the victim or the victim's legal guardian, or
5675 the parent or legal guardian of the victim if the victim is a
5676 minor, and to public health agencies pursuant to s. 775.0877. If
5677 the alleged offender is a juvenile, the test results shall also
5678 be disclosed to the parent or guardian. When the victim is a
5679 victim as described in paragraph (2)(b), the test results must
5680 also be disclosed no later than 2 weeks after the court receives
5681 such results, to the person charged with or alleged by petition
5682 for delinquency to have committed or to the person convicted of
5683 or adjudicated delinquent for any offense enumerated in s.
5684 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5685 offense involves the transmission of bodily fluids from one
5686 person to another, and, upon request, to the victim or the
5687 victim's legal guardian, or the parent or legal guardian of the
5688 victim, and to public health agencies pursuant to s. 775.0877.
5689 Otherwise, hepatitis and HIV test results obtained pursuant to
5690 this section are confidential and exempt from the provisions of
5691 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and

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5692 shall not be disclosed to any other person except as expressly
5693 authorized by law or court order.

5694 Section 126. For the purpose of incorporating the amendment
5695 made by this act to section 39.01, Florida Statutes, in a
5696 reference thereto, subsection (5) of section 960.065, Florida
5697 Statutes, is reenacted to read:

5698 960.065 Eligibility for awards.—

5699 (5) A person is not ineligible for an award pursuant to
5700 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
5701 person is a victim of sexual exploitation of a child as defined
5702 in s. 39.01(71) (g).

5703 Section 127. For the purpose of incorporating the amendment
5704 made by this act to section 39.01, Florida Statutes, in a
5705 reference thereto, subsection (2) of section 984.03, Florida
5706 Statutes, is reenacted to read:

5707 984.03 Definitions.—When used in this chapter, the term:

5708 (2) "Abuse" means any willful act that results in any
5709 physical, mental, or sexual injury that causes or is likely to
5710 cause the child's physical, mental, or emotional health to be
5711 significantly impaired. Corporal discipline of a child by a
5712 parent or guardian for disciplinary purposes does not in itself
5713 constitute abuse when it does not result in harm to the child as
5714 defined in s. 39.01.

5715 Section 128. For the purpose of incorporating the amendment
5716 made by this act to section 985.475, Florida Statutes, in a
5717 reference thereto, paragraph (c) of subsection (5) of section
5718 985.0301, Florida Statutes, is reenacted to read:

5719 985.0301 Jurisdiction.—

5720 (5)

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5721 (c) The court shall retain jurisdiction over a juvenile
5722 sexual offender, as defined in s. 985.475, who has been placed
5723 on community-based treatment alternative with supervision or who
5724 has been placed in a program or facility for juvenile sexual
5725 offenders, pursuant to s. 985.48, until the juvenile sexual
5726 offender reaches 21 years of age, specifically for the purpose
5727 of allowing the juvenile to complete the program.

5728 Section 129. For the purpose of incorporating the
5729 amendments made by this act to sections 775.21, 943.0435,
5730 944.606, and 944.607, Florida Statutes, in references thereto,
5731 paragraph (b) of subsection (6) of section 985.04, Florida
5732 Statutes, is reenacted to read:

5733 985.04 Oaths; records; confidential information.—

5734 (6)

5735 (b) Sexual offender and predator registration information
5736 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
5737 and 985.4815 is a public record pursuant to s. 119.07(1) and as
5738 otherwise provided by law.

5739 Section 130. For the purpose of incorporating the amendment
5740 made by this act to section 985.475, Florida Statutes, in a
5741 reference thereto, paragraph (c) of subsection (1) of section
5742 985.441, Florida Statutes, is reenacted to read:

5743 985.441 Commitment.—

5744 (1) The court that has jurisdiction of an adjudicated
5745 delinquent child may, by an order stating the facts upon which a
5746 determination of a sanction and rehabilitative program was made
5747 at the disposition hearing:

5748 (c) Commit the child to the department for placement in a
5749 program or facility for juvenile sexual offenders in accordance

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5750 with s. 985.48, subject to specific appropriation for such a
5751 program or facility.

5752 1. The child may only be committed for such placement
5753 pursuant to determination that the child is a juvenile sexual
5754 offender under the criteria specified in s. 985.475.

5755 2. Any commitment of a juvenile sexual offender to a
5756 program or facility for juvenile sexual offenders must be for an
5757 indeterminate period of time, but the time may not exceed the
5758 maximum term of imprisonment that an adult may serve for the
5759 same offense.

5760 Section 131. For the purpose of incorporating the
5761 amendments made by this act to sections 775.21 and 943.0435,
5762 Florida Statutes, in references thereto, subsection (9) of
5763 section 985.4815, Florida Statutes, is reenacted to read:

5764 985.4815 Notification to Department of Law Enforcement of
5765 information on juvenile sexual offenders.—

5766 (9) A sexual offender, as described in this section, who is
5767 under the care, jurisdiction, or supervision of the department
5768 but who is not incarcerated shall, in addition to the
5769 registration requirements provided in subsection (4), register
5770 in the manner provided in s. 943.0435(3), (4), and (5), unless
5771 the sexual offender is a sexual predator, in which case he or
5772 she shall register as required under s. 775.21. A sexual
5773 offender who fails to comply with the requirements of s.
5774 943.0435 is subject to the penalties provided in s. 943.0435(9).

5775 Section 132. For the purpose of incorporating the amendment
5776 made by this act to section 943.0435, Florida Statutes, in a
5777 reference thereto, paragraph (g) of subsection (2) of section
5778 1012.467, Florida Statutes, is reenacted to read:

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5779 1012.467 Noninstructional contractors who are permitted
5780 access to school grounds when students are present; background
5781 screening requirements.—

5782 (2)

5783 (g) A noninstructional contractor for whom a criminal
5784 history check is required under this section may not have been
5785 convicted of any of the following offenses designated in the
5786 Florida Statutes, any similar offense in another jurisdiction,
5787 or any similar offense committed in this state which has been
5788 redesignated from a former provision of the Florida Statutes to
5789 one of the following offenses:

5790 1. Any offense listed in s. 943.0435(1)(h)1., relating to
5791 the registration of an individual as a sexual offender.

5792 2. Section 393.135, relating to sexual misconduct with
5793 certain developmentally disabled clients and the reporting of
5794 such sexual misconduct.

5795 3. Section 394.4593, relating to sexual misconduct with
5796 certain mental health patients and the reporting of such sexual
5797 misconduct.

5798 4. Section 775.30, relating to terrorism.

5799 5. Section 782.04, relating to murder.

5800 6. Section 787.01, relating to kidnapping.

5801 7. Any offense under chapter 800, relating to lewdness and
5802 indecent exposure.

5803 8. Section 826.04, relating to incest.

5804 9. Section 827.03, relating to child abuse, aggravated
5805 child abuse, or neglect of a child.

5806 Section 133. This act shall take effect October 1, 2018.