

By the Committee on Children, Families, and Elder Affairs; and
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 offenses
63 involving child victims and other specified offenses
64 and specifying requirements therefor; providing for
65 specified reimbursement of witnesses; authorizing
66 certain motions; requiring nondisclosure of the
67 existence or contents of the subpoenas in certain
68 circumstances; providing exceptions to such
69 nondisclosure requirement; requiring certain notice to
70 be provided in a subpoena that contains a
71 nondisclosure requirement; exempting certain records,
72 objects, and other information from production;
73 providing for the return of records, objects, and
74 other information produced; specifying time periods
75 within which records, objects, and other information
76 must be returned; providing for service and
77 enforcement of the subpoenas; providing penalties for
78 a violation of the subpoena or nondisclosure
79 requirement; providing immunity for certain persons
80 complying with the subpoenas in certain circumstances;
81 providing for judicial review and extension of such
82 nondisclosure requirements and specifying requirements
83 therefor; amending s. 796.001, F.S.; conforming
84 provisions to changes made by the act; repealing s.
85 827.071, F.S., relating to sexual performance by a
86 child; amending s. 847.001, F.S.; revising
87 definitions; creating s. 847.003, F.S.; providing

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88 definitions; prohibiting a person from using a child
89 in a sexual performance or promoting a sexual
90 performance by a child; providing penalties; amending
91 s. 847.0135, F.S.; providing for separate offenses of
92 computer pornography and child exploitation under
93 certain circumstances; conforming provisions to
94 changes made by the act; amending s. 847.01357, F.S.;
95 conforming provisions to changes made by the act;
96 amending s. 847.0137, F.S.; revising and providing
97 definitions; prohibiting a person from possessing,
98 with the intent to promote, child pornography;
99 prohibiting a person from knowingly possessing,
100 controlling, or intentionally viewing child
101 pornography; providing penalties; providing
102 application and construction; providing for separate
103 offenses of transmission of child pornography under
104 certain circumstances; amending ss. 856.022, 895.02,
105 905.34, and 934.07, F.S.; conforming provisions to
106 changes made by the act; amending s. 938.085, F.S.;
107 revising the offenses for which a surcharge to be
108 deposited into the Rape Crisis Program Trust Fund must
109 be imposed; conforming provisions to changes made by
110 the act; amending s. 938.10, F.S.; revising the
111 offenses for which an additional court cost must be
112 imposed; conforming provisions to changes made by the
113 act; amending ss. 943.0435, 943.04354, 943.0585,
114 943.059, 944.606, 944.607, 947.1405, 948.03, and
115 948.04, F.S.; conforming provisions to changes made by
116 the act; amending s. 948.06, F.S.; revising the

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

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146 (3), (4), and (5), 794.03, 794.075(1), 847.002(1)(b),
147 (2), and (3), 847.012(3)(b), 847.01357(3), 847.0138(2)
148 and (3), 896.101(2)(h) and (10), 903.0351(1)(b) and
149 (c), 903.046(2)(m), 905.34(3), 921.0022(3)(g),
150 921.141(6)(o), 943.0435(3), (4)(a), and (5),
151 943.0436(2), 943.325(2)(g), 944.11(2), 944.607(4)(a)
152 and (9), 944.608(7), 944.609(4), 944.70(1),
153 947.13(1)(f), 947.1405(2)(c) and (12), 947.141(1),
154 (2), and (7), 948.013(2)(b), 948.06(8)(b) and (d),
155 948.063, 948.064(4), 948.08(7)(a), 948.12(3),
156 948.30(3)(b) and (4), 948.31, 951.27, 960.003(2)(a)
157 and (b) and (3)(a), 960.065(5), 984.03(2),
158 985.0301(5)(c), 985.04(6)(b), 985.441(1)(c),
159 985.4815(9), and 1012.467(2)(g), F.S., relating to
160 placement in a shelter, arraignment hearings,
161 grandparents rights, disposition hearings, grounds for
162 termination of parental rights, proceedings to
163 terminate parental rights pending adoption, report to
164 the court of intended placement by an adoption entity,
165 change of name, proceedings involving certain victims
166 or witnesses, production of certain records, color or
167 markings of certain licenses or identification cards,
168 HIV testing, confidentiality, the Parental Notice of
169 Abortion Act, facility licensure, the child and
170 adolescent mental health system of care, authority of
171 a state attorney to refer a person for civil
172 commitment, exemption from disqualification,
173 exemptions from disqualification, violations by movers
174 or moving brokers, Florida Control of Money Laundering

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

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

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233 the amendments made by the act in cross-references to
234 amended provisions; providing a directive to the
235 Division of Law Revision and Information; providing an
236 effective date.

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

239
240 Section 1. Paragraph (a) of subsection (1) of section
241 16.56, Florida Statutes, is amended, and paragraph (b) of that
242 subsection is republished, to read:

243 16.56 Office of Statewide Prosecution.—

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

248 (a) Investigate and prosecute the offenses of:

249 1. Bribery, burglary, criminal usury, extortion, gambling,
250 kidnapping, larceny, murder, prostitution, perjury, robbery,
251 carjacking, home-invasion robbery, and patient brokering;

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

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

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- 262 4. Any violation of the Florida Anti-Fencing Act;
- 263 5. Any violation of the Florida Antitrust Act of 1980, as
264 amended;
- 265 6. Any crime involving, or resulting in, fraud or deceit
266 upon any person;
- 267 7. Any violation of s. 847.0135, relating to computer
268 pornography and child exploitation ~~prevention~~, or any offense
269 related to a violation of former s. 827.071, s. 847.003, s.
270 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
271 crime is facilitated by or connected to the use of the Internet
272 or any device capable of electronic data storage or
273 transmission;
- 274 8. Any violation of chapter 815;
- 275 9. Any criminal violation of part I of chapter 499;
- 276 10. Any violation of the Florida Motor Fuel Tax Relief Act
277 of 2004;
- 278 11. Any criminal violation of s. 409.920 or s. 409.9201;
- 279 12. Any crime involving voter registration, voting, or
280 candidate or issue petition activities;
- 281 13. Any criminal violation of the Florida Money Laundering
282 Act;
- 283 14. Any criminal violation of the Florida Securities and
284 Investor Protection Act; or
- 285 15. Any violation of chapter 787, as well as any and all
286 offenses related to a violation of chapter 787;
- 287
- 288 or any attempt, solicitation, or conspiracy to commit any of the
289 crimes specifically enumerated above. The office shall have such
290 power only when any such offense is occurring, or has occurred,

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291 in two or more judicial circuits as part of a related
292 transaction, or when any such offense is connected with an
293 organized criminal conspiracy affecting two or more judicial
294 circuits. Informations or indictments charging such offenses
295 shall contain general allegations stating the judicial circuits
296 and counties in which crimes are alleged to have occurred or the
297 judicial circuits and counties in which crimes affecting such
298 circuits or counties are alleged to have been connected with an
299 organized criminal conspiracy.

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

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

307 39.01 Definitions.—When used in this chapter, unless the
308 context otherwise requires:

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

311 (c) Allows, encourages, or forces the sexual exploitation
312 of a child, which includes allowing, encouraging, or forcing a
313 child to:

- 314 1. Solicit for or engage in prostitution; or
- 315 2. Engage in a sexual performance, as defined by former s.
316 827.071 or s. 847.003 ~~chapter 827.~~

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

319 (g) The sexual exploitation of a child, which includes the

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320 act of a child offering to engage in or engaging in
 321 prostitution, or the act of allowing, encouraging, or forcing a
 322 child to:

- 323 1. Solicit for or engage in prostitution;
 324 2. Engage in a sexual performance, as defined by former s.
 325 827.071 or s. 847.003 ~~chapter 827~~; or
 326 3. Participate in the trade of human trafficking as
 327 provided in s. 787.06(3)(g).

328 Section 3. Paragraph (b) of subsection (4) of section
 329 39.0132, Florida Statutes, is amended to read:

330 39.0132 Oaths, records, and confidential information.—
 331 (4)

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

345 Section 4. Paragraph (a) of subsection (3) of section
 346 39.0139, Florida Statutes, is amended to read:

347 39.0139 Visitation or other contact; restrictions.—

348 (3) PRESUMPTION OF DETRIMENT.—

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349 (a) A rebuttable presumption of detriment to a child is
350 created when:

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

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

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

360 b. Section 794.011, relating to sexual battery;

361 c. Section 798.02, relating to lewd and lascivious
362 behavior;

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

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

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

366 g. Section 847.003, relating to sexual performance by a
367 child;

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

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

371 3. A court of competent jurisdiction has determined a
372 parent or caregiver to be a sexual predator as defined in s.
373 775.21 or a parent or caregiver has received a substantially
374 similar designation under laws of another jurisdiction.

375 Section 5. Paragraph (b) of subsection (2) of section
376 39.301, Florida Statutes, is amended to read:

377 39.301 Initiation of protective investigations.-

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378 (2)

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

381 1. A child is known or suspected to be the victim of child
382 abuse, as defined in s. 827.03, or of neglect of a child, as
383 defined in s. 827.03.

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

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

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

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

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

396 Section 6. Paragraph (a) of subsection (6) of section
397 39.509, Florida Statutes, is amended to read:

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

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407 Any order for visitation or other contact must conform to the
408 provisions of s. 39.0139.

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

412 (a) The finding of guilt, regardless of adjudication, or
413 entry or plea of guilty or nolo contendere to charges under the
414 following statutes, or similar statutes of other jurisdictions:
415 s. 787.04, relating to removing minors from the state or
416 concealing minors contrary to court order; s. 794.011, relating
417 to sexual battery; s. 798.02, relating to lewd and lascivious
418 behavior; chapter 800, relating to lewdness and indecent
419 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
420 relating to the abuse of children; s. 847.003, relating to
421 sexual performance by a child; s. 847.0135, excluding s.
422 847.0135(6), relating to computer pornography and child
423 exploitation; or s. 847.0137, relating to child pornography.

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

426 90.404 Character evidence; when admissible.—

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

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

433 2. For the purposes of this paragraph, the term "child
434 molestation" means conduct proscribed by s. 787.025(2)(c), s.
435 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.

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436 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
 437 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
 438 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
 439 against a person 16 years of age or younger.

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

445 2. For the purposes of this paragraph, the term "sexual
 446 offense" means conduct proscribed by s. 787.025(2)(c), s.
 447 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
 448 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
 449 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
 450 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
 451 985.701(1).

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

454 92.56 Judicial proceedings and court records involving
 455 sexual offenses and human trafficking.—

456 (2) A defendant charged with a crime described in s.
 457 787.06(3)(a)1., (c)1., or (e)1. i~~T~~ s. 787.06(3)(b), (d), (f), or
 458 (g) i~~T~~ chapter 794 i~~T~~ or chapter 800 i~~T~~ ~~or~~ with child abuse or~~T~~
 459 aggravated child abuse, ~~or sexual performance by a child as~~
 460 described in chapter 827; with sexual performance by a child as
 461 described in former s. 827.071; or with a sexual offense
 462 described in chapter 847~~T~~ may apply to the trial court for an
 463 order of disclosure of information in court records held
 464 confidential and exempt pursuant to s. 119.0714(1)(h) or

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465 maintained as confidential and exempt pursuant to court order
466 under this section. Such identifying information concerning the
467 victim may be released to the defendant or his or her attorney
468 in order to prepare the defense. The confidential and exempt
469 status of this information may not be construed to prevent the
470 disclosure of the victim's identity to the defendant; however,
471 the defendant may not disclose the victim's identity to any
472 person other than the defendant's attorney or any other person
473 directly involved in the preparation of the defense. A willful
474 and knowing disclosure of the identity of the victim to any
475 other person by the defendant constitutes contempt.

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

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

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494 827.071; or for a sexual offense described in chapter 847, but
495 the publication or broadcast may not include an identifying
496 photograph, an identifiable voice, or the name or address of the
497 victim, unless the victim has consented in writing to the
498 publication and filed such consent with the court or unless the
499 court has declared such records not confidential and exempt as
500 provided for in subsection (1).

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

503 92.561 Prohibition on reproduction of child pornography.—

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

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

512 92.565 Admissibility of confession in sexual abuse cases.—

513 (2) In any criminal action in which the defendant is
514 charged with a crime against a victim under s. 787.06(3),
515 involving commercial sexual activity; s. 794.011; s. 794.05; s.
516 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,
517 involving sexual abuse; former s. 827.071; s. 847.003; ~~or~~ s.
518 847.0135(5); or s. 847.0137(2), or any other crime involving
519 sexual abuse of another, or with any attempt, solicitation, or
520 conspiracy to commit any of these crimes, the defendant's
521 memorialized confession or admission is admissible during trial
522 without the state having to prove a corpus delicti of the crime

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523 if the court finds in a hearing conducted outside the presence
524 of the jury that the state is unable to show the existence of
525 each element of the crime, and having so found, further finds
526 that the defendant's confession or admission is trustworthy.
527 Factors which may be relevant in determining whether the state
528 is unable to show the existence of each element of the crime
529 include, but are not limited to, the fact that, at the time the
530 crime was committed, the victim was:

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

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

538 435.04 Level 2 screening standards.—

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

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

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

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552 Section 12. Paragraph (c) of subsection (4) of section
553 435.07, Florida Statutes, is amended to read:

554 435.07 Exemptions from disqualification.—Unless otherwise
555 provided by law, the provisions of this section apply to
556 exemptions from disqualification for disqualifying offenses
557 revealed pursuant to background screenings required under this
558 chapter, regardless of whether those disqualifying offenses are
559 listed in this chapter or other laws.

560 (4)

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

575 1. A felony offense prohibited under any of the following
576 statutes:

577 a. Chapter 741, relating to domestic violence.

578 b. Section 782.04, relating to murder.

579 c. Section 782.07, relating to manslaughter, aggravated
580 manslaughter of an elderly person or disabled adult, aggravated

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581 manslaughter of a child, or aggravated manslaughter of an
582 officer, a firefighter, an emergency medical technician, or a
583 paramedic.

584 d. Section 784.021, relating to aggravated assault.
585 e. Section 784.045, relating to aggravated battery.
586 f. Section 787.01, relating to kidnapping.
587 g. Section 787.025, relating to luring or enticing a child.
588 h. Section 787.04(2), relating to leading, taking,
589 enticing, or removing a minor beyond the state limits, or
590 concealing the location of a minor, with criminal intent pending
591 custody proceedings.

592 i. Section 787.04(3), relating to leading, taking,
593 enticing, or removing a minor beyond the state limits, or
594 concealing the location of a minor, with criminal intent pending
595 dependency proceedings or proceedings concerning alleged abuse
596 or neglect of a minor.

597 j. Section 794.011, relating to sexual battery.
598 k. Former s. 794.041, relating to sexual activity with or
599 solicitation of a child by a person in familial or custodial
600 authority.

601 l. Section 794.05, relating to unlawful sexual activity
602 with certain minors.

603 m. Section 794.08, relating to female genital mutilation.
604 n. Section 806.01, relating to arson.
605 o. Section 826.04, relating to incest.
606 p. Section 827.03, relating to child abuse, aggravated
607 child abuse, or neglect of a child.
608 q. Section 827.04, relating to contributing to the
609 delinquency or dependency of a child.

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610 r. ~~Former s. Section~~ 827.071 or s. 847.003, relating to
611 sexual performance by a child.

612 s. Chapter 847, relating to obscenity and child
613 exploitation ~~pornography~~.

614 t. Section 985.701, relating to sexual misconduct in
615 juvenile justice programs.

616 2. A misdemeanor offense prohibited under any of the
617 following statutes:

618 a. Section 784.03, relating to battery, if the victim of
619 the offense was a minor.

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

621 c. Chapter 847, relating to obscenity and child
622 exploitation ~~pornography~~.

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

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

632 456.074 Certain health care practitioners; immediate
633 suspension of license.—

634 (5) The department shall issue an emergency order
635 suspending the license of a massage therapist or establishment
636 as defined in chapter 480 upon receipt of information that the
637 massage therapist, a person with an ownership interest in the
638 establishment, or, for a corporation that has more than \$250,000

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639 of business assets in this state, the owner, officer, or
640 individual directly involved in the management of the
641 establishment has been convicted or found guilty of, or has
642 entered a plea of guilty or nolo contendere to, regardless of
643 adjudication, a violation of s. 796.07(2)(a) which is
644 reclassified under s. 796.07(7) or a felony offense under any of
645 the following provisions of state law or a similar provision in
646 another jurisdiction:

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

649 (q) Section 847.0135, relating to computer pornography and
650 child exploitation.

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

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

657 480.041 Massage therapists; qualifications; licensure;
658 endorsement.—

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

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

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668 (q) Section 847.0135, relating to computer pornography and
669 child exploitation.

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

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

676 480.043 Massage establishments; requisites; licensure;
677 inspection.—

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

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

691 (q) Section 847.0135, relating to computer pornography and
692 child exploitation.

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

694 Section 16. Paragraph (b) of subsection (3) of section
695 743.067, Florida Statutes, is amended to read:

696 743.067 Certified unaccompanied homeless youths.—

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697 (3) A certified unaccompanied homeless youth may:
698 (b) Notwithstanding s. 394.4625(1), consent to medical,
699 dental, psychological, substance abuse, and surgical diagnosis
700 and treatment, including preventative care and care by a
701 facility licensed under chapter 394, chapter 395, or chapter 397
702 and any forensic medical examination for the purpose of
703 investigating any felony offense under chapter 784, chapter 787,
704 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
705 847.0137, for:

706 1. Himself or herself; or
707 2. His or her child, if the certified unaccompanied
708 homeless youth is unmarried, is the parent of the child, and has
709 actual custody of the child.

710 Section 17. Paragraph (a) of subsection (1) of section
711 772.102, Florida Statutes, is amended to read:

712 772.102 Definitions.—As used in this chapter, the term:

713 (1) "Criminal activity" means to commit, to attempt to
714 commit, to conspire to commit, or to solicit, coerce, or
715 intimidate another person to commit:

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

718 1. Section 210.18, relating to evasion of payment of
719 cigarette taxes.
720 2. Section 414.39, relating to public assistance fraud.
721 3. Section 440.105 or s. 440.106, relating to workers'
722 compensation.
723 4. Part IV of chapter 501, relating to telemarketing.
724 5. Chapter 517, relating to securities transactions.
725 6. Section 550.235 or s. 550.3551, relating to dogracing

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726 and horseracing.

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

728 8. Chapter 552, relating to the manufacture, distribution,
729 and use of explosives.

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

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

736 11. Chapter 687, relating to interest and usurious
737 practices.

738 12. Section 721.08, s. 721.09, or s. 721.13, relating to
739 real estate timeshare plans.

740 13. Chapter 782, relating to homicide.

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

742 15. Chapter 787, relating to kidnapping or human
743 trafficking.

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

745 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
746 relating to prostitution.

747 18. Chapter 806, relating to arson.

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

750 20. Chapter 812, relating to theft, robbery, and related
751 crimes.

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

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

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755 23. Former s. Section 827.071, relating to commercial
756 sexual exploitation of children.

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

758 25. Chapter 832, relating to issuance of worthless checks
759 and drafts.

760 26. Section 836.05, relating to extortion.

761 27. Chapter 837, relating to perjury.

762 28. Chapter 838, relating to bribery and misuse of public
763 office.

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

765 30. Section 847.003, relating to sexual performance by a
766 child.

767 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
768 or s. 847.07, relating to obscene literature and profanity.

769 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
770 s. 849.25, relating to gambling.

771 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and
772 control.

773 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
774 victims, or informants.

775 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering
776 with jurors and evidence.

777 Section 18. Paragraph (a) of subsection (9) of section
778 775.082, Florida Statutes, is amended to read:

779 775.082 Penalties; applicability of sentencing structures;
780 mandatory minimum sentences for certain reoffenders previously
781 released from prison.—

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

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784 a. Treason;
785 b. Murder;
786 c. Manslaughter;
787 d. Sexual battery;
788 e. Carjacking;
789 f. Home-invasion robbery;
790 g. Robbery;
791 h. Arson;
792 i. Kidnapping;
793 j. Aggravated assault with a deadly weapon;
794 k. Aggravated battery;
795 l. Aggravated stalking;
796 m. Aircraft piracy;
797 n. Unlawful throwing, placing, or discharging of a
798 destructive device or bomb;
799 o. Any felony that involves the use or threat of physical
800 force or violence against an individual;
801 p. Armed burglary;
802 q. Burglary of a dwelling or burglary of an occupied
803 structure; or
804 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
805 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
806 847.0137(2);
807
808 within 3 years after being released from a state correctional
809 facility operated by the Department of Corrections or a private
810 vendor or within 3 years after being released from a
811 correctional institution of another state, the District of
812 Columbia, the United States, any possession or territory of the

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813 United States, or any foreign jurisdiction, following
814 incarceration for an offense for which the sentence is
815 punishable by more than 1 year in this state.

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

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

836 a. For a felony punishable by life, by a term of
837 imprisonment for life;

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

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

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842 d. For a felony of the third degree, by a term of
843 imprisonment of 5 years.

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

848 775.0847 Possession or promotion of certain visual
849 depictions ~~images~~ of child pornography; reclassification.-

850 (1) For purposes of this section:

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

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

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

867 (2) A violation of former s. 827.071, s. 847.003, s.
868 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
869 the next higher degree as provided in subsection (3) if:

870 (a) The offender possesses 10 or more visual depictions

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871 ~~images~~ of any form of child pornography regardless of content;
872 and

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

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

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

883 775.0877 Criminal transmission of HIV; procedures;
884 penalties.—

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

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

891 (b) Section 826.04, relating to incest;

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

895 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
896 relating to assault;

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

899 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),

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900 relating to battery;

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

902 relating to aggravated battery;

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

904 (i) Section 827.03(2)(a), relating to aggravated child

905 abuse;

906 (j) Section 825.102(1), relating to abuse of an elderly

907 person or disabled adult;

908 (k) Section 825.102(2), relating to aggravated abuse of an

909 elderly person or disabled adult;

910 (l) Former s. Section 827.071 or s. 847.003, relating to

911 sexual performance by a child ~~person less than 18 years of age~~;

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

913 (n) Section 381.0041(11)(b), relating to donation of blood,

914 plasma, organs, skin, or other human tissue; or

915 (o) Sections 787.06(3)(b), (d), (f), and (g), relating to

916 human trafficking,

917

918 the court shall order the offender to undergo HIV testing, to be

919 performed under the direction of the Department of Health in

920 accordance with s. 381.004, unless the offender has undergone

921 HIV testing voluntarily or pursuant to procedures established in

922 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or

923 rule providing for HIV testing of criminal offenders or inmates,

924 subsequent to her or his arrest for an offense enumerated in

925 paragraphs (a)-(n) for which she or he was convicted or to which

926 she or he pled nolo contendere or guilty. The results of an HIV

927 test performed on an offender pursuant to this subsection are

928 not admissible in any criminal proceeding arising out of the

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929 alleged offense.

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

933 775.21 The Florida Sexual Predators Act.—

934 (4) SEXUAL PREDATOR CRITERIA.—

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

940 1. The felony is:

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

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

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958 convicted of or found to have committed, or has pled nolo
 959 contendere or guilty to, regardless of adjudication, any
 960 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 961 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 962 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 963 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 964 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
 965 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 966 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
 967 written finding that the racketeering activity involved at least
 968 one sexual offense listed in this sub-subparagraph or at least
 969 one offense listed in this sub-subparagraph with sexual intent
 970 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
 971 similar law of another jurisdiction;

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

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

978 (10) PENALTIES.—

979 (b) A sexual predator who has been convicted of or found to
 980 have committed, or has pled nolo contendere or guilty to,
 981 regardless of adjudication, any violation, or attempted
 982 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 983 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
 984 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
 985 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
 986 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a

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987 similar law of another jurisdiction when the victim of the
988 offense was a minor, and who works, whether for compensation or
989 as a volunteer, at any business, school, child care facility,
990 park, playground, or other place where children regularly
991 congregate, commits a felony of the third degree, punishable as
992 provided in s. 775.082, s. 775.083, or s. 775.084.

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

996 775.215 Residency restriction for persons convicted of
997 certain sex offenses.—

998 (2) (a) A person who has been convicted of a violation of s.
999 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1000 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
1001 whether adjudication has been withheld, in which the victim of
1002 the offense was less than 16 years of age, may not reside within
1003 1,000 feet of any school, child care facility, park, or
1004 playground. However, a person does not violate this subsection
1005 and may not be forced to relocate if he or she is living in a
1006 residence that meets the requirements of this subsection and a
1007 school, child care facility, park, or playground is subsequently
1008 established within 1,000 feet of his or her residence.

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

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1016 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
1017 classified as a felony of the second or third degree commits a
1018 misdemeanor of the first degree, punishable as provided in s.
1019 775.082 or s. 775.083.

1020 (c) This subsection applies to any person convicted of a
1021 violation of s. 794.011, s. 800.04, former s. 827.071, s.
1022 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for
1023 offenses that occur on or after October 1, 2004, excluding
1024 persons who have been removed from the requirement to register
1025 as a sexual offender or sexual predator pursuant to s.
1026 943.04354.

1027 (3) (a) A person who has been convicted of an offense in
1028 another jurisdiction that is similar to a violation of s.
1029 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1030 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
1031 whether adjudication has been withheld, in which the victim of
1032 the offense was less than 16 years of age, may not reside within
1033 1,000 feet of any school, child care facility, park, or
1034 playground. However, a person does not violate this subsection
1035 and may not be forced to relocate if he or she is living in a
1036 residence that meets the requirements of this subsection and a
1037 school, child care facility, park, or playground is subsequently
1038 established within 1,000 feet of his or her residence.

1039 (c) This subsection applies to any person convicted of an
1040 offense in another jurisdiction that is similar to a violation
1041 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1042 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
1043 occurred on or after May 26, 2010, excluding persons who have
1044 been removed from the requirement to register as a sexual

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1045 offender or sexual predator pursuant to s. 943.04354.

1046 Section 23. Paragraph (c) of subsection (1) of section
1047 784.046, Florida Statutes, is amended to read:

1048 784.046 Action by victim of repeat violence, sexual
1049 violence, or dating violence for protective injunction; dating
1050 violence investigations, notice to victims, and reporting;
1051 pretrial release violations; public records exemption.—

1052 (1) As used in this section, the term:

1053 (c) "Sexual violence" means any one incident of:

1054 1. Sexual battery, as defined in chapter 794;

1055 2. A lewd or lascivious act, as defined in chapter 800,
1056 committed upon or in the presence of a person younger than 16
1057 years of age;

1058 3. Luring or enticing a child, as described in chapter 787;

1059 4. Sexual performance by a child, as described in former s.
1060 827.071 or s. 847.003 ~~chapter 827~~; or

1061 5. Any other forcible felony wherein a sexual act is
1062 committed or attempted,

1063
1064 regardless of whether criminal charges based on the incident
1065 were filed, reduced, or dismissed by the state attorney.

1066 Section 24. Subsection (2) of section 794.0115, Florida
1067 Statutes, is amended to read:

1068 794.0115 Dangerous sexual felony offender; mandatory
1069 sentencing.—

1070 (2) Any person who is convicted of a violation of s.
1071 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1072 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1073 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or

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1074 of any similar offense under a former designation, which offense
1075 the person committed when he or she was 18 years of age or
1076 older, and the person:

1077 (a) Caused serious personal injury to the victim as a
1078 result of the commission of the offense;

1079 (b) Used or threatened to use a deadly weapon during the
1080 commission of the offense;

1081 (c) Victimized more than one person during the course of
1082 the criminal episode applicable to the offense;

1083 (d) Committed the offense while under the jurisdiction of a
1084 court for a felony offense under the laws of this state, for an
1085 offense that is a felony in another jurisdiction, or for an
1086 offense that would be a felony if that offense were committed in
1087 this state; or

1088 (e) Has previously been convicted of a violation of s.
1089 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
1090 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
1091 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of
1092 any offense under a former statutory designation which is
1093 similar in elements to an offense described in this paragraph;
1094 or of any offense that is a felony in another jurisdiction, or
1095 would be a felony if that offense were committed in this state,
1096 and which is similar in elements to an offense described in this
1097 paragraph,

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

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1103 who qualifies as a dangerous sexual felony offender pursuant to
1104 this subsection must be sentenced to a mandatory minimum term of
1105 50 years imprisonment up to, and including, life imprisonment.

1106 Section 25. Subsection (1) of section 794.024, Florida
1107 Statutes, is amended to read:

1108 794.024 Unlawful to disclose identifying information.—

1109 (1) A public employee or officer who has access to the
1110 photograph, name, or address of a person who is alleged to be
1111 the victim of an offense described in this chapter, chapter 800,
1112 s. 827.03, s. 827.04, or former s. 827.071, or of a sexual
1113 offense described in chapter 847, may not willfully and
1114 knowingly disclose it to a person who is not assisting in the
1115 investigation or prosecution of the alleged offense or to any
1116 person other than the defendant, the defendant's attorney, a
1117 person specified in an order entered by the court having
1118 jurisdiction of the alleged offense, or organizations authorized
1119 to receive such information made exempt by s. 119.071(2)(h), or
1120 to a rape crisis center or sexual assault counselor, as defined
1121 in s. 90.5035(1)(b), who will be offering services to the
1122 victim.

1123 Section 26. Subsection (1) of section 794.056, Florida
1124 Statutes, is amended to read:

1125 794.056 Rape Crisis Program Trust Fund.—

1126 (1) The Rape Crisis Program Trust Fund is created within
1127 the Department of Health for the purpose of providing funds for
1128 rape crisis centers in this state. Trust fund moneys shall be
1129 used exclusively for the purpose of providing services for
1130 victims of sexual assault. Funds credited to the trust fund
1131 consist of those funds collected as an additional court

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1132 assessment in each case in which a defendant pleads guilty or
 1133 nolo contendere to, or is found guilty of, regardless of
 1134 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 1135 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 1136 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 1137 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 1138 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 1139 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 1140 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 1141 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 1142 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 1143 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 1144 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 1145 credited to the trust fund also shall include revenues provided
 1146 by law, moneys appropriated by the Legislature, and grants from
 1147 public or private entities.

1148 Section 27. Section 794.10, Florida Statutes, is created to
 1149 read:

1150 794.10 Investigative subpoenas in certain cases involving
 1151 child victims.-

1152 (1) DEFINITIONS.-As used in this section, the term:

1153 (a) "Child" means a person who is less than 18 years of
 1154 age.

1155 (b) "Criminal justice agency" means a law enforcement
 1156 agency, court, or prosecutor in this state.

1157 (c) "Sexual exploitation or abuse of a child" means a
 1158 criminal offense based on any conduct described in s. 39.01(71).

1159 (2) AUTHORIZATION.-

1160 (a) In any investigation of:

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1161 1. An offense involving the sexual exploitation or abuse of
1162 a child;

1163 2. An individual's suspected commission of a crime listed
1164 in s. 943.0435(1)(h)1.a.(I); or

1165 3. An offense under chapter 847 involving a child victim
1166 which is not otherwise included in subparagraph 1. or
1167 subparagraph 2.,

1168
1169 a criminal justice agency may issue in writing and cause to be
1170 served a subpoena requiring the production of any record,
1171 object, or other information or testimony described in paragraph
1172 (b).

1173 (b) A subpoena issued under this section may require:

1174 1. The production of any record, object, or other
1175 information relevant to the investigation.

1176 2. Testimony by the custodian of the record, object, or
1177 other information concerning its production and authenticity.

1178 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this
1179 section shall describe any record, object, or other information
1180 required to be produced and prescribe a reasonable return date
1181 within which the record, object, or other information can be
1182 assembled and made available.

1183 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this
1184 section shall be reimbursed for fees and mileage at the same
1185 rate at which witnesses in the courts of this state are
1186 reimbursed.

1187 (5) PETITIONS BEFORE RETURN DATE.—At any time before the
1188 return date specified in the subpoena, the recipient of the
1189 subpoena may, in the circuit court of the county in which the

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1190 recipient conducts business or resides, petition for an order
1191 modifying or setting aside the subpoena or the requirement for
1192 nondisclosure of certain information under subsection (6).

1193 (6) NONDISCLOSURE.—

1194 (a)1. If a subpoena issued under this section is
1195 accompanied by a written certification under subparagraph 2. and
1196 notice under paragraph (c), the recipient of the subpoena, and a
1197 person to whom information is disclosed under subparagraph
1198 (b)1., may not disclose, for a period of 180 days, to any person
1199 the existence or contents of the subpoena.

1200 2. The requirement in subparagraph 1. applies if the
1201 criminal justice agency that issued the subpoena certifies in
1202 writing that the disclosure may result in one or more of the
1203 following circumstances:

- 1204 a. Endangering a person's life or physical safety;
1205 b. Encouraging a person's flight from prosecution;
1206 c. Destruction of or tampering with evidence;
1207 d. Intimidation of potential witnesses; or
1208 e. Otherwise seriously jeopardizing an investigation or
1209 unduly delaying a trial.

1210 (b)1. A recipient of a subpoena may disclose information
1211 subject to the nondisclosure requirement in subparagraph (a)1.
1212 to:

- 1213 a. A person to whom disclosure is necessary in order to
1214 comply with the subpoena;
1215 b. An attorney in order to obtain legal advice or
1216 assistance regarding the subpoena; or
1217 c. Any other person as authorized by the criminal justice
1218 agency that issued the subpoena.

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1219 2. A recipient of a subpoena who discloses to a person
1220 described in subparagraph 1. information subject to the
1221 nondisclosure requirement shall notify such person of the
1222 nondisclosure requirement by providing the person with a copy of
1223 the subpoena. A person to whom information is disclosed under
1224 subparagraph 1. is subject to the nondisclosure requirement in
1225 subparagraph (a)1.

1226 3. At the request of the criminal justice agency that
1227 issued the subpoena, a recipient of a subpoena who discloses or
1228 intends to disclose to a person described in sub-subparagraph
1229 1.a. or sub-subparagraph 1.b. information subject to the
1230 nondisclosure requirement shall provide to the criminal justice
1231 agency the identity of the person to whom such disclosure was or
1232 will be made.

1233 (c)1. The nondisclosure requirement imposed under paragraph
1234 (a) is subject to judicial review under subsection (13).

1235 2. A subpoena issued under this section, in connection with
1236 which a nondisclosure requirement under paragraph (a) is
1237 imposed, shall include:

1238 a. Notice of the nondisclosure requirement and the
1239 availability of judicial review.

1240 b. Notice that a violation of the nondisclosure requirement
1241 is subject to the penalties provided in paragraph (11)(b).

1242 (d) The nondisclosure requirement in paragraph (a) may be
1243 extended under subsection (13).

1244 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this
1245 section may not require the production of anything that is
1246 protected from production under the standards applicable to a
1247 subpoena duces tecum issued by a court of this state.

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1248 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding
1249 resulting from the production of any record, object, or other
1250 information under this section does not arise within a
1251 reasonable period of time after such production, the criminal
1252 justice agency to which it was delivered shall, upon written
1253 demand made by the person producing it, return the record,
1254 object, or other information to such person, unless the record
1255 was a copy and not an original.

1256 (9) TIME OF PRODUCTION.—A subpoena issued under this
1257 section may require production of any record, object, or other
1258 information as soon as possible, but the recipient of the
1259 subpoena must have at least 24 hours after he or she is served
1260 to produce the record, object, or other information.

1261 (10) SERVICE.—A subpoena issued under this section may be
1262 served as provided in chapter 48.

1263 (11) ENFORCEMENT.—

1264 (a) If a recipient of a subpoena under this section refuses
1265 to comply with the subpoena, the criminal justice agency may
1266 invoke the aid of any circuit court described in subsection (5)
1267 or of the circuit court of the county in which the authorized
1268 investigation is being conducted. Such court may issue an order
1269 requiring the recipient of a subpoena to appear before the
1270 criminal justice agency that issued the subpoena to produce any
1271 record, object, or other information or to testify concerning
1272 the production and authenticity of the record, object, or other
1273 information. Any failure to comply with an order under this
1274 paragraph may be punished by the court as a contempt of court.
1275 All process in any such case may be served in any county in
1276 which such person may be found.

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1277 (b) A recipient of a subpoena, or a person to whom
1278 information is disclosed under subparagraph(6) (b)1., who
1279 knowingly violates:

1280 1. A nondisclosure requirement imposed under paragraph
1281 (6) (a) commits a noncriminal violation punishable as provided in
1282 s. 775.083. Each person to whom a disclosure is made in
1283 violation of this subparagraph constitutes a separate violation
1284 subject to a separate fine.

1285 2. A nondisclosure requirement ordered by the court under
1286 this section may be held in contempt of court.

1287 (12) IMMUNITY.—Notwithstanding any other law, any person,
1288 including any officer, agent, or employee, receiving a subpoena
1289 under this section who complies in good faith with the subpoena
1290 and produces or discloses any record, object, or other
1291 information sought is not liable in any court in this state to
1292 any customer or other person for such production or disclosure.

1293 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1294 (a)1.a. If a recipient of a subpoena under this section, or
1295 a person to whom information is disclosed under subparagraph
1296 (6) (b)1., wishes to have a court review a nondisclosure
1297 requirement under subsection (6), such recipient or person may
1298 notify the criminal justice agency issuing the subpoena or file
1299 a petition for judicial review in the circuit court described in
1300 subsection (5).

1301 b. Within 30 days after the date on which the criminal
1302 justice agency receives the notification under sub-subparagraph
1303 a., the criminal justice agency shall apply for an order
1304 prohibiting the disclosure of the existence or contents of the
1305 subpoena. An application under this sub-subparagraph may be

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1306 filed in the circuit court described in subsection (5) or in the
1307 circuit court of the county in which the authorized
1308 investigation is being conducted.

1309 c. The nondisclosure requirement shall remain in effect
1310 during the pendency of proceedings relating to the requirement.

1311 d. A circuit court that receives a petition under sub-
1312 paragraph a. or an application under sub-paragraph b.
1313 shall rule on such petition or application as expeditiously as
1314 possible.

1315 2. An application for a nondisclosure order or extension
1316 thereof or a response to a petition filed under this paragraph
1317 must include a certification from the criminal justice agency
1318 that issued the subpoena indicating that the disclosure of such
1319 information may result in one or more of the circumstances
1320 described in subparagraph (6) (a)2.

1321 3. A circuit court shall issue a nondisclosure order or
1322 extension thereof under this paragraph if it determines that
1323 there is reason to believe that disclosure of such information
1324 may result in one or more of the circumstances described in
1325 subparagraph (6) (a)2.

1326 4. Upon a showing that any of the circumstances described
1327 in subparagraph (6) (a)2. continue to exist, a circuit court may
1328 issue an ex parte order extending a nondisclosure order imposed
1329 under this section for an additional 180 days. There is no limit
1330 on the number of nondisclosure extensions that may be granted
1331 under this subparagraph.

1332 (b) In all proceedings under this subsection, subject to
1333 any right to an open hearing in a contempt proceeding, a circuit
1334 court must close any hearing to the extent necessary to prevent

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1335 the unauthorized disclosure of a request for records, objects,
1336 or other information made to any person under this section.
1337 Petitions, filings, records, orders, certifications, and
1338 subpoenas must also be kept under seal to the extent and as long
1339 as necessary to prevent the unauthorized disclosure of any
1340 information under this section.

1341 Section 28. Section 796.001, Florida Statutes, is amended
1342 to read:

1343 796.001 Offenses by adults involving minors; intent.—It is
1344 the intent of the Legislature that adults who involve minors in
1345 any behavior prohibited under this chapter be prosecuted under
1346 other laws of this state, such as, but not limited to, s.
1347 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
1348 ~~chapter 827~~, and chapter 847. The Legislature finds that
1349 prosecution of such adults under this chapter is inappropriate
1350 since a minor is unable to consent to such behavior.

1351 Section 29. Section 827.071, Florida Statutes, is repealed.

1352 Section 30. Subsections (3), (8), and (16) of section
1353 847.001, Florida Statutes, are amended to read:

1354 847.001 Definitions.—As used in this chapter, the term:

1355 (3) "Child pornography" has the same meaning as provided in
1356 s. 847.0137 ~~means any image depicting a minor engaged in sexual~~
1357 ~~conduct.~~

1358 (8) "Minor" or "child" means a ~~any~~ person under the age of
1359 18 years.

1360 (16) "Sexual conduct" means actual or simulated sexual
1361 intercourse, deviate sexual intercourse, sexual bestiality,
1362 masturbation, or sadomasochistic abuse; actual or simulated lewd
1363 exhibition of the genitals; actual physical contact with a

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

1371 Section 31. Section 847.003, Florida Statutes, is created
1372 to read:

1373 847.003 Sexual performance by a child; penalties.—

1374 (1) As used in this section, the term:

1375 (a) "Performance" means a play, motion picture, photograph,
1376 or dance or other visual representation exhibited before an
1377 audience.

1378 (b) "Promote" means to procure, manufacture, issue, sell,
1379 give, provide, lend, mail, deliver, transfer, transmute,
1380 publish, distribute, circulate, disseminate, present, exhibit,
1381 or advertise or to offer or agree to do the same.

1382 (c) "Sexual performance" means a performance or part
1383 thereof which includes sexual conduct by a child.

1384 (2) A person who, knowing the character and content
1385 thereof, employs, authorizes, or induces a child to engage in a
1386 sexual performance or, being a parent, legal guardian, or
1387 custodian of such child, consents to the participation by such
1388 child in a sexual performance commits the offense of use of a
1389 child in a sexual performance, a felony of the second degree,
1390 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1391 (3) A person who, knowing the character and content
1392 thereof, produces, directs, or promotes a performance that

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1393 includes sexual conduct by a child commits the offense of
1394 promoting a sexual performance by a child, a felony of the
1395 second degree, punishable as provided in s. 775.082, s. 775.083,
1396 or s. 775.084.

1397 Section 32. Subsections (2), (3), and (4) of section
1398 847.0135, Florida Statutes, are amended to read:

1399 847.0135 Computer pornography; child exploitation
1400 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1401 (2) COMPUTER PORNOGRAPHY.—A person who:

1402 (a) Knowingly compiles, enters into, or transmits by use of
1403 computer;

1404 (b) Makes, prints, publishes, or reproduces by other
1405 computerized means;

1406 (c) Knowingly causes or allows to be entered into or
1407 transmitted by use of computer; or

1408 (d) Buys, sells, receives, exchanges, or disseminates,

1409

1410 a any notice, a statement, or an advertisement of a any minor's
1411 name, telephone number, place of residence, physical
1412 characteristics, or other descriptive or identifying information
1413 for purposes of facilitating, encouraging, offering, or
1414 soliciting sexual conduct of or with a any minor, or the visual
1415 depiction of such conduct, commits a felony of the third degree,
1416 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1417 The fact that an undercover operative or law enforcement officer
1418 was involved in the detection and investigation of an offense
1419 under this section shall not constitute a defense to a
1420 prosecution under this section.

1421 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES

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1422 PROHIBITED.—A Any person who knowingly uses a computer online
1423 service, Internet service, local bulletin board service, or ~~any~~
1424 other device capable of electronic data storage or transmission
1425 to:

1426 (a) Seduce, solicit, lure, or entice, or attempt to seduce,
1427 solicit, lure, or entice, a child or another person believed by
1428 the person to be a child, to commit an any illegal act described
1429 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~
1430 s. 847.003, or s. 847.0137, or to otherwise engage in any
1431 unlawful sexual conduct with a child or with another person
1432 believed by the person to be a child; or

1433 (b) Solicit, lure, or entice, or attempt to solicit, lure,
1434 or entice a parent, legal guardian, or custodian of a child or a
1435 person believed to be a parent, legal guardian, or custodian of
1436 a child to consent to the participation of such child in an any
1437 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
1438 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
1439 in any sexual conduct,

1440
1441 commits a felony of the third degree, punishable as provided in
1442 s. 775.082, s. 775.083, or s. 775.084. A Any person who, in
1443 violating this subsection, misrepresents his or her age, commits
1444 a felony of the second degree, punishable as provided in s.
1445 775.082, s. 775.083, or s. 775.084. Each separate use of a
1446 computer online service, Internet service, local bulletin board
1447 service, or ~~any~~ other device capable of electronic data storage
1448 or transmission wherein an offense described in this section is
1449 committed may be charged as a separate offense.

1450 (4) TRAVELING TO MEET A MINOR.—A Any person who travels any

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1451 distance either within this state, to this state, or from this
1452 state by any means, who attempts to do so, or who causes another
1453 to do so or to attempt to do so for the purpose of engaging in
1454 an any illegal act described in chapter 794, chapter 800, former
1455 s. 827.071 or chapter 827, s. 847.003, or s. 847.0137, or to
1456 otherwise engage in other unlawful sexual conduct with a child
1457 or with another person believed by the person to be a child
1458 after using a computer online service, Internet service, local
1459 bulletin board service, or any other device capable of
1460 electronic data storage or transmission to:

1461 (a) Seduce, solicit, lure, or entice or attempt to seduce,
1462 solicit, lure, or entice a child or another person believed by
1463 the person to be a child, to engage in an any illegal act
1464 described in chapter 794, chapter 800, former s. 827.071 or
1465 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
1466 in other unlawful sexual conduct with a child; or

1467 (b) Solicit, lure, or entice or attempt to solicit, lure,
1468 or entice a parent, legal guardian, or custodian of a child or a
1469 person believed to be a parent, legal guardian, or custodian of
1470 a child to consent to the participation of such child in an any
1471 act described in chapter 794, chapter 800, former s. 827.071 or
1472 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage
1473 in any sexual conduct,

1474
1475 commits a felony of the second degree, punishable as provided in
1476 s. 775.082, s. 775.083, or s. 775.084.

1477 Section 33. Subsection (1) of section 847.01357, Florida
1478 Statutes, is amended to read:

1479 847.01357 Exploited children's civil remedy.—

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1480 (1) A ~~Any~~ person who, while under the age of 18, was a
1481 victim of a sexual abuse crime listed in chapter 794, chapter
1482 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
1483 portion of such abuse was used in the production of child
1484 pornography, and who suffers personal or psychological injury as
1485 a result of the production, promotion, or possession of such
1486 images or movies, may bring an action in an appropriate state
1487 court against the producer, promoter, or possessor of such
1488 images or movies, regardless of whether the victim is now an
1489 adult. In any action brought under this section, a prevailing
1490 plaintiff shall recover the actual damages such person sustained
1491 and the cost of the suit, including reasonable attorney
1492 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this
1493 section shall be deemed to have sustained damages of at least
1494 \$150,000.

1495 Section 34. Section 847.0137, Florida Statutes, is amended
1496 to read:

1497 847.0137 Child pornography; Transmission of pornography by
1498 ~~electronic device or equipment prohibited acts; penalties.~~

1499 (1) For purposes of this section, the term:

1500 (a) "Child pornography" means a visual depiction of sexual
1501 conduct, in which:

1502 1. The production of such visual depiction involves the use
1503 of a minor engaging in sexual conduct; or

1504 2. Such visual depiction has been created, adapted, or
1505 modified to appear that an identifiable minor is engaging in
1506 sexual conduct.

1507 (b) "Identifiable minor" means a person who is recognizable
1508 as an actual person by the person's face, likeness, or other

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1509 distinguishing characteristic, such as a unique birthmark, or
1510 other recognizable feature and:

1511 1. Who was a minor at the time the visual depiction was
1512 created, adapted, or modified; or

1513 2. Whose image as a minor was used in creating, adapting,
1514 or modifying the visual depiction.

1515

1516 This paragraph does not require proof of the actual identity of
1517 the identifiable minor.

1518 (c) "Intentionally view" means to deliberately,
1519 purposefully, and voluntarily view. Proof of intentional viewing
1520 requires establishing that a person deliberately, purposefully,
1521 and voluntarily viewed more than one visual depiction over any
1522 period of time.

1523 (d) "Promote" means to procure, manufacture, issue, sell,
1524 give, provide, lend, mail, deliver, transfer, transmute,
1525 publish, distribute, circulate, disseminate, present, exhibit,
1526 or advertise or to offer or agree to do the same. "Minor" means
1527 any person less than 18 years of age.

1528 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
1529 be delivered, including the act of providing access for
1530 receiving and causing to be delivered, a visual depiction ~~any~~
1531 ~~image, information, or data from one or more persons or places~~
1532 ~~to one or more other persons or places~~ over or through any
1533 medium, including the Internet or an interconnected network, by
1534 use of ~~any~~ electronic equipment or other device.

1535 (f) "Visual depiction" includes, but is not limited to, a
1536 photograph, picture, image, motion picture, film, video,
1537 representation, or computer or computer-generated image or

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1538 picture, whether made or produced by electronic, mechanical, or
1539 other means. The term also includes undeveloped film and
1540 videotape, data stored on computer disk or by electronic means
1541 which is capable of conversion into a visual image, and data
1542 that is capable of conversion into a visual image that has been
1543 transmitted by any means, whether stored in a permanent or
1544 nonpermanent format.

1545 (2) (a) It is unlawful for a person to possess, with the
1546 intent to promote, child pornography. The possession of three or
1547 more visual depictions of child pornography is prima facie
1548 evidence of an intent to promote. A person who violates this
1549 paragraph commits a felony of the second degree, punishable as
1550 provided in s. 775.082, s. 775.083, or s. 775.084.

1551 (b) It is unlawful for a person to knowingly possess,
1552 control, or intentionally view child pornography. The
1553 possession, control, or intentional viewing of each visual
1554 depiction of child pornography is a separate offense. If the
1555 visual depiction includes sexual conduct by more than one minor,
1556 each minor in each visual depiction that is knowingly possessed,
1557 controlled, or intentionally viewed is a separate offense. A
1558 person who violates this paragraph commits a felony of the third
1559 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1560 775.084.

1561 (c) This subsection does not apply to child pornography
1562 possessed, controlled, or intentionally viewed as part of a law
1563 enforcement investigation.

1564 (d) Prosecution of a person for an offense under this
1565 subsection does not prohibit prosecution of that person in this
1566 state for a violation of any law of this state, including a law

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1567 providing for greater penalties than prescribed in this section
1568 or for any other crime punishing the sexual performance or
1569 sexual exploitation of children.

1570 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any
1571 person in this state who knew or reasonably should have known
1572 that he or she was transmitting child pornography, ~~as defined in~~
1573 ~~s. 847.001,~~ to another person in this state or in another
1574 jurisdiction commits a felony of the third degree, punishable as
1575 provided in s. 775.082, s. 775.083, or s. 775.084.

1576 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any
1577 person in any jurisdiction other than this state who knew or
1578 reasonably should have known that he or she was transmitting
1579 child pornography, ~~as defined in s. 847.001,~~ to another any
1580 person in this state commits a felony of the third degree,
1581 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1582 (c) (4) This subsection does ~~section shall~~ not be construed
1583 ~~to~~ prohibit prosecution of a person in this state or another
1584 jurisdiction for a violation of any law of this state, including
1585 a law providing for greater penalties than prescribed in this
1586 subsection ~~section,~~ for the transmission of child pornography,
1587 ~~as defined in s. 847.001,~~ to another any person in this state.

1588 (d) (5) A person is subject to prosecution in this state
1589 pursuant to chapter 910 for any act or conduct proscribed by
1590 this subsection ~~section,~~ including a person in a jurisdiction
1591 other than this state, if the act or conduct violates paragraph
1592 (b) subsection (3).

1593 (e) This subsection does ~~The provisions of this section do~~
1594 not apply to subscription-based transmissions such as list
1595 servers.

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1596 Section 35. Subsection (1) of section 856.022, Florida
1597 Statutes, is amended to read:

1598 856.022 Loitering or prowling by certain offenders in close
1599 proximity to children; penalty.—

1600 (1) Except as provided in subsection (2), this section
1601 applies to a person convicted of committing, or attempting,
1602 soliciting, or conspiring to commit, any of the criminal
1603 offenses proscribed in the following statutes in this state or
1604 similar offenses in another jurisdiction against a victim who
1605 was under 18 years of age at the time of the offense: s. 787.01,
1606 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
1607 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
1608 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
1609 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
1610 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
1611 s. 985.701(1); or any similar offense committed in this state
1612 which has been redesignated from a former statute number to one
1613 of those listed in this subsection, if the person has not
1614 received a pardon for any felony or similar law of another
1615 jurisdiction necessary for the operation of this subsection and
1616 a conviction of a felony or similar law of another jurisdiction
1617 necessary for the operation of this subsection has not been set
1618 aside in any postconviction proceeding.

1619 Section 36. Paragraph (a) of subsection (8) of section
1620 895.02, Florida Statutes, is amended to read:

1621 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

1622 (8) "Racketeering activity" means to commit, to attempt to
1623 commit, to conspire to commit, or to solicit, coerce, or
1624 intimidate another person to commit:

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- 1625 (a) Any crime that is chargeable by petition, indictment,
1626 or information under the following provisions of the Florida
1627 Statutes:
- 1628 1. Section 210.18, relating to evasion of payment of
1629 cigarette taxes.
 - 1630 2. Section 316.1935, relating to fleeing or attempting to
1631 elude a law enforcement officer and aggravated fleeing or
1632 eluding.
 - 1633 3. Section 403.727(3)(b), relating to environmental
1634 control.
 - 1635 4. Section 409.920 or s. 409.9201, relating to Medicaid
1636 fraud.
 - 1637 5. Section 414.39, relating to public assistance fraud.
 - 1638 6. Section 440.105 or s. 440.106, relating to workers'
1639 compensation.
 - 1640 7. Section 443.071(4), relating to creation of a fictitious
1641 employer scheme to commit reemployment assistance fraud.
 - 1642 8. Section 465.0161, relating to distribution of medicinal
1643 drugs without a permit as an Internet pharmacy.
 - 1644 9. Section 499.0051, relating to crimes involving
1645 contraband, adulterated, or misbranded drugs.
 - 1646 10. Part IV of chapter 501, relating to telemarketing.
 - 1647 11. Chapter 517, relating to sale of securities and
1648 investor protection.
 - 1649 12. Section 550.235 or s. 550.3551, relating to dogracing
1650 and horseracing.
 - 1651 13. Chapter 550, relating to jai alai frontons.
 - 1652 14. Section 551.109, relating to slot machine gaming.
 - 1653 15. Chapter 552, relating to the manufacture, distribution,

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1654 and use of explosives.

1655 16. Chapter 560, relating to money transmitters, if the
1656 violation is punishable as a felony.

1657 17. Chapter 562, relating to beverage law enforcement.

1658 18. Section 624.401, relating to transacting insurance
1659 without a certificate of authority, s. 624.437(4)(c)1., relating
1660 to operating an unauthorized multiple-employer welfare
1661 arrangement, or s. 626.902(1)(b), relating to representing or
1662 aiding an unauthorized insurer.

1663 19. Section 655.50, relating to reports of currency
1664 transactions, when such violation is punishable as a felony.

1665 20. Chapter 687, relating to interest and usurious
1666 practices.

1667 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1668 real estate timeshare plans.

1669 22. Section 775.13(5)(b), relating to registration of
1670 persons found to have committed any offense for the purpose of
1671 benefiting, promoting, or furthering the interests of a criminal
1672 gang.

1673 23. Section 777.03, relating to commission of crimes by
1674 accessories after the fact.

1675 24. Chapter 782, relating to homicide.

1676 25. Chapter 784, relating to assault and battery.

1677 26. Chapter 787, relating to kidnapping or human
1678 trafficking.

1679 27. Chapter 790, relating to weapons and firearms.

1680 28. Chapter 794, relating to sexual battery, but only if
1681 such crime was committed with the intent to benefit, promote, or
1682 further the interests of a criminal gang, or for the purpose of

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1683 increasing a criminal gang member's own standing or position
1684 within a criminal gang.

1685 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
1686 796.05, or s. 796.07, relating to prostitution.

1687 30. Chapter 806, relating to arson and criminal mischief.

1688 31. Chapter 810, relating to burglary and trespass.

1689 32. Chapter 812, relating to theft, robbery, and related
1690 crimes.

1691 33. Chapter 815, relating to computer-related crimes.

1692 34. Chapter 817, relating to fraudulent practices, false
1693 pretenses, fraud generally, credit card crimes, and patient
1694 brokering.

1695 35. Chapter 825, relating to abuse, neglect, or
1696 exploitation of an elderly person or disabled adult.

1697 36. Former s. Section 827.071, relating to commercial
1698 sexual exploitation of children.

1699 37. Section 828.122, relating to fighting or baiting
1700 animals.

1701 38. Chapter 831, relating to forgery and counterfeiting.

1702 39. Chapter 832, relating to issuance of worthless checks
1703 and drafts.

1704 40. Section 836.05, relating to extortion.

1705 41. Chapter 837, relating to perjury.

1706 42. Chapter 838, relating to bribery and misuse of public
1707 office.

1708 43. Chapter 843, relating to obstruction of justice.

1709 44. Section 847.003, relating to sexual performance by a
1710 child.

1711 45.44. Section 847.011, s. 847.012, s. 847.013, s. 847.06,

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1712 or s. 847.07, relating to obscene literature and profanity.

1713 ~~46.45.~~ Chapter 849, relating to gambling, lottery, gambling
1714 or gaming devices, slot machines, or any of the provisions
1715 within that chapter.

1716 ~~47.46.~~ Chapter 874, relating to criminal gangs.

1717 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
1718 control.

1719 ~~49.48.~~ Chapter 896, relating to offenses related to
1720 financial transactions.

1721 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
1722 with or harassing a witness, victim, or informant, and
1723 retaliation against a witness, victim, or informant.

1724 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
1725 with jurors and evidence.

1726 Section 37. Section 905.34, Florida Statutes, is amended to
1727 read:

1728 905.34 Powers and duties; law applicable.—The jurisdiction
1729 of a statewide grand jury impaneled under this chapter shall
1730 extend throughout the state. The subject matter jurisdiction of
1731 the statewide grand jury shall be limited to the offenses of:

1732 (1) Bribery, burglary, carjacking, home-invasion robbery,
1733 criminal usury, extortion, gambling, kidnapping, larceny,
1734 murder, prostitution, perjury, and robbery;

1735 (2) Crimes involving narcotic or other dangerous drugs;

1736 (3) Any violation of the provisions of the Florida RICO
1737 (Racketeer Influenced and Corrupt Organization) Act, including
1738 any offense listed in the definition of racketeering activity in
1739 s. 895.02(8)(a), providing such listed offense is investigated
1740 in connection with a violation of s. 895.03 and is charged in a

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1741 separate count of an information or indictment containing a
1742 count charging a violation of s. 895.03, the prosecution of
1743 which listed offense may continue independently if the
1744 prosecution of the violation of s. 895.03 is terminated for any
1745 reason;

1746 (4) Any violation of the provisions of the Florida Anti-
1747 Fencing Act;

1748 (5) Any violation of the provisions of the Florida
1749 Antitrust Act of 1980, as amended;

1750 (6) Any violation of the provisions of chapter 815;

1751 (7) Any crime involving, or resulting in, fraud or deceit
1752 upon any person;

1753 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
1754 or s. 847.0138 relating to computer pornography and child
1755 exploitation prevention, or any offense related to a violation
1756 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
1757 violation of former s. 827.071 ~~chapter 827~~ where the crime is
1758 facilitated by or connected to the use of the Internet or any
1759 device capable of electronic data storage or transmission;

1760 (9) Any criminal violation of part I of chapter 499;

1761 (10) Any criminal violation of s. 409.920 or s. 409.9201;

1762 (11) Any criminal violation of the Florida Money Laundering
1763 Act;

1764 (12) Any criminal violation of the Florida Securities and
1765 Investor Protection Act; or

1766 (13) Any violation of chapter 787, as well as any and all
1767 offenses related to a violation of chapter 787;

1768
1769 or any attempt, solicitation, or conspiracy to commit any

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1770 violation of the crimes specifically enumerated above, when any
1771 such offense is occurring, or has occurred, in two or more
1772 judicial circuits as part of a related transaction or when any
1773 such offense is connected with an organized criminal conspiracy
1774 affecting two or more judicial circuits. The statewide grand
1775 jury may return indictments and presentments irrespective of the
1776 county or judicial circuit where the offense is committed or
1777 triable. If an indictment is returned, it shall be certified and
1778 transferred for trial to the county where the offense was
1779 committed. The powers and duties of, and law applicable to,
1780 county grand juries shall apply to a statewide grand jury except
1781 when such powers, duties, and law are inconsistent with the
1782 provisions of ss. 905.31-905.40.

1783 Section 38. Paragraph (a) of subsection (1) of section
1784 934.07, Florida Statutes, is amended to read:

1785 934.07 Authorization for interception of wire, oral, or
1786 electronic communications.-

1787 (1) The Governor, the Attorney General, the statewide
1788 prosecutor, or any state attorney may authorize an application
1789 to a judge of competent jurisdiction for, and such judge may
1790 grant in conformity with ss. 934.03-934.09 an order authorizing
1791 or approving the interception of, wire, oral, or electronic
1792 communications by:

1793 (a) The Department of Law Enforcement or any law
1794 enforcement agency as defined in s. 934.02 having responsibility
1795 for the investigation of the offense as to which the application
1796 is made when such interception may provide or has provided
1797 evidence of the commission of the offense of murder, kidnapping,
1798 aircraft piracy, arson, gambling, robbery, burglary, theft,

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1799 dealing in stolen property, criminal usury, bribery, or
1800 extortion; any felony violation of ss. 790.161-790.166,
1801 inclusive; any violation of s. 787.06; any violation of chapter
1802 893; any violation of the provisions of the Florida Anti-Fencing
1803 Act; any violation of chapter 895; any violation of chapter 896;
1804 any violation of chapter 815; any violation of chapter 847; any
1805 violation of former s. 827.071; any violation of s. 944.40; or
1806 any conspiracy or solicitation to commit any violation of the
1807 laws of this state relating to the crimes specifically
1808 enumerated in this paragraph.

1809 Section 39. Section 938.085, Florida Statutes, is amended
1810 to read:

1811 938.085 Additional cost to fund rape crisis centers.—In
1812 addition to any sanction imposed when a person pleads guilty or
1813 nolo contendere to, or is found guilty of, regardless of
1814 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
1815 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
1816 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
1817 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
1818 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
1819 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
1820 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
1821 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
1822 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
1823 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
1824 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
1825 shall impose a surcharge of \$151. Payment of the surcharge shall
1826 be a condition of probation, community control, or any other
1827 court-ordered supervision. The sum of \$150 of the surcharge

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1828 shall be deposited into the Rape Crisis Program Trust Fund
1829 established within the Department of Health by chapter 2003-140,
1830 Laws of Florida. The clerk of the court shall retain \$1 of each
1831 surcharge that the clerk of the court collects as a service
1832 charge of the clerk's office.

1833 Section 40. Subsection (1) of section 938.10, Florida
1834 Statutes, is amended to read:

1835 938.10 Additional court cost imposed in cases of certain
1836 crimes.—

1837 (1) If a person pleads guilty or nolo contendere to, or is
1838 found guilty of, regardless of adjudication, any offense against
1839 a minor in violation of s. 784.085, chapter 787, chapter 794,
1840 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
1841 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
1842 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
1843 893.147(3), or s. 985.701, or any offense in violation of s.
1844 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1845 court shall impose a court cost of \$151 against the offender in
1846 addition to any other cost or penalty required by law.

1847 Section 41. Paragraph (h) of subsection (1) of section
1848 943.0435, Florida Statutes, is amended to read:

1849 943.0435 Sexual offenders required to register with the
1850 department; penalty.—

1851 (1) As used in this section, the term:

1852 (h)1. "Sexual offender" means a person who meets the
1853 criteria in sub-subparagraph a., sub-subparagraph b., sub-
1854 subparagraph c., or sub-subparagraph d., as follows:

1855 a.(I) Has been convicted of committing, or attempting,
1856 soliciting, or conspiring to commit, any of the criminal

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

1873 (II) Has been released on or after October 1, 1997, from
1874 the sanction imposed for any conviction of an offense described
1875 in sub-sub-subparagraph (I). For purposes of sub-sub-
1876 subparagraph (I), a sanction imposed in this state or in any
1877 other jurisdiction includes, but is not limited to, a fine,
1878 probation, community control, parole, conditional release,
1879 control release, or incarceration in a state prison, federal
1880 prison, private correctional facility, or local detention
1881 facility;

1882 b. Establishes or maintains a residence in this state and
1883 who has not been designated as a sexual predator by a court of
1884 this state but who has been designated as a sexual predator, as
1885 a sexually violent predator, or by another sexual offender

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1886 designation in another state or jurisdiction and was, as a
1887 result of such designation, subjected to registration or
1888 community or public notification, or both, or would be if the
1889 person were a resident of that state or jurisdiction, without
1890 regard to whether the person otherwise meets the criteria for
1891 registration as a sexual offender;

1892 c. Establishes or maintains a residence in this state who
1893 is in the custody or control of, or under the supervision of,
1894 any other state or jurisdiction as a result of a conviction for
1895 committing, or attempting, soliciting, or conspiring to commit,
1896 any of the criminal offenses proscribed in the following
1897 statutes or similar offense in another jurisdiction: s.
1898 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
1899 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
1900 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
1901 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1902 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
1903 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1904 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1905 makes a written finding that the racketeering activity involved
1906 at least one sexual offense listed in this sub-subparagraph or
1907 at least one offense listed in this sub-subparagraph with sexual
1908 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
1909 similar offense committed in this state which has been
1910 redesignated from a former statute number to one of those listed
1911 in this sub-subparagraph; or

1912 d. On or after July 1, 2007, has been adjudicated
1913 delinquent for committing, or attempting, soliciting, or
1914 conspiring to commit, any of the criminal offenses proscribed in

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1915 the following statutes in this state or similar offenses in
1916 another jurisdiction when the juvenile was 14 years of age or
1917 older at the time of the offense:

1918 (I) Section 794.011, excluding s. 794.011(10);

1919 (II) Section 800.04(4)(a)2. where the victim is under 12
1920 years of age or where the court finds sexual activity by the use
1921 of force or coercion;

1922 (III) Section 800.04(5)(c)1. where the court finds
1923 molestation involving unclothed genitals;

1924 (IV) Section 800.04(5)(d) where the court finds the use of
1925 force or coercion and unclothed genitals; or

1926 (V) Any similar offense committed in this state which has
1927 been redesignated from a former statute number to one of those
1928 listed in this sub-subparagraph.

1929 2. For all qualifying offenses listed in sub-subparagraph
1930 1.d., the court shall make a written finding of the age of the
1931 offender at the time of the offense.

1932
1933 For each violation of a qualifying offense listed in this
1934 subsection, except for a violation of s. 794.011, the court
1935 shall make a written finding of the age of the victim at the
1936 time of the offense. For a violation of s. 800.04(4), the court
1937 shall also make a written finding indicating whether the offense
1938 involved sexual activity and indicating whether the offense
1939 involved force or coercion. For a violation of s. 800.04(5), the
1940 court shall also make a written finding that the offense did or
1941 did not involve unclothed genitals or genital area and that the
1942 offense did or did not involve the use of force or coercion.

1943 Section 42. Paragraph (a) of subsection (1) and subsection

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1944 (3) of section 943.04354, Florida Statutes, are amended to read:

1945 943.04354 Removal of the requirement to register as a
1946 sexual offender or sexual predator in special circumstances.—

1947 (1) For purposes of this section, a person shall be
1948 considered for removal of the requirement to register as a
1949 sexual offender or sexual predator only if the person:

1950 (a) Was convicted, regardless of adjudication, or
1951 adjudicated delinquent of a violation of s. 800.04, former s.
1952 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
1953 a similar offense in another jurisdiction and if the person does
1954 not have any other conviction, regardless of adjudication, or
1955 adjudication of delinquency for a violation of s. 794.011, s.
1956 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1957 847.0137(2) or for a similar offense in another jurisdiction;

1958 (3) If a person provides to the Department of Law
1959 Enforcement a certified copy of the court's order removing the
1960 requirement that the person register as a sexual offender or
1961 sexual predator for the violation of s. 794.011, s. 800.04,
1962 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1963 847.0137(2) or a similar offense in another jurisdiction, the
1964 registration requirement will not apply to the person and the
1965 department shall remove all information about the person from
1966 the public registry of sexual offenders and sexual predators
1967 maintained by the department. However, the removal of this
1968 information from the public registry does not mean that the
1969 public is denied access to information about the person's
1970 criminal history or record that is otherwise available as a
1971 public record.

1972 Section 43. Section 943.0585, Florida Statutes, is amended

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1973 to read:

1974 943.0585 Court-ordered expunction of criminal history
1975 records.—The courts of this state have jurisdiction over their
1976 own procedures, including the maintenance, expunction, and
1977 correction of judicial records containing criminal history
1978 information to the extent such procedures are not inconsistent
1979 with the conditions, responsibilities, and duties established by
1980 this section. Any court of competent jurisdiction may order a
1981 criminal justice agency to expunge the criminal history record
1982 of a minor or an adult who complies with the requirements of
1983 this section. The court shall not order a criminal justice
1984 agency to expunge a criminal history record until the person
1985 seeking to expunge a criminal history record has applied for and
1986 received a certificate of eligibility for expunction pursuant to
1987 subsection (2) or subsection (5). A criminal history record that
1988 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1989 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1990 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1991 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
1992 s. 916.1075, a violation enumerated in s. 907.041, or any
1993 violation specified as a predicate offense for registration as a
1994 sexual predator pursuant to s. 775.21, without regard to whether
1995 that offense alone is sufficient to require such registration,
1996 or for registration as a sexual offender pursuant to s.
1997 943.0435, may not be expunged, without regard to whether
1998 adjudication was withheld, if the defendant was found guilty of
1999 or pled guilty or nolo contendere to the offense, or if the
2000 defendant, as a minor, was found to have committed, or pled
2001 guilty or nolo contendere to committing, the offense as a

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

2017 Notwithstanding any law to the contrary, a criminal justice
2018 agency may comply with laws, court orders, and official requests
2019 of other jurisdictions relating to expunction, correction, or
2020 confidential handling of criminal history records or information
2021 derived therefrom. This section does not confer any right to the
2022 expunction of any criminal history record, and any request for
2023 expunction of a criminal history record may be denied at the
2024 sole discretion of the court.

2025 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
2026 petition to a court to expunge a criminal history record is
2027 complete only when accompanied by:

2028 (a) A valid certificate of eligibility for expunction
2029 issued by the department pursuant to subsection (2).

2030 (b) The petitioner's sworn statement attesting that the

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2031 petitioner:

2032 1. Has never, prior to the date on which the petition is
2033 filed, been adjudicated guilty of a criminal offense or
2034 comparable ordinance violation, or been adjudicated delinquent
2035 for committing any felony or a misdemeanor specified in s.
2036 943.051(3)(b).

2037 2. Has not been adjudicated guilty of, or adjudicated
2038 delinquent for committing, any of the acts stemming from the
2039 arrest or alleged criminal activity to which the petition
2040 pertains.

2041 3. Has never secured a prior sealing or expunction of a
2042 criminal history record under this section, s. 943.059, former
2043 s. 893.14, former s. 901.33, or former s. 943.058, unless
2044 expunction is sought of a criminal history record previously
2045 sealed for 10 years pursuant to paragraph (2)(h) and the record
2046 is otherwise eligible for expunction.

2047 4. Is eligible for such an expunction to the best of his or
2048 her knowledge or belief and does not have any other petition to
2049 expunge or any petition to seal pending before any court.

2050
2051 Any person who knowingly provides false information on such
2052 sworn statement to the court commits a felony of the third
2053 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2054 775.084.

2055 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
2056 petitioning the court to expunge a criminal history record, a
2057 person seeking to expunge a criminal history record shall apply
2058 to the department for a certificate of eligibility for
2059 expunction. The department shall, by rule adopted pursuant to

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

2071 (a) Has obtained, and submitted to the department, a
2072 written, certified statement from the appropriate state attorney
2073 or statewide prosecutor which indicates:

2074 1. That an indictment, information, or other charging
2075 document was not filed or issued in the case.

2076 2. That an indictment, information, or other charging
2077 document, if filed or issued in the case, was dismissed or nolle
2078 prosequi by the state attorney or statewide prosecutor, or was
2079 dismissed by a court of competent jurisdiction, and that none of
2080 the charges related to the arrest or alleged criminal activity
2081 to which the petition to expunge pertains resulted in a trial,
2082 without regard to whether the outcome of the trial was other
2083 than an adjudication of guilt.

2084 3. That the criminal history record does not relate to a
2085 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
2086 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
2087 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
2088 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,

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2089 a violation enumerated in s. 907.041, or any violation specified
2090 as a predicate offense for registration as a sexual predator
2091 pursuant to s. 775.21, without regard to whether that offense
2092 alone is sufficient to require such registration, or for
2093 registration as a sexual offender pursuant to s. 943.0435, where
2094 the defendant was found guilty of, or pled guilty or nolo
2095 contendere to any such offense, or that the defendant, as a
2096 minor, was found to have committed, or pled guilty or nolo
2097 contendere to committing, such an offense as a delinquent act,
2098 without regard to whether adjudication was withheld.

2099 (b) Remits a \$75 processing fee to the department for
2100 placement in the Department of Law Enforcement Operating Trust
2101 Fund, unless such fee is waived by the executive director.

2102 (c) Has submitted to the department a certified copy of the
2103 disposition of the charge to which the petition to expunge
2104 pertains.

2105 (d) Has never, prior to the date on which the application
2106 for a certificate of eligibility is filed, been adjudicated
2107 guilty of a criminal offense or comparable ordinance violation,
2108 or been adjudicated delinquent for committing any felony or a
2109 misdemeanor specified in s. 943.051(3)(b).

2110 (e) Has not been adjudicated guilty of, or adjudicated
2111 delinquent for committing, any of the acts stemming from the
2112 arrest or alleged criminal activity to which the petition to
2113 expunge pertains.

2114 (f) Has never secured a prior sealing or expunction of a
2115 criminal history record under this section, s. 943.059, former
2116 s. 893.14, former s. 901.33, or former s. 943.058, unless
2117 expunction is sought of a criminal history record previously

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2118 sealed for 10 years pursuant to paragraph (h) and the record is
2119 otherwise eligible for expunction.

2120 (g) Is no longer under court supervision applicable to the
2121 disposition of the arrest or alleged criminal activity to which
2122 the petition to expunge pertains.

2123 (h) Has previously obtained a court order sealing the
2124 record under this section, former s. 893.14, former s. 901.33,
2125 or former s. 943.058 for a minimum of 10 years because
2126 adjudication was withheld or because all charges related to the
2127 arrest or alleged criminal activity to which the petition to
2128 expunge pertains were not dismissed prior to trial, without
2129 regard to whether the outcome of the trial was other than an
2130 adjudication of guilt. The requirement for the record to have
2131 previously been sealed for a minimum of 10 years does not apply
2132 when a plea was not entered or all charges related to the arrest
2133 or alleged criminal activity to which the petition to expunge
2134 pertains were dismissed prior to trial.

2135 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2136 (a) In judicial proceedings under this section, a copy of
2137 the completed petition to expunge shall be served upon the
2138 appropriate state attorney or the statewide prosecutor and upon
2139 the arresting agency; however, it is not necessary to make any
2140 agency other than the state a party. The appropriate state
2141 attorney or the statewide prosecutor and the arresting agency
2142 may respond to the court regarding the completed petition to
2143 expunge.

2144 (b) If relief is granted by the court, the clerk of the
2145 court shall certify copies of the order to the appropriate state
2146 attorney or the statewide prosecutor and the arresting agency.

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2147 The arresting agency is responsible for forwarding the order to
2148 any other agency to which the arresting agency disseminated the
2149 criminal history record information to which the order pertains.
2150 The department shall forward the order to expunge to the Federal
2151 Bureau of Investigation. The clerk of the court shall certify a
2152 copy of the order to any other agency which the records of the
2153 court reflect has received the criminal history record from the
2154 court.

2155 (c) For an order to expunge entered by a court prior to
2156 July 1, 1992, the department shall notify the appropriate state
2157 attorney or statewide prosecutor of an order to expunge which is
2158 contrary to law because the person who is the subject of the
2159 record has previously been convicted of a crime or comparable
2160 ordinance violation or has had a prior criminal history record
2161 sealed or expunged. Upon receipt of such notice, the appropriate
2162 state attorney or statewide prosecutor shall take action, within
2163 60 days, to correct the record and petition the court to void
2164 the order to expunge. The department shall seal the record until
2165 such time as the order is voided by the court.

2166 (d) On or after July 1, 1992, the department or any other
2167 criminal justice agency is not required to act on an order to
2168 expunge entered by a court when such order does not comply with
2169 the requirements of this section. Upon receipt of such an order,
2170 the department must notify the issuing court, the appropriate
2171 state attorney or statewide prosecutor, the petitioner or the
2172 petitioner's attorney, and the arresting agency of the reason
2173 for noncompliance. The appropriate state attorney or statewide
2174 prosecutor shall take action within 60 days to correct the
2175 record and petition the court to void the order. No cause of

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2176 action, including contempt of court, shall arise against any
2177 criminal justice agency for failure to comply with an order to
2178 expunge when the petitioner for such order failed to obtain the
2179 certificate of eligibility as required by this section or such
2180 order does not otherwise comply with the requirements of this
2181 section.

2182 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
2183 criminal history record of a minor or an adult which is ordered
2184 expunged by a court of competent jurisdiction pursuant to this
2185 section must be physically destroyed or obliterated by any
2186 criminal justice agency having custody of such record; except
2187 that any criminal history record in the custody of the
2188 department must be retained in all cases. A criminal history
2189 record ordered expunged that is retained by the department is
2190 confidential and exempt from the provisions of s. 119.07(1) and
2191 s. 24(a), Art. I of the State Constitution and not available to
2192 any person or entity except upon order of a court of competent
2193 jurisdiction. A criminal justice agency may retain a notation
2194 indicating compliance with an order to expunge.

2195 (a) The person who is the subject of a criminal history
2196 record that is expunged under this section or under other
2197 provisions of law, including former s. 893.14, former s. 901.33,
2198 and former s. 943.058, may lawfully deny or fail to acknowledge
2199 the arrests covered by the expunged record, except when the
2200 subject of the record:

- 2201 1. Is a candidate for employment with a criminal justice
2202 agency;
- 2203 2. Is a defendant in a criminal prosecution;
- 2204 3. Concurrently or subsequently petitions for relief under

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- 2205 this section, s. 943.0583, or s. 943.059;
- 2206 4. Is a candidate for admission to The Florida Bar;
- 2207 5. Is seeking to be employed or licensed by or to contract
- 2208 with the Department of Children and Families, the Division of
- 2209 Vocational Rehabilitation within the Department of Education,
- 2210 the Agency for Health Care Administration, the Agency for
- 2211 Persons with Disabilities, the Department of Health, the
- 2212 Department of Elderly Affairs, or the Department of Juvenile
- 2213 Justice or to be employed or used by such contractor or licensee
- 2214 in a sensitive position having direct contact with children, the
- 2215 disabled, or the elderly;
- 2216 6. Is seeking to be employed or licensed by the Department
- 2217 of Education, any district school board, any university
- 2218 laboratory school, any charter school, any private or parochial
- 2219 school, or any local governmental entity that licenses child
- 2220 care facilities;
- 2221 7. Is seeking to be licensed by the Division of Insurance
- 2222 Agent and Agency Services within the Department of Financial
- 2223 Services; or
- 2224 8. Is seeking to be appointed as a guardian pursuant to s.
- 2225 744.3125.
- 2226 (b) Subject to the exceptions in paragraph (a), a person
- 2227 who has been granted an expunction under this section, former s.
- 2228 893.14, former s. 901.33, or former s. 943.058 may not be held
- 2229 under any provision of law of this state to commit perjury or to
- 2230 be otherwise liable for giving a false statement by reason of
- 2231 such person's failure to recite or acknowledge an expunged
- 2232 criminal history record.
- 2233 (c) Information relating to the existence of an expunged

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2234 criminal history record which is provided in accordance with
2235 paragraph (a) is confidential and exempt from the provisions of
2236 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2237 except that the department shall disclose the existence of a
2238 criminal history record ordered expunged to the entities set
2239 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
2240 respective licensing, access authorization, and employment
2241 purposes, and to criminal justice agencies for their respective
2242 criminal justice purposes. It is unlawful for any employee of an
2243 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2244 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2245 subparagraph (a)8. to disclose information relating to the
2246 existence of an expunged criminal history record of a person
2247 seeking employment, access authorization, or licensure with such
2248 entity or contractor, except to the person to whom the criminal
2249 history record relates or to persons having direct
2250 responsibility for employment, access authorization, or
2251 licensure decisions. Any person who violates this paragraph
2252 commits a misdemeanor of the first degree, punishable as
2253 provided in s. 775.082 or s. 775.083.

2254 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
2255 eligibility requirements prescribed in paragraph (1)(b) and
2256 subsection (2), the department shall issue a certificate of
2257 eligibility for expunction under this subsection to a person who
2258 is the subject of a criminal history record if that person:

2259 (a) Has obtained, and submitted to the department, on a
2260 form provided by the department, a written, certified statement
2261 from the appropriate state attorney or statewide prosecutor
2262 which states whether an information, indictment, or other

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2263 charging document was not filed or was dismissed by the state
2264 attorney, or dismissed by the court, because it was found that
2265 the person acted in lawful self-defense pursuant to the
2266 provisions related to justifiable use of force in chapter 776.

2267 (b) Each petition to a court to expunge a criminal history
2268 record pursuant to this subsection is complete only when
2269 accompanied by:

2270 1. A valid certificate of eligibility for expunction issued
2271 by the department pursuant to this subsection.

2272 2. The petitioner's sworn statement attesting that the
2273 petitioner is eligible for such an expunction to the best of his
2274 or her knowledge or belief.

2275
2276 Any person who knowingly provides false information on such
2277 sworn statement to the court commits a felony of the third
2278 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2279 775.084.

2280 (c) This subsection does not confer any right to the
2281 expunction of a criminal history record, and any request for
2282 expunction of a criminal history record may be denied at the
2283 discretion of the court.

2284 (d) Subsections (3) and (4) shall apply to expunction
2285 ordered under this subsection.

2286 (e) The department shall, by rule adopted pursuant to
2287 chapter 120, establish procedures pertaining to the application
2288 for and issuance of certificates of eligibility for expunction
2289 under this subsection.

2290 (6) STATUTORY REFERENCES.—Any reference to any other
2291 chapter, section, or subdivision of the Florida Statutes in this

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2292 section constitutes a general reference under the doctrine of
2293 incorporation by reference.

2294 Section 44. Section 943.059, Florida Statutes, is amended
2295 to read:

2296 943.059 Court-ordered sealing of criminal history records.—
2297 The courts of this state shall continue to have jurisdiction
2298 over their own procedures, including the maintenance, sealing,
2299 and correction of judicial records containing criminal history
2300 information to the extent such procedures are not inconsistent
2301 with the conditions, responsibilities, and duties established by
2302 this section. Any court of competent jurisdiction may order a
2303 criminal justice agency to seal the criminal history record of a
2304 minor or an adult who complies with the requirements of this
2305 section. The court shall not order a criminal justice agency to
2306 seal a criminal history record until the person seeking to seal
2307 a criminal history record has applied for and received a
2308 certificate of eligibility for sealing pursuant to subsection
2309 (2). A criminal history record that relates to a violation of s.
2310 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
2311 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
2312 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
2313 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation
2314 enumerated in s. 907.041, or any violation specified as a
2315 predicate offense for registration as a sexual predator pursuant
2316 to s. 775.21, without regard to whether that offense alone is
2317 sufficient to require such registration, or for registration as
2318 a sexual offender pursuant to s. 943.0435, may not be sealed,
2319 without regard to whether adjudication was withheld, if the
2320 defendant was found guilty of or pled guilty or nolo contendere

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2321 to the offense, or if the defendant, as a minor, was found to
2322 have committed or pled guilty or nolo contendere to committing
2323 the offense as a delinquent act. The court may only order
2324 sealing of a criminal history record pertaining to one arrest or
2325 one incident of alleged criminal activity, except as provided in
2326 this section. The court may, at its sole discretion, order the
2327 sealing of a criminal history record pertaining to more than one
2328 arrest if the additional arrests directly relate to the original
2329 arrest. If the court intends to order the sealing of records
2330 pertaining to such additional arrests, such intent must be
2331 specified in the order. A criminal justice agency may not seal
2332 any record pertaining to such additional arrests if the order to
2333 seal does not articulate the intention of the court to seal
2334 records pertaining to more than one arrest. This section does
2335 not prevent the court from ordering the sealing of only a
2336 portion of a criminal history record pertaining to one arrest or
2337 one incident of alleged criminal activity. Notwithstanding any
2338 law to the contrary, a criminal justice agency may comply with
2339 laws, court orders, and official requests of other jurisdictions
2340 relating to sealing, correction, or confidential handling of
2341 criminal history records or information derived therefrom. This
2342 section does not confer any right to the sealing of any criminal
2343 history record, and any request for sealing a criminal history
2344 record may be denied at the sole discretion of the court.

2345 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
2346 petition to a court to seal a criminal history record is
2347 complete only when accompanied by:

2348 (a) A valid certificate of eligibility for sealing issued
2349 by the department pursuant to subsection (2).

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2350 (b) The petitioner's sworn statement attesting that the
2351 petitioner:

2352 1. Has never, prior to the date on which the petition is
2353 filed, been adjudicated guilty of a criminal offense or
2354 comparable ordinance violation, or been adjudicated delinquent
2355 for committing any felony or a misdemeanor specified in s.
2356 943.051(3) (b).

2357 2. Has not been adjudicated guilty of or adjudicated
2358 delinquent for committing any of the acts stemming from the
2359 arrest or alleged criminal activity to which the petition to
2360 seal pertains.

2361 3. Has never secured a prior sealing or expunction of a
2362 criminal history record under this section, s. 943.0585, former
2363 s. 893.14, former s. 901.33, or former s. 943.058.

2364 4. Is eligible for such a sealing to the best of his or her
2365 knowledge or belief and does not have any other petition to seal
2366 or any petition to expunge pending before any court.

2367
2368 Any person who knowingly provides false information on such
2369 sworn statement to the court commits a felony of the third
2370 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2371 775.084.

2372 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2373 petitioning the court to seal a criminal history record, a
2374 person seeking to seal a criminal history record shall apply to
2375 the department for a certificate of eligibility for sealing. The
2376 department shall, by rule adopted pursuant to chapter 120,
2377 establish procedures pertaining to the application for and
2378 issuance of certificates of eligibility for sealing. A

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

2388 (a) Has submitted to the department a certified copy of the
2389 disposition of the charge to which the petition to seal
2390 pertains.

2391 (b) Remits a \$75 processing fee to the department for
2392 placement in the Department of Law Enforcement Operating Trust
2393 Fund, unless such fee is waived by the executive director.

2394 (c) Has never, prior to the date on which the application
2395 for a certificate of eligibility is filed, been adjudicated
2396 guilty of a criminal offense or comparable ordinance violation,
2397 or been adjudicated delinquent for committing any felony or a
2398 misdemeanor specified in s. 943.051(3)(b).

2399 (d) Has not been adjudicated guilty of or adjudicated
2400 delinquent for committing any of the acts stemming from the
2401 arrest or alleged criminal activity to which the petition to
2402 seal pertains.

2403 (e) Has never secured a prior sealing or expunction of a
2404 criminal history record under this section, s. 943.0585, former
2405 s. 893.14, former s. 901.33, or former s. 943.058.

2406 (f) Is no longer under court supervision applicable to the
2407 disposition of the arrest or alleged criminal activity to which

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2408 the petition to seal pertains.

2409 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2410 (a) In judicial proceedings under this section, a copy of
2411 the completed petition to seal shall be served upon the
2412 appropriate state attorney or the statewide prosecutor and upon
2413 the arresting agency; however, it is not necessary to make any
2414 agency other than the state a party. The appropriate state
2415 attorney or the statewide prosecutor and the arresting agency
2416 may respond to the court regarding the completed petition to
2417 seal.

2418 (b) If relief is granted by the court, the clerk of the
2419 court shall certify copies of the order to the appropriate state
2420 attorney or the statewide prosecutor and to the arresting
2421 agency. The arresting agency is responsible for forwarding the
2422 order to any other agency to which the arresting agency
2423 disseminated the criminal history record information to which
2424 the order pertains. The department shall forward the order to
2425 seal to the Federal Bureau of Investigation. The clerk of the
2426 court shall certify a copy of the order to any other agency
2427 which the records of the court reflect has received the criminal
2428 history record from the court.

2429 (c) For an order to seal entered by a court prior to July
2430 1, 1992, the department shall notify the appropriate state
2431 attorney or statewide prosecutor of any order to seal which is
2432 contrary to law because the person who is the subject of the
2433 record has previously been convicted of a crime or comparable
2434 ordinance violation or has had a prior criminal history record
2435 sealed or expunged. Upon receipt of such notice, the appropriate
2436 state attorney or statewide prosecutor shall take action, within

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2437 60 days, to correct the record and petition the court to void
2438 the order to seal. The department shall seal the record until
2439 such time as the order is voided by the court.

2440 (d) On or after July 1, 1992, the department or any other
2441 criminal justice agency is not required to act on an order to
2442 seal entered by a court when such order does not comply with the
2443 requirements of this section. Upon receipt of such an order, the
2444 department must notify the issuing court, the appropriate state
2445 attorney or statewide prosecutor, the petitioner or the
2446 petitioner's attorney, and the arresting agency of the reason
2447 for noncompliance. The appropriate state attorney or statewide
2448 prosecutor shall take action within 60 days to correct the
2449 record and petition the court to void the order. No cause of
2450 action, including contempt of court, shall arise against any
2451 criminal justice agency for failure to comply with an order to
2452 seal when the petitioner for such order failed to obtain the
2453 certificate of eligibility as required by this section or when
2454 such order does not comply with the requirements of this
2455 section.

2456 (e) An order sealing a criminal history record pursuant to
2457 this section does not require that such record be surrendered to
2458 the court, and such record shall continue to be maintained by
2459 the department and other criminal justice agencies.

2460 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2461 history record of a minor or an adult which is ordered sealed by
2462 a court pursuant to this section is confidential and exempt from
2463 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2464 Constitution and is available only to the person who is the
2465 subject of the record, to the subject's attorney, to criminal

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2466 justice agencies for their respective criminal justice purposes,
2467 which include conducting a criminal history background check for
2468 approval of firearms purchases or transfers as authorized by
2469 state or federal law, to judges in the state courts system for
2470 the purpose of assisting them in their case-related
2471 decisionmaking responsibilities, as set forth in s. 943.053(5),
2472 or to those entities set forth in subparagraphs (a)1., 4., 5.,
2473 6., 8., 9., and 10. for their respective licensing, access
2474 authorization, and employment purposes.

2475 (a) The subject of a criminal history record sealed under
2476 this section or under other provisions of law, including former
2477 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
2478 deny or fail to acknowledge the arrests covered by the sealed
2479 record, except when the subject of the record:

- 2480 1. Is a candidate for employment with a criminal justice
2481 agency;
- 2482 2. Is a defendant in a criminal prosecution;
- 2483 3. Concurrently or subsequently petitions for relief under
2484 this section, s. 943.0583, or s. 943.0585;
- 2485 4. Is a candidate for admission to The Florida Bar;
- 2486 5. Is seeking to be employed or licensed by or to contract
2487 with the Department of Children and Families, the Division of
2488 Vocational Rehabilitation within the Department of Education,
2489 the Agency for Health Care Administration, the Agency for
2490 Persons with Disabilities, the Department of Health, the
2491 Department of Elderly Affairs, or the Department of Juvenile
2492 Justice or to be employed or used by such contractor or licensee
2493 in a sensitive position having direct contact with children, the
2494 disabled, or the elderly;

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2495 6. Is seeking to be employed or licensed by the Department
2496 of Education, a district school board, a university laboratory
2497 school, a charter school, a private or parochial school, or a
2498 local governmental entity that licenses child care facilities;

2499 7. Is attempting to purchase a firearm from a licensed
2500 importer, licensed manufacturer, or licensed dealer and is
2501 subject to a criminal history check under state or federal law;

2502 8. Is seeking to be licensed by the Division of Insurance
2503 Agent and Agency Services within the Department of Financial
2504 Services;

2505 9. Is seeking to be appointed as a guardian pursuant to s.
2506 744.3125; or

2507 10. Is seeking to be licensed by the Bureau of License
2508 Issuance of the Division of Licensing within the Department of
2509 Agriculture and Consumer Services to carry a concealed weapon or
2510 concealed firearm. This subparagraph applies only in the
2511 determination of an applicant's eligibility under s. 790.06.

2512 (b) Subject to the exceptions in paragraph (a), a person
2513 who has been granted a sealing under this section, former s.
2514 893.14, former s. 901.33, or former s. 943.058 may not be held
2515 under any provision of law of this state to commit perjury or to
2516 be otherwise liable for giving a false statement by reason of
2517 such person's failure to recite or acknowledge a sealed criminal
2518 history record.

2519 (c) Information relating to the existence of a sealed
2520 criminal record provided in accordance with the provisions of
2521 paragraph (a) is confidential and exempt from the provisions of
2522 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2523 except that the department shall disclose the sealed criminal

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

2539 (5) STATUTORY REFERENCES.—Any reference to any other
2540 chapter, section, or subdivision of the Florida Statutes in this
2541 section constitutes a general reference under the doctrine of
2542 incorporation by reference.

2543 Section 45. Paragraph (f) of subsection (1) of section
2544 944.606, Florida Statutes, is amended to read:

2545 944.606 Sexual offenders; notification upon release.—

2546 (1) As used in this section, the term:

2547 (f) "Sexual offender" means a person who has been convicted
2548 of committing, or attempting, soliciting, or conspiring to
2549 commit, any of the criminal offenses proscribed in the following
2550 statutes in this state or similar offenses in another
2551 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
2552 787.02, or s. 787.025(2)(c), where the victim is a minor; s.

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

2568 Section 46. Paragraph (f) of subsection (1) of section
 2569 944.607, Florida Statutes, is amended to read:

2570 944.607 Notification to Department of Law Enforcement of
 2571 information on sexual offenders.—

2572 (1) As used in this section, the term:

2573 (f) "Sexual offender" means a person who is in the custody
 2574 or control of, or under the supervision of, the department or is
 2575 in the custody of a private correctional facility:

2576 1. On or after October 1, 1997, as a result of a conviction
 2577 for committing, or attempting, soliciting, or conspiring to
 2578 commit, any of the criminal offenses proscribed in the following
 2579 statutes in this state or similar offenses in another
 2580 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 2581 787.02, or s. 787.025(2)(c), where the victim is a minor; s.

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

2594 2. Who establishes or maintains a residence in this state
2595 and who has not been designated as a sexual predator by a court
2596 of this state but who has been designated as a sexual predator,
2597 as a sexually violent predator, or by another sexual offender
2598 designation in another state or jurisdiction and was, as a
2599 result of such designation, subjected to registration or
2600 community or public notification, or both, or would be if the
2601 person were a resident of that state or jurisdiction, without
2602 regard as to whether the person otherwise meets the criteria for
2603 registration as a sexual offender.

2604 Section 47. Subsections (7), (10), and (14) of section
2605 947.1405, Florida Statutes, are amended, and subsection (15) is
2606 added to that section, to read:

2607 947.1405 Conditional release program.—

2608 (7)(a) Any inmate who is convicted of a crime committed on
2609 or after October 1, 1995, or who has been previously convicted
2610 of a crime committed on or after October 1, 1995, in violation

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2611 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
2612 s. 847.0145, and is subject to conditional release supervision,
2613 shall have, in addition to any other conditions imposed, the
2614 following special conditions imposed by the commission:

2615 1. A mandatory curfew from 10 p.m. to 6 a.m. The commission
2616 may designate another 8-hour period if the offender's employment
2617 precludes the above specified time, and such alternative is
2618 recommended by the Department of Corrections. If the commission
2619 determines that imposing a curfew would endanger the victim, the
2620 commission may consider alternative sanctions.

2621 2. If the victim was under the age of 18, a prohibition on
2622 living within 1,000 feet of a school, child care facility, park,
2623 playground, designated public school bus stop, or other place
2624 where children regularly congregate. A releasee who is subject
2625 to this subparagraph may not relocate to a residence that is
2626 within 1,000 feet of a public school bus stop. Beginning October
2627 1, 2004, the commission or the department may not approve a
2628 residence that is located within 1,000 feet of a school, child
2629 care facility, park, playground, designated school bus stop, or
2630 other place where children regularly congregate for any releasee
2631 who is subject to this subparagraph. On October 1, 2004, the
2632 department shall notify each affected school district of the
2633 location of the residence of a releasee 30 days prior to release
2634 and thereafter, if the releasee relocates to a new residence,
2635 shall notify any affected school district of the residence of
2636 the releasee within 30 days after relocation. If, on October 1,
2637 2004, any public school bus stop is located within 1,000 feet of
2638 the existing residence of such releasee, the district school
2639 board shall relocate that school bus stop. Beginning October 1,

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

2653 3. Active participation in and successful completion of a
2654 sex offender treatment program with qualified practitioners
2655 specifically trained to treat sex offenders, at the releasee's
2656 own expense. If a qualified practitioner is not available within
2657 a 50-mile radius of the releasee's residence, the offender shall
2658 participate in other appropriate therapy.

2659 4. A prohibition on any contact with the victim, directly
2660 or indirectly, including through a third person, unless approved
2661 by the victim, a qualified practitioner in the sexual offender
2662 treatment program, and the sentencing court.

2663 5. If the victim was under the age of 18, a prohibition
2664 against contact with children under the age of 18 without review
2665 and approval by the commission. The commission may approve
2666 supervised contact with a child under the age of 18 if the
2667 approval is based upon a recommendation for contact issued by a
2668 qualified practitioner who is basing the recommendation on a

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2669 risk assessment. Further, the sex offender must be currently
2670 enrolled in or have successfully completed a sex offender
2671 therapy program. The commission may not grant supervised contact
2672 with a child if the contact is not recommended by a qualified
2673 practitioner and may deny supervised contact with a child at any
2674 time. When considering whether to approve supervised contact
2675 with a child, the commission must review and consider the
2676 following:

2677 a. A risk assessment completed by a qualified practitioner.
2678 The qualified practitioner must prepare a written report that
2679 must include the findings of the assessment and address each of
2680 the following components:

2681 (I) The sex offender's current legal status;

2682 (II) The sex offender's history of adult charges with
2683 apparent sexual motivation;

2684 (III) The sex offender's history of adult charges without
2685 apparent sexual motivation;

2686 (IV) The sex offender's history of juvenile charges,
2687 whenever available;

2688 (V) The sex offender's offender treatment history,
2689 including a consultation from the sex offender's treating, or
2690 most recent treating, therapist;

2691 (VI) The sex offender's current mental status;

2692 (VII) The sex offender's mental health and substance abuse
2693 history as provided by the Department of Corrections;

2694 (VIII) The sex offender's personal, social, educational,
2695 and work history;

2696 (IX) The results of current psychological testing of the
2697 sex offender if determined necessary by the qualified

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2698 practitioner;

2699 (X) A description of the proposed contact, including the
2700 location, frequency, duration, and supervisory arrangement;

2701 (XI) The child's preference and relative comfort level with
2702 the proposed contact, when age-appropriate;

2703 (XII) The parent's or legal guardian's preference regarding
2704 the proposed contact; and

2705 (XIII) The qualified practitioner's opinion, along with the
2706 basis for that opinion, as to whether the proposed contact would
2707 likely pose significant risk of emotional or physical harm to
2708 the child.

2709

2710 The written report of the assessment must be given to the
2711 commission.

2712 b. A recommendation made as a part of the risk-assessment
2713 report as to whether supervised contact with the child should be
2714 approved;

2715 c. A written consent signed by the child's parent or legal
2716 guardian, if the parent or legal guardian is not the sex
2717 offender, agreeing to the sex offender having supervised contact
2718 with the child after receiving full disclosure of the sex
2719 offender's present legal status, past criminal history, and the
2720 results of the risk assessment. The commission may not approve
2721 contact with the child if the parent or legal guardian refuses
2722 to give written consent for supervised contact;

2723 d. A safety plan prepared by the qualified practitioner,
2724 who provides treatment to the offender, in collaboration with
2725 the sex offender, the child's parent or legal guardian, and the
2726 child, when age appropriate, which details the acceptable

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2727 conditions of contact between the sex offender and the child.
2728 The safety plan must be reviewed and approved by the Department
2729 of Corrections before being submitted to the commission; and

2730 e. Evidence that the child's parent or legal guardian, if
2731 the parent or legal guardian is not the sex offender,
2732 understands the need for and agrees to the safety plan and has
2733 agreed to provide, or to designate another adult to provide,
2734 constant supervision any time the child is in contact with the
2735 offender.

2736

2737 The commission may not appoint a person to conduct a risk
2738 assessment and may not accept a risk assessment from a person
2739 who has not demonstrated to the commission that he or she has
2740 met the requirements of a qualified practitioner as defined in
2741 this section.

2742 6. If the victim was under age 18, a prohibition on working
2743 for pay or as a volunteer at any school, child care facility,
2744 park, playground, or other place where children regularly
2745 congregate, as prescribed by the commission.

2746 7. Unless otherwise indicated in the treatment plan
2747 provided by a qualified practitioner in the sexual offender
2748 treatment program, a prohibition on viewing, owning, or
2749 possessing any obscene, pornographic, or sexually stimulating
2750 visual or auditory material, including telephone, electronic
2751 media, computer programs, or computer services that are relevant
2752 to the offender's deviant behavior pattern.

2753 8. Effective for a releasee whose crime is committed on or
2754 after July 1, 2005, a prohibition on accessing the Internet or
2755 other computer services until a qualified practitioner in the

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2756 offender's sex offender treatment program, after a risk
2757 assessment is completed, approves and implements a safety plan
2758 for the offender's accessing or using the Internet or other
2759 computer services.

2760 9. A requirement that the releasee must submit two
2761 specimens of blood to the Department of Law Enforcement to be
2762 registered with the DNA database.

2763 10. A requirement that the releasee make restitution to the
2764 victim, as determined by the sentencing court or the commission,
2765 for all necessary medical and related professional services
2766 relating to physical, psychiatric, and psychological care.

2767 11. Submission to a warrantless search by the community
2768 control or probation officer of the probationer's or community
2769 controllee's person, residence, or vehicle.

2770 (b) For a releasee whose crime was committed on or after
2771 October 1, 1997, in violation of chapter 794, s. 800.04, former
2772 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2773 to conditional release supervision, in addition to any other
2774 provision of this subsection, the commission shall impose the
2775 following additional conditions of conditional release
2776 supervision:

2777 1. As part of a treatment program, participation in a
2778 minimum of one annual polygraph examination to obtain
2779 information necessary for risk management and treatment and to
2780 reduce the sex offender's denial mechanisms. The polygraph
2781 examination must be conducted by a polygrapher who is a member
2782 of a national or state polygraph association and who is
2783 certified as a postconviction sex offender polygrapher, where
2784 available, and at the expense of the releasee. The results of

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2785 the examination shall be provided to the releasee's probation
2786 officer and qualified practitioner and may not be used as
2787 evidence in a hearing to prove that a violation of supervision
2788 has occurred.

2789 2. Maintenance of a driving log and a prohibition against
2790 driving a motor vehicle alone without the prior approval of the
2791 supervising officer.

2792 3. A prohibition against obtaining or using a post office
2793 box without the prior approval of the supervising officer.

2794 4. If there was sexual contact, a submission to, at the
2795 releasee's expense, an HIV test with the results to be released
2796 to the victim or the victim's parent or guardian.

2797 5. Electronic monitoring of any form when ordered by the
2798 commission. Any person who has been placed under supervision and
2799 is electronically monitored by the department must pay the
2800 department for the cost of the electronic monitoring service at
2801 a rate that may not exceed the full cost of the monitoring
2802 service. Funds collected under this subparagraph shall be
2803 deposited into the General Revenue Fund. The department may
2804 exempt a person from the payment of all or any part of the
2805 electronic monitoring service cost if the department finds that
2806 any of the factors listed in s. 948.09(3) exist.

2807 (10) Effective for a releasee whose crime was committed on
2808 or after September 1, 2005, in violation of chapter 794, s.
2809 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2810 the unlawful activity involved a victim who was 15 years of age
2811 or younger and the offender is 18 years of age or older or for a
2812 releasee who is designated as a sexual predator pursuant to s.
2813 775.21, in addition to any other provision of this section, the

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2814 commission must order electronic monitoring for the duration of
2815 the releasee's supervision.

2816 (14) Effective for a releasee whose crime was committed on
2817 or after October 1, 2014, in violation of chapter 794, s.
2818 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2819 addition to any other provision of this section, the commission
2820 must impose a condition prohibiting the releasee from viewing,
2821 accessing, owning, or possessing any obscene, pornographic, or
2822 sexually stimulating visual or auditory material unless
2823 otherwise indicated in the treatment plan provided by a
2824 qualified practitioner in the sexual offender treatment program.
2825 Visual or auditory material includes, but is not limited to,
2826 telephone, electronic media, computer programs, and computer
2827 services.

2828 (15) Effective for a releasee whose crime was committed on
2829 or after October 1, 2018, in violation of s. 847.003 or s.
2830 847.0137(2), in addition to any other provision of this section,
2831 the commission must impose the conditions specified in
2832 subsections (7), (10), (12), and (14).

2833 Section 48. Subsection (2) of section 948.03, Florida
2834 Statutes, is amended to read:

2835 948.03 Terms and conditions of probation.—

2836 (2) The enumeration of specific kinds of terms and
2837 conditions does not prevent the court from adding thereto such
2838 other or others as it considers proper. However, the sentencing
2839 court may only impose a condition of supervision allowing an
2840 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
2841 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 to
2842 reside in another state if the order stipulates that it is

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2843 contingent upon the approval of the receiving state interstate
2844 compact authority. The court may rescind or modify at any time
2845 the terms and conditions theretofore imposed by it upon the
2846 probationer. However, if the court withholds adjudication of
2847 guilt or imposes a period of incarceration as a condition of
2848 probation, the period may not exceed 364 days, and incarceration
2849 shall be restricted to either a county facility, or a probation
2850 and restitution center under the jurisdiction of the Department
2851 of Corrections.

2852 Section 49. Subsection (1) of section 948.04, Florida
2853 Statutes, is amended to read:

2854 948.04 Period of probation; duty of probationer; early
2855 termination.—

2856 (1) Defendants found guilty of felonies who are placed on
2857 probation shall be under supervision not to exceed 2 years
2858 unless otherwise specified by the court. No defendant placed on
2859 probation pursuant to s. 948.012(1) is subject to the probation
2860 limitations of this subsection. A defendant who is placed on
2861 probation or community control for a violation of chapter 794,
2862 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the
2863 maximum level of supervision provided by the supervising agency,
2864 and that supervision shall continue through the full term of the
2865 court-imposed probation or community control.

2866 Section 50. Subsection (4) and paragraph (c) of subsection
2867 (8) of section 948.06, Florida Statutes, are amended to read:

2868 948.06 Violation of probation or community control;
2869 revocation; modification; continuance; failure to pay
2870 restitution or cost of supervision.—

2871 (4) Notwithstanding any other provision of this section, a

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2872 felony probationer or an offender in community control who is
2873 arrested for violating his or her probation or community control
2874 in a material respect may be taken before the court in the
2875 county or circuit in which the probationer or offender was
2876 arrested. That court shall advise him or her of the charge of a
2877 violation and, if such charge is admitted, shall cause him or
2878 her to be brought before the court that granted the probation or
2879 community control. If the violation is not admitted by the
2880 probationer or offender, the court may commit him or her or
2881 release him or her with or without bail to await further
2882 hearing. However, if the probationer or offender is under
2883 supervision for any criminal offense proscribed in chapter 794,
2884 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2885 a registered sexual predator or a registered sexual offender, or
2886 is under supervision for a criminal offense for which he or she
2887 would meet the registration criteria in s. 775.21, s. 943.0435,
2888 or s. 944.607 but for the effective date of those sections, the
2889 court must make a finding that the probationer or offender is
2890 not a danger to the public prior to release with or without
2891 bail. In determining the danger posed by the offender's or
2892 probationer's release, the court may consider the nature and
2893 circumstances of the violation and any new offenses charged; the
2894 offender's or probationer's past and present conduct, including
2895 convictions of crimes; any record of arrests without conviction
2896 for crimes involving violence or sexual crimes; any other
2897 evidence of allegations of unlawful sexual conduct or the use of
2898 violence by the offender or probationer; the offender's or
2899 probationer's family ties, length of residence in the community,
2900 employment history, and mental condition; his or her history and

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

2926 (a) A violent felony offender of special concern, as
2927 defined in this section;

2928 (b) A person who is on felony probation or community
2929 control for any offense committed on or after the effective date

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2930 of this act and who is arrested for a qualifying offense as
2931 defined in this section; or

2932 (c) A person who is on felony probation or community
2933 control and has previously been found by a court to be a
2934 habitual violent felony offender as defined in s. 775.084(1)(b),
2935 a three-time violent felony offender as defined in s.
2936 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2937 arrested for committing a qualifying offense as defined in this
2938 section on or after the effective date of this act.

2939 (8)

2940 (c) For purposes of this section, the term "qualifying
2941 offense" means any of the following:

2942 1. Kidnapping or attempted kidnapping under s. 787.01,
2943 false imprisonment of a child under the age of 13 under s.
2944 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
2945 or (c).

2946 2. Murder or attempted murder under s. 782.04, attempted
2947 felony murder under s. 782.051, or manslaughter under s. 782.07.

2948 3. Aggravated battery or attempted aggravated battery under
2949 s. 784.045.

2950 4. Sexual battery or attempted sexual battery under s.
2951 794.011(2), (3), (4), or (8)(b) or (c).

2952 5. Lewd or lascivious battery or attempted lewd or
2953 lascivious battery under s. 800.04(4), lewd or lascivious
2954 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
2955 conduct under s. 800.04(6)(b), or lewd or lascivious exhibition
2956 under s. 800.04(7)(b), ~~or lewd or lascivious exhibition on~~
2957 ~~computer under s. 847.0135(5)(b).~~

2958 6. Robbery or attempted robbery under s. 812.13, carjacking

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2959 or attempted carjacking under s. 812.133, or home invasion
 2960 robbery or attempted home invasion robbery under s. 812.135.

2961 7. Lewd or lascivious offense upon or in the presence of an
 2962 elderly or disabled person or attempted lewd or lascivious
 2963 offense upon or in the presence of an elderly or disabled person
 2964 under s. 825.1025.

2965 8. Sexual performance by a child or attempted sexual
 2966 performance by a child under former s. 827.071 or s. 847.003.

2967 9. Computer pornography or child exploitation under s.
 2968 847.0135 ~~847.0135(2) or (3)~~, ~~transmission of~~ child pornography
 2969 under s. 847.0137, or selling or buying of minors under s.
 2970 847.0145.

2971 10. Poisoning food or water under s. 859.01.

2972 11. Abuse of a dead human body under s. 872.06.

2973 12. Any burglary offense or attempted burglary offense that
 2974 is either a first degree felony or second degree felony under s.
 2975 810.02(2) or (3).

2976 13. Arson or attempted arson under s. 806.01(1).

2977 14. Aggravated assault under s. 784.021.

2978 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2979 (7).

2980 16. Aircraft piracy under s. 860.16.

2981 17. Unlawful throwing, placing, or discharging of a
 2982 destructive device or bomb under s. 790.161(2), (3), or (4).

2983 18. Treason under s. 876.32.

2984 19. Any offense committed in another jurisdiction which
 2985 would be an offense listed in this paragraph if that offense had
 2986 been committed in this state.

2987 Section 51. Subsection (1) of section 948.062, Florida

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2988 Statutes, is amended to read:

2989 948.062 Reviewing and reporting serious offenses committed
2990 by offenders placed on probation or community control.—

2991 (1) The department shall review the circumstances related
2992 to an offender placed on probation or community control who has
2993 been arrested while on supervision for the following offenses:

2994 (a) Any murder as provided in s. 782.04;

2995 (b) Any sexual battery as provided in s. 794.011 or s.
2996 794.023;

2997 (c) Any sexual performance by a child as provided in former
2998 s. 827.071 or s. 847.003;

2999 (d) Any kidnapping, false imprisonment, or luring of a
3000 child as provided in s. 787.01, s. 787.02, or s. 787.025;

3001 (e) Any lewd and lascivious battery or lewd and lascivious
3002 molestation as provided in s. 800.04(4) or (5);

3003 (f) Any aggravated child abuse as provided in s.
3004 827.03(2) (a);

3005 (g) Any robbery with a firearm or other deadly weapon, home
3006 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
3007 s. 812.135, or s. 812.133;

3008 (h) Any aggravated stalking as provided in s. 784.048(3),
3009 (4), or (5);

3010 (i) Any forcible felony as provided in s. 776.08, committed
3011 by a person on probation or community control who is designated
3012 as a sexual predator; or

3013 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
3014 or vehicular or vessel homicide as provided in s. 782.071 or s.
3015 782.072, committed by a person who is on probation or community
3016 control for an offense involving death or injury resulting from

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3017 a driving incident.

3018 Section 52. Subsection (2) of section 948.101, Florida
3019 Statutes, is amended to read:

3020 948.101 Terms and conditions of community control.—

3021 (2) The enumeration of specific kinds of terms and
3022 conditions does not prevent the court from adding any other
3023 terms or conditions that the court considers proper. However,
3024 the sentencing court may only impose a condition of supervision
3025 allowing an offender convicted of s. 794.011, s. 800.04, former
3026 s. 827.071, s. 847.003, s. 847.0135(5), s. 847.0137(2), or s.
3027 847.0145 to reside in another state if the order stipulates that
3028 it is contingent upon the approval of the receiving state
3029 interstate compact authority. The court may rescind or modify at
3030 any time the terms and conditions theretofore imposed by it upon
3031 the offender in community control. However, if the court
3032 withholds adjudication of guilt or imposes a period of
3033 incarceration as a condition of community control, the period
3034 may not exceed 364 days, and incarceration shall be restricted
3035 to a county facility, a probation and restitution center under
3036 the jurisdiction of the Department of Corrections, or a
3037 residential treatment facility owned or operated by any entity
3038 providing such services.

3039 Section 53. Subsections (1), (2), (3), and (5) of section
3040 948.30, Florida Statutes, are amended, and subsection (6) is
3041 added to that section, to read:

3042 948.30 Additional terms and conditions of probation or
3043 community control for certain sex offenses.—Conditions imposed
3044 pursuant to this section do not require oral pronouncement at
3045 the time of sentencing and shall be considered standard

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3046 conditions of probation or community control for offenders
3047 specified in this section.

3048 (1) Effective for probationers or community controllees
3049 whose crime was committed on or after October 1, 1995, and who
3050 are placed under supervision for violation of chapter 794, s.
3051 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
3052 court must impose the following conditions in addition to all
3053 other standard and special conditions imposed:

3054 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
3055 designate another 8-hour period if the offender's employment
3056 precludes the above specified time, and the alternative is
3057 recommended by the Department of Corrections. If the court
3058 determines that imposing a curfew would endanger the victim, the
3059 court may consider alternative sanctions.

3060 (b) If the victim was under the age of 18, a prohibition on
3061 living within 1,000 feet of a school, child care facility, park,
3062 playground, or other place where children regularly congregate,
3063 as prescribed by the court. The 1,000-foot distance shall be
3064 measured in a straight line from the offender's place of
3065 residence to the nearest boundary line of the school, child care
3066 facility, park, playground, or other place where children
3067 congregate. The distance may not be measured by a pedestrian
3068 route or automobile route. A probationer or community controllee
3069 who is subject to this paragraph may not be forced to relocate
3070 and does not violate his or her probation or community control
3071 if he or she is living in a residence that meets the
3072 requirements of this paragraph and a school, child care
3073 facility, park, playground, or other place where children
3074 regularly congregate is subsequently established within 1,000

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3075 feet of his or her residence.

3076 (c) Active participation in and successful completion of a
3077 sex offender treatment program with qualified practitioners
3078 specifically trained to treat sex offenders, at the
3079 probationer's or community controllee's own expense. If a
3080 qualified practitioner is not available within a 50-mile radius
3081 of the probationer's or community controllee's residence, the
3082 offender shall participate in other appropriate therapy.

3083 (d) A prohibition on any contact with the victim, directly
3084 or indirectly, including through a third person, unless approved
3085 by the victim, a qualified practitioner in the sexual offender
3086 treatment program, and the sentencing court.

3087 (e) If the victim was under the age of 18, a prohibition on
3088 contact with a child under the age of 18 except as provided in
3089 this paragraph. The court may approve supervised contact with a
3090 child under the age of 18 if the approval is based upon a
3091 recommendation for contact issued by a qualified practitioner
3092 who is basing the recommendation on a risk assessment. Further,
3093 the sex offender must be currently enrolled in or have
3094 successfully completed a sex offender therapy program. The court
3095 may not grant supervised contact with a child if the contact is
3096 not recommended by a qualified practitioner and may deny
3097 supervised contact with a child at any time. When considering
3098 whether to approve supervised contact with a child, the court
3099 must review and consider the following:

3100 1. A risk assessment completed by a qualified practitioner.
3101 The qualified practitioner must prepare a written report that
3102 must include the findings of the assessment and address each of
3103 the following components:

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- 3104 a. The sex offender's current legal status;
- 3105 b. The sex offender's history of adult charges with
3106 apparent sexual motivation;
- 3107 c. The sex offender's history of adult charges without
3108 apparent sexual motivation;
- 3109 d. The sex offender's history of juvenile charges, whenever
3110 available;
- 3111 e. The sex offender's offender treatment history, including
3112 consultations with the sex offender's treating, or most recent
3113 treating, therapist;
- 3114 f. The sex offender's current mental status;
- 3115 g. The sex offender's mental health and substance abuse
3116 treatment history as provided by the Department of Corrections;
- 3117 h. The sex offender's personal, social, educational, and
3118 work history;
- 3119 i. The results of current psychological testing of the sex
3120 offender if determined necessary by the qualified practitioner;
- 3121 j. A description of the proposed contact, including the
3122 location, frequency, duration, and supervisory arrangement;
- 3123 k. The child's preference and relative comfort level with
3124 the proposed contact, when age appropriate;
- 3125 l. The parent's or legal guardian's preference regarding
3126 the proposed contact; and
- 3127 m. The qualified practitioner's opinion, along with the
3128 basis for that opinion, as to whether the proposed contact would
3129 likely pose significant risk of emotional or physical harm to
3130 the child.
- 3131
- 3132 The written report of the assessment must be given to the court;

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3133 2. A recommendation made as a part of the risk assessment
3134 report as to whether supervised contact with the child should be
3135 approved;

3136 3. A written consent signed by the child's parent or legal
3137 guardian, if the parent or legal guardian is not the sex
3138 offender, agreeing to the sex offender having supervised contact
3139 with the child after receiving full disclosure of the sex
3140 offender's present legal status, past criminal history, and the
3141 results of the risk assessment. The court may not approve
3142 contact with the child if the parent or legal guardian refuses
3143 to give written consent for supervised contact;

3144 4. A safety plan prepared by the qualified practitioner,
3145 who provides treatment to the offender, in collaboration with
3146 the sex offender, the child's parent or legal guardian, if the
3147 parent or legal guardian is not the sex offender, and the child,
3148 when age appropriate, which details the acceptable conditions of
3149 contact between the sex offender and the child. The safety plan
3150 must be reviewed and approved by the court; and

3151 5. Evidence that the child's parent or legal guardian
3152 understands the need for and agrees to the safety plan and has
3153 agreed to provide, or to designate another adult to provide,
3154 constant supervision any time the child is in contact with the
3155 offender.

3156
3157 The court may not appoint a person to conduct a risk assessment
3158 and may not accept a risk assessment from a person who has not
3159 demonstrated to the court that he or she has met the
3160 requirements of a qualified practitioner as defined in this
3161 section.

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3162 (f) If the victim was under age 18, a prohibition on
3163 working for pay or as a volunteer at any place where children
3164 regularly congregate, including, but not limited to, schools,
3165 child care facilities, parks, playgrounds, pet stores,
3166 libraries, zoos, theme parks, and malls.

3167 (g) Unless otherwise indicated in the treatment plan
3168 provided by a qualified practitioner in the sexual offender
3169 treatment program, a prohibition on viewing, accessing, owning,
3170 or possessing any obscene, pornographic, or sexually stimulating
3171 visual or auditory material, including telephone, electronic
3172 media, computer programs, or computer services that are relevant
3173 to the offender's deviant behavior pattern.

3174 (h) Effective for probationers and community controllees
3175 whose crime is committed on or after July 1, 2005, a prohibition
3176 on accessing the Internet or other computer services until a
3177 qualified practitioner in the offender's sex offender treatment
3178 program, after a risk assessment is completed, approves and
3179 implements a safety plan for the offender's accessing or using
3180 the Internet or other computer services.

3181 (i) A requirement that the probationer or community
3182 controllee must submit a specimen of blood or other approved
3183 biological specimen to the Department of Law Enforcement to be
3184 registered with the DNA data bank.

3185 (j) A requirement that the probationer or community
3186 controllee make restitution to the victim, as ordered by the
3187 court under s. 775.089, for all necessary medical and related
3188 professional services relating to physical, psychiatric, and
3189 psychological care.

3190 (k) Submission to a warrantless search by the community

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3191 control or probation officer of the probationer's or community
3192 controllee's person, residence, or vehicle.

3193 (2) Effective for a probationer or community controllee
3194 whose crime was committed on or after October 1, 1997, and who
3195 is placed on community control or sex offender probation for a
3196 violation of chapter 794, s. 800.04, former s. 827.071, s.
3197 847.0135(5), or s. 847.0145, in addition to any other provision
3198 of this section, the court must impose the following conditions
3199 of probation or community control:

3200 (a) As part of a treatment program, participation at least
3201 annually in polygraph examinations to obtain information
3202 necessary for risk management and treatment and to reduce the
3203 sex offender's denial mechanisms. A polygraph examination must
3204 be conducted by a polygrapher who is a member of a national or
3205 state polygraph association and who is certified as a
3206 postconviction sex offender polygrapher, where available, and
3207 shall be paid for by the probationer or community controllee.
3208 The results of the polygraph examination shall be provided to
3209 the probationer's or community controllee's probation officer
3210 and qualified practitioner and shall not be used as evidence in
3211 court to prove that a violation of community supervision has
3212 occurred.

3213 (b) Maintenance of a driving log and a prohibition against
3214 driving a motor vehicle alone without the prior approval of the
3215 supervising officer.

3216 (c) A prohibition against obtaining or using a post office
3217 box without the prior approval of the supervising officer.

3218 (d) If there was sexual contact, a submission to, at the
3219 probationer's or community controllee's expense, an HIV test

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3220 with the results to be released to the victim or the victim's
3221 parent or guardian.

3222 (e) Electronic monitoring when deemed necessary by the
3223 community control or probation officer and his or her
3224 supervisor, and ordered by the court at the recommendation of
3225 the Department of Corrections.

3226 (3) Effective for a probationer or community controllee
3227 whose crime was committed on or after September 1, 2005, and
3228 who:

3229 (a) Is placed on probation or community control for a
3230 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
3231 827.071, or s. 847.0145 and the unlawful sexual activity
3232 involved a victim 15 years of age or younger and the offender is
3233 18 years of age or older;

3234 (b) Is designated a sexual predator pursuant to s. 775.21;
3235 or

3236 (c) Has previously been convicted of a violation of chapter
3237 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
3238 847.0145 and the unlawful sexual activity involved a victim 15
3239 years of age or younger and the offender is 18 years of age or
3240 older,

3241
3242 the court must order, in addition to any other provision of this
3243 section, mandatory electronic monitoring as a condition of the
3244 probation or community control supervision.

3245 (5) Effective for a probationer or community controllee
3246 whose crime was committed on or after October 1, 2014, and who
3247 is placed on probation or community control for a violation of
3248 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.

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3249 847.0145, in addition to all other conditions imposed, the court
3250 must impose a condition prohibiting the probationer or community
3251 controllee from viewing, accessing, owning, or possessing any
3252 obscene, pornographic, or sexually stimulating visual or
3253 auditory material unless otherwise indicated in the treatment
3254 plan provided by a qualified practitioner in the sexual offender
3255 treatment program. Visual or auditory material includes, but is
3256 not limited to, telephone, electronic media, computer programs,
3257 and computer services.

3258 (6) Effective for a probationer or community controllee
3259 whose crime was committed on or after October 1, 2018, and who
3260 is placed under supervision for violation of s. 847.003 or s.
3261 847.0137(2), the court must impose the conditions specified in
3262 subsections (1)-(5) in addition to all other standard and
3263 special conditions imposed.

3264 Section 54. Subsection (1) of section 948.32, Florida
3265 Statutes, is amended to read:

3266 948.32 Requirements of law enforcement agency upon arrest
3267 of persons for certain sex offenses.—

3268 (1) When any state or local law enforcement agency
3269 investigates or arrests a person for committing, or attempting,
3270 soliciting, or conspiring to commit, a violation of s.
3271 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
3272 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
3273 847.0135, s. 847.0137(2), or s. 847.0145, the law enforcement
3274 agency shall contact the Department of Corrections to verify
3275 whether the person under investigation or under arrest is on
3276 probation, community control, parole, conditional release, or
3277 control release.

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3278 Section 55. Paragraph (e) of subsection (3) and subsection
3279 (10) of section 960.03, Florida Statutes, are amended to read:
3280 960.03 Definitions; ss. 960.01-960.28.—As used in ss.

3281 960.01-960.28, unless the context otherwise requires, the term:
3282 (3) "Crime" means:

3283 (e) A violation of former s. 827.071, s. 847.003, s.
3284 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
3285 exploitation and child pornography.

3286 (10) "Identified victim of child pornography" means any
3287 person who, while under the age of 18, is depicted in any visual
3288 depiction ~~image or movie~~ of child pornography, as defined in s.
3289 847.0137, and who is identified through a report generated by a
3290 law enforcement agency and provided to the National Center for
3291 Missing and Exploited Children's Child Victim Identification
3292 Program.

3293 Section 56. Section 960.197, Florida Statutes, is amended
3294 to read:

3295 960.197 Assistance to victims of online sexual exploitation
3296 and child pornography.—

3297 (1) Notwithstanding the criteria set forth in s. 960.13 for
3298 crime victim compensation awards, the department may award
3299 compensation for counseling and other mental health services to
3300 treat psychological injury or trauma to:

3301 (a) A child younger than 18 years of age who suffers
3302 psychiatric or psychological injury as a direct result of online
3303 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
3304 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
3305 not otherwise sustain a personal injury or death; or

3306 (b) Any person who, while younger than age 18, was depicted

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3307 in any visual depiction ~~image or movie, regardless of length,~~ of
3308 child pornography as defined in s. 847.0137 ~~847.001~~, who has
3309 been identified by a law enforcement agency or the National
3310 Center for Missing and Exploited Children as an identified
3311 victim of child pornography, who suffers psychiatric or
3312 psychological injury as a direct result of the crime, and who
3313 does not otherwise sustain a personal injury or death.

3314 (2) Compensation under this section is not contingent upon
3315 pursuit of a criminal investigation or prosecution.

3316 Section 57. Paragraph (d) of subsection (4) of section
3317 985.04, Florida Statutes, is amended to read:

3318 985.04 Oaths; records; confidential information.—

3319 (4)

3320 (d) The department shall disclose to the school
3321 superintendent the presence of any child in the care and custody
3322 or under the jurisdiction or supervision of the department who
3323 has a known history of criminal sexual behavior with other
3324 juveniles; is alleged to have committed juvenile sexual abuse as
3325 defined in s. 39.01; or has pled guilty or nolo contendere to,
3326 or has been found to have committed, a violation of chapter 794,
3327 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
3328 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
3329 adjudication. Any employee of a district school board who
3330 knowingly and willfully discloses such information to an
3331 unauthorized person commits a misdemeanor of the second degree,
3332 punishable as provided in s. 775.082 or s. 775.083.

3333 Section 58. Paragraph (a) of subsection (1) of section
3334 985.475, Florida Statutes, is amended to read:

3335 985.475 Juvenile sexual offenders.—

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3336 (1) CRITERIA.—A “juvenile sexual offender” means:

3337 (a) A juvenile who has been found by the court under s.
3338 985.35 to have committed a violation of chapter 794, chapter
3339 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
3340 or s. 847.0137(2);

3341 Section 59. Paragraphs (mm) and (oo) of subsection (1) of
3342 section 1012.315, Florida Statutes, are amended to read:

3343 1012.315 Disqualification from employment.—A person is
3344 ineligible for educator certification, and instructional
3345 personnel and school administrators, as defined in s. 1012.01,
3346 are ineligible for employment in any position that requires
3347 direct contact with students in a district school system,
3348 charter school, or private school that accepts scholarship
3349 students under s. 1002.39 or s. 1002.395, if the person,
3350 instructional personnel, or school administrator has been
3351 convicted of:

3352 (1) Any felony offense prohibited under any of the
3353 following statutes:

3354 (mm) Former s. Section 827.071, relating to sexual
3355 performance by a child.

3356 (oo) Chapter 847, relating to obscenity and child
3357 exploitation.

3358 Section 60. Paragraphs (e), (f), and (h) of subsection (3)
3359 of section 921.0022, Florida Statutes, are amended to read:

3360 921.0022 Criminal Punishment Code; offense severity ranking
3361 chart.—

3362 (3) OFFENSE SEVERITY RANKING CHART

3363 (e) LEVEL 5

3364

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	Florida Statute	Felony Degree	Description
3365	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3366	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3367	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3368	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3369	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
3370	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving

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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.

3371

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

3372

379.407(5)(b)3. 3rd Possession of 100 or more undersized spiny lobsters.

3373

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

3374

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

3375

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

3376

440.381(2) 2nd Submission of false,

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3377	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3378	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3379	790.01 (2)	3rd	Carrying a concealed firearm.
3380	790.162	2nd	Threat to throw or discharge destructive device.
3381	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3382	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3383	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

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3384

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

3385

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

3386

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

3387

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

3388

812.0145 (2) (b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

3389

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

3390

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

3391

812.131 (2) (b) 3rd Robbery by sudden snatching.

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3392

812.16(2) 3rd Owing, operating, or
conducting a chop shop.

3393

817.034(4)(a)2. 2nd Communications fraud, value
\$20,000 to \$50,000.

3394

817.234(11)(b) 2nd Insurance fraud; property value
\$20,000 or more but less than
\$100,000.

3395

817.2341(1), 3rd Filing false financial
(2)(a) & (3)(a) statements, making false
entries of material fact or
false statements regarding
property values relating to the
solvency of an insuring entity.

3396

817.568(2)(b) 2nd Fraudulent use of personal
identification information;
value of benefit, services
received, payment avoided, or
amount of injury or fraud,
\$5,000 or more or use of
personal identification
information of 10 or more
persons.

3397

817.611(2)(a) 2nd Traffic in or possess 5 to 14

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3398

counterfeit credit cards or
related documents.

817.625 (2) (b)

2nd

Second or subsequent fraudulent
use of scanning device,
skimming device, or reencoder.

3399

825.1025 (4)

3rd

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

3400

~~827.071 (4)~~

2nd

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

3401

~~827.071 (5)~~

3rd

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

3402

839.13 (2) (b)

2nd

Falsifying records of an
individual in the care and
custody of a state agency
involving great bodily harm or
death.

3403

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3404

843.01 3rd Resist officer with violence to person; resist arrest with violence.

3405

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

3406

847.0137 (2) (a) 2nd Possess child pornography with intent to promote.

3407

847.0137 (2) (b) 3rd Possess, control, or intentionally view child pornography.

3408

847.0137 (3) 3rd Transmission of child pornography by electronic device or equipment.
~~847.0137~~
~~(2) & (3)~~

3409

847.0138 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.
 (2) & (3)

3410

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

874.05 (2) (a) 2nd Encouraging or recruiting

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3411

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

893.13(1)(a)1.

2nd

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

3412

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.

3413

893.13(1)(d)1.

1st

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

3414

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3415 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.

3416 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.

3417 893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

3418 893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

3419 (f) LEVEL 6

3420

Florida	Felony	Description
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	Statute	Degree	
3421	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3422	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
3423	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3424	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3425	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3426	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3427	775.0875(1)	3rd	Taking firearm from law enforcement officer.

3428

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3429	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3430	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3431	784.041	3rd	Felony battery; domestic battery by strangulation.
3432	784.048 (3)	3rd	Aggravated stalking; credible threat.
3433	784.048 (5)	3rd	Aggravated stalking of person under 16.
3434	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3435	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3436	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3437	784.081 (2)	2nd	Aggravated assault on specified official or employee.
	784.082 (2)	2nd	Aggravated assault by detained

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3438			person on visitor or other detainee.
3439	784.083 (2)	2nd	Aggravated assault on code inspector.
3440	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3441	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3442	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3443	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.
3444	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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3445	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3446	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3447	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.
3448	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3449	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3450	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3451	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

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			grand theft in 2nd degree.
3452	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3453	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3454	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3455	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3456	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3457	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3458	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3459	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.

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

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3470 847.011 3rd Distributing, offering to
distribute, or possessing with
intent to distribute obscene
materials depicting minors.

3471 847.012 3rd Knowingly using a minor in the
production of materials harmful
to minors.

3472 847.0135(2) 3rd Facilitates sexual conduct of
or with a minor or the visual
depiction of such conduct.

3473 914.23 2nd Retaliation against a witness,
victim, or informant, with
bodily injury.

3474 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.

3475 944.40 2nd Escapes.

3476 944.46 3rd Harboring, concealing, aiding
escaped prisoners.

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3477 944.47(1)(a)5. 2nd Introduction of contraband
(firearm, weapon, or explosive)
into correctional facility.

3478 951.22(1) 3rd Intoxicating drug, firearm, or
3479 weapon introduced into county
3480 facility.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
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3481 316.193 2nd DUI manslaughter.
(3)(c)3.a.

3482 316.1935(4)(b) 1st Aggravated fleeing or attempted
eluding with serious bodily
3483 injury or death.

3484 327.35(3)(c)3. 2nd Vessel BUI manslaughter.

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

3485 499.0051(7) 1st Knowing forgery of prescription
labels or prescription drug
3486 labels.

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3487

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.

3488

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.

3489

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

3490

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

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

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3491

unlawfully discharging bomb.

782.051(2)

1st

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

3492

782.071(1)(b)

1st

Committing vehicular homicide
and failing to render aid or
give information.

3493

782.072(2)

1st

Committing vessel homicide and
failing to render aid or give
information.

3494

787.06(3)(a)1.

1st

Human trafficking for labor and
services of a child.

3495

787.06(3)(b)

1st

Human trafficking using
coercion for commercial sexual
activity of an adult.

3496

787.06(3)(c)2.

1st

Human trafficking using
coercion for labor and services
of an unauthorized alien adult.

3497

787.06(3)(e)1.

1st

Human trafficking for labor and
services by the transfer or
transport of a child from

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3498

outside Florida to within the state.

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.

3499

790.161(3)

1st

Discharging a destructive device which results in bodily harm or property damage.

3500

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.

3501

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.

3502

794.011(5)(c)

2nd

Sexual battery; victim 12 years of age or older; offender

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3503 younger than 18 years; offender
does not use physical force
likely to cause injury.

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

3504 794.08 (3) 2nd Female genital mutilation,
removal of a victim younger
than 18 years of age from this
state.

3505 800.04 (4) (b) 2nd Lewd or lascivious battery.

3506 800.04 (4) (c) 1st Lewd or lascivious battery;
offender 18 years of age or
older; prior conviction for
specified sex offense.

3507 806.01 (1) 1st Maliciously damage dwelling or
structure by fire or explosive,
believing person in structure.

3508 810.02 (2) (a) 1st, PBL Burglary with assault or
battery.

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

3510

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

3511

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

3512

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

3513

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

3514

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

3515

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

3516

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

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3517	employee.		
3518	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3519	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.
3520	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3521	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3522	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3523	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.

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3524 825.103 (3) (a) 1st Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

3525 837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

3526 837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

3527 847.0135 (3) 2nd Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.

3528 860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

3529 860.16 1st Aircraft piracy.

893.13 (1) (b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).

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893.13 (2) (b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

3531

893.13 (6) (c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

3532

893.135 (1) (a) 2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

3533

893.135 (1) (b) 1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

3534

893.135 (1) (c) 1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

3535

893.135 (1) (c) 2.c. 1st Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

3536

893.135 (1) (c) 3.c. 1st Trafficking in oxycodone, 25 grams or more, less than 100 grams.

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893.135 1st Trafficking in fentanyl, 14
 (1) (c) 4.b. (II) grams or more, less than 28
 grams.

3539

893.135 1st Trafficking in phencyclidine,
 (1) (d) 1.b. 200 grams or more, less than
 400 grams.

3540

893.135 1st Trafficking in methaqualone, 5
 (1) (e) 1.b. kilograms or more, less than 25
 kilograms.

3541

893.135 1st Trafficking in amphetamine, 28
 (1) (f) 1.b. grams or more, less than 200
 grams.

3542

893.135 1st Trafficking in flunitrazepam,
 (1) (g) 1.b. 14 grams or more, less than 28
 grams.

3543

893.135 1st Trafficking in gamma-
 (1) (h) 1.b. hydroxybutyric acid (GHB), 5
 kilograms or more, less than 10
 kilograms.

3544

893.135 1st Trafficking in 1,4-Butanediol,
 (1) (j) 1.b. 5 kilograms or more, less than
 10 kilograms.

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3545 893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.b. 200 grams or more, less than
 400 grams.

3546 893.135 1st Trafficking in synthetic
 (1) (m) 2.c. cannabinoids, 1,000 grams or
 more, less than 30 kilograms.

3547 893.135 1st Trafficking in n-benzyl
 (1) (n) 2.b. phenethylamines, 100 grams or
 more, less than 200 grams.

3548 893.1351 (3) 1st Possession of a place used to
 manufacture controlled
 substance when minor is present
 or resides there.

3549 895.03 (1) 1st Use or invest proceeds derived
 from pattern of racketeering
 activity.

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

3550 895.03 (3) 1st Conduct or participate in any
 enterprise through pattern of
 racketeering activity.

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

3552

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.

3553

3554

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

3555

3556

3557

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:

3558

3559

3560

39.402 Placement in a shelter.—

3561

3562

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

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3570 to the court.

3571 Section 63. For the purpose of incorporating the amendment
3572 made by this act to section 39.0139, Florida Statutes, in a
3573 reference thereto, subsection (6) of section 39.506, Florida
3574 Statutes, is reenacted to read:

3575 39.506 Arraignment hearings.—

3576 (6) At any arraignment hearing, if the child is in an out-
3577 of-home placement, the court shall order visitation rights
3578 absent a clear and convincing showing that visitation is not in
3579 the best interest of the child. Any order for visitation or
3580 other contact must conform to the provisions of s. 39.0139.

3581 Section 64. For the purpose of incorporating the amendment
3582 made by this act to section 775.21, Florida Statutes, in a
3583 reference thereto, paragraph (b) of subsection (6) of section
3584 39.509, Florida Statutes, is reenacted to read:

3585 39.509 Grandparents rights.—Notwithstanding any other
3586 provision of law, a maternal or paternal grandparent as well as
3587 a stepgrandparent is entitled to reasonable visitation with his
3588 or her grandchild who has been adjudicated a dependent child and
3589 taken from the physical custody of the parent unless the court
3590 finds that such visitation is not in the best interest of the
3591 child or that such visitation would interfere with the goals of
3592 the case plan. Reasonable visitation may be unsupervised and,
3593 where appropriate and feasible, may be frequent and continuing.
3594 Any order for visitation or other contact must conform to the
3595 provisions of s. 39.0139.

3596 (6) In determining whether grandparental visitation is not
3597 in the child's best interest, consideration may be given to the
3598 following:

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3599 (b) The designation by a court as a sexual predator as
3600 defined in s. 775.21 or a substantially similar designation
3601 under laws of another jurisdiction.

3602 Section 65. For the purpose of incorporating the amendment
3603 made by this act to section 39.0139, Florida Statutes, in a
3604 reference thereto, paragraph (d) of subsection (3) of section
3605 39.521, Florida Statutes, is reenacted to read:

3606 39.521 Disposition hearings; powers of disposition.—

3607 (3) When any child is adjudicated by a court to be
3608 dependent, the court shall determine the appropriate placement
3609 for the child as follows:

3610 (d) If the child cannot be safely placed in a nonlicensed
3611 placement, the court shall commit the child to the temporary
3612 legal custody of the department. Such commitment invests in the
3613 department all rights and responsibilities of a legal custodian.
3614 The department shall not return any child to the physical care
3615 and custody of the person from whom the child was removed,
3616 except for court-approved visitation periods, without the
3617 approval of the court. Any order for visitation or other contact
3618 must conform to the provisions of s. 39.0139. The term of such
3619 commitment continues until terminated by the court or until the
3620 child reaches the age of 18. After the child is committed to the
3621 temporary legal custody of the department, all further
3622 proceedings under this section are governed by this chapter.

3623
3624 Protective supervision continues until the court terminates it
3625 or until the child reaches the age of 18, whichever date is
3626 first. Protective supervision shall be terminated by the court
3627 whenever the court determines that permanency has been achieved

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

3640 Section 66. For the purpose of incorporating the amendment
3641 made by this act to section 775.21, Florida Statutes, in
3642 references thereto, paragraphs (d) and (n) of subsection (1) of
3643 section 39.806, Florida Statutes, are reenacted to read:

3644 39.806 Grounds for termination of parental rights.—

3645 (1) Grounds for the termination of parental rights may be
3646 established under any of the following circumstances:

3647 (d) When the parent of a child is incarcerated and either:

3648 1. The period of time for which the parent is expected to
3649 be incarcerated will constitute a significant portion of the
3650 child's minority. When determining whether the period of time is
3651 significant, the court shall consider the child's age and the
3652 child's need for a permanent and stable home. The period of time
3653 begins on the date that the parent enters into incarceration;

3654 2. The incarcerated parent has been determined by the court
3655 to be a violent career criminal as defined in s. 775.084, a
3656 habitual violent felony offender as defined in s. 775.084, or a

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3657 sexual predator as defined in s. 775.21; has been convicted of
3658 first degree or second degree murder in violation of s. 782.04
3659 or a sexual battery that constitutes a capital, life, or first
3660 degree felony violation of s. 794.011; or has been convicted of
3661 an offense in another jurisdiction which is substantially
3662 similar to one of the offenses listed in this paragraph. As used
3663 in this section, the term "substantially similar offense" means
3664 any offense that is substantially similar in elements and
3665 penalties to one of those listed in this subparagraph, and that
3666 is in violation of a law of any other jurisdiction, whether that
3667 of another state, the District of Columbia, the United States or
3668 any possession or territory thereof, or any foreign
3669 jurisdiction; or

3670 3. The court determines by clear and convincing evidence
3671 that continuing the parental relationship with the incarcerated
3672 parent would be harmful to the child and, for this reason, that
3673 termination of the parental rights of the incarcerated parent is
3674 in the best interest of the child. When determining harm, the
3675 court shall consider the following factors:

3676 a. The age of the child.

3677 b. The relationship between the child and the parent.

3678 c. The nature of the parent's current and past provision
3679 for the child's developmental, cognitive, psychological, and
3680 physical needs.

3681 d. The parent's history of criminal behavior, which may
3682 include the frequency of incarceration and the unavailability of
3683 the parent to the child due to incarceration.

3684 e. Any other factor the court deems relevant.

3685 (n) The parent is convicted of an offense that requires the

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3686 parent to register as a sexual predator under s. 775.21.

3687 Section 67. For the purpose of incorporating the amendment
3688 made by this act to section 775.21, Florida Statutes, in a
3689 reference thereto, paragraph (b) of subsection (4) of section
3690 63.089, Florida Statutes, is reenacted to read:

3691 63.089 Proceeding to terminate parental rights pending
3692 adoption; hearing; grounds; dismissal of petition; judgment.—

3693 (4) FINDING OF ABANDONMENT.—A finding of abandonment
3694 resulting in a termination of parental rights must be based upon
3695 clear and convincing evidence that a parent or person having
3696 legal custody has abandoned the child in accordance with the
3697 definition contained in s. 63.032. A finding of abandonment may
3698 also be based upon emotional abuse or a refusal to provide
3699 reasonable financial support, when able, to a birth mother
3700 during her pregnancy or on whether the person alleged to have
3701 abandoned the child, while being able, failed to establish
3702 contact with the child or accept responsibility for the child's
3703 welfare.

3704 (b) The child has been abandoned when the parent of a child
3705 is incarcerated on or after October 1, 2001, in a federal,
3706 state, or county correctional institution and:

3707 1. The period of time for which the parent has been or is
3708 expected to be incarcerated will constitute a significant
3709 portion of the child's minority. In determining whether the
3710 period of time is significant, the court shall consider the
3711 child's age and the child's need for a permanent and stable
3712 home. The period of time begins on the date that the parent
3713 enters into incarceration;

3714 2. The incarcerated parent has been determined by a court

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3715 of competent jurisdiction to be a violent career criminal as
3716 defined in s. 775.084, a habitual violent felony offender as
3717 defined in s. 775.084, convicted of child abuse as defined in s.
3718 827.03, or a sexual predator as defined in s. 775.21; has been
3719 convicted of first degree or second degree murder in violation
3720 of s. 782.04 or a sexual battery that constitutes a capital,
3721 life, or first degree felony violation of s. 794.011; or has
3722 been convicted of a substantially similar offense in another
3723 jurisdiction. As used in this section, the term "substantially
3724 similar offense" means any offense that is substantially similar
3725 in elements and penalties to one of those listed in this
3726 subparagraph, and that is in violation of a law of any other
3727 jurisdiction, whether that of another state, the District of
3728 Columbia, the United States or any possession or territory
3729 thereof, or any foreign jurisdiction; or

3730 3. The court determines by clear and convincing evidence
3731 that continuing the parental relationship with the incarcerated
3732 parent would be harmful to the child and, for this reason,
3733 termination of the parental rights of the incarcerated parent is
3734 in the best interests of the child.

3735 Section 68. For the purpose of incorporating the amendment
3736 made by this act to section 775.21, Florida Statutes, in a
3737 reference thereto, subsection (3) of section 63.092, Florida
3738 Statutes, is reenacted to read:

3739 63.092 Report to the court of intended placement by an
3740 adoption entity; at-risk placement; preliminary study.—

3741 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the
3742 intended adoptive home, a preliminary home study must be
3743 performed by a licensed child-placing agency, a child-caring

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3744 agency registered under s. 409.176, a licensed professional, or
3745 an agency described in s. 61.20(2), unless the adoptee is an
3746 adult or the petitioner is a stepparent or a relative. If the
3747 adoptee is an adult or the petitioner is a stepparent or a
3748 relative, a preliminary home study may be required by the court
3749 for good cause shown. The department is required to perform the
3750 preliminary home study only if there is no licensed child-
3751 placing agency, child-caring agency registered under s. 409.176,
3752 licensed professional, or agency described in s. 61.20(2), in
3753 the county where the prospective adoptive parents reside. The
3754 preliminary home study must be made to determine the suitability
3755 of the intended adoptive parents and may be completed prior to
3756 identification of a prospective adoptive minor. A favorable
3757 preliminary home study is valid for 1 year after the date of its
3758 completion. Upon its completion, a signed copy of the home study
3759 must be provided to the intended adoptive parents who were the
3760 subject of the home study. A minor may not be placed in an
3761 intended adoptive home before a favorable preliminary home study
3762 is completed unless the adoptive home is also a licensed foster
3763 home under s. 409.175. The preliminary home study must include,
3764 at a minimum:

- 3765 (a) An interview with the intended adoptive parents;
3766 (b) Records checks of the department's central abuse
3767 registry and criminal records correspondence checks under s.
3768 39.0138 through the Department of Law Enforcement on the
3769 intended adoptive parents;
3770 (c) An assessment of the physical environment of the home;
3771 (d) A determination of the financial security of the
3772 intended adoptive parents;

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3773 (e) Documentation of counseling and education of the
3774 intended adoptive parents on adoptive parenting;

3775 (f) Documentation that information on adoption and the
3776 adoption process has been provided to the intended adoptive
3777 parents;

3778 (g) Documentation that information on support services
3779 available in the community has been provided to the intended
3780 adoptive parents; and

3781 (h) A copy of each signed acknowledgment of receipt of
3782 disclosure required by s. 63.085.

3783

3784 If the preliminary home study is favorable, a minor may be
3785 placed in the home pending entry of the judgment of adoption. A
3786 minor may not be placed in the home if the preliminary home
3787 study is unfavorable. If the preliminary home study is
3788 unfavorable, the adoption entity may, within 20 days after
3789 receipt of a copy of the written recommendation, petition the
3790 court to determine the suitability of the intended adoptive
3791 home. A determination as to suitability under this subsection
3792 does not act as a presumption of suitability at the final
3793 hearing. In determining the suitability of the intended adoptive
3794 home, the court must consider the totality of the circumstances
3795 in the home. A minor may not be placed in a home in which there
3796 resides any person determined by the court to be a sexual
3797 predator as defined in s. 775.21 or to have been convicted of an
3798 offense listed in s. 63.089(4)(b)2.

3799 Section 69. For the purpose of incorporating the amendments
3800 made by this act to sections 775.21 and 943.0435, Florida
3801 Statutes, in references thereto, paragraph (i) of subsection (3)

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3802 and subsection (6) of section 68.07, Florida Statutes, are
3803 reenacted to read:

3804 68.07 Change of name.—

3805 (3) Each petition shall be verified and show:

3806 (i) Whether the petitioner has ever been required to
3807 register as a sexual predator under s. 775.21 or as a sexual
3808 offender under s. 943.0435.

3809 (6) The clerk of the court must, within 5 business days
3810 after the filing of the final judgment, send a report of the
3811 judgment to the Department of Law Enforcement on a form to be
3812 furnished by that department. If the petitioner is required to
3813 register as a sexual predator or a sexual offender pursuant to
3814 s. 775.21 or s. 943.0435, the clerk of court shall
3815 electronically notify the Department of Law Enforcement of the
3816 name change, in a manner prescribed by that department, within 2
3817 business days after the filing of the final judgment. The
3818 Department of Law Enforcement must send a copy of the report to
3819 the Department of Highway Safety and Motor Vehicles, which may
3820 be delivered by electronic transmission. The report must contain
3821 sufficient information to identify the petitioner, including the
3822 results of the criminal history records check if applicable, the
3823 new name of the petitioner, and the file number of the judgment.
3824 The Department of Highway Safety and Motor Vehicles shall
3825 monitor the records of any sexual predator or sexual offender
3826 whose name has been provided to it by the Department of Law
3827 Enforcement. If the sexual predator or sexual offender does not
3828 obtain a replacement driver license or identification card
3829 within the required time as specified in s. 775.21 or s.
3830 943.0435, the Department of Highway Safety and Motor Vehicles

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3831 shall notify the Department of Law Enforcement. The Department
3832 of Law Enforcement shall notify applicable law enforcement
3833 agencies of the predator's or offender's failure to comply with
3834 registration requirements. Any information retained by the
3835 Department of Law Enforcement and the Department of Highway
3836 Safety and Motor Vehicles may be revised or supplemented by said
3837 departments to reflect changes made by the final judgment. With
3838 respect to a person convicted of a felony in another state or of
3839 a federal offense, the Department of Law Enforcement must send
3840 the report to the respective state's office of law enforcement
3841 records or to the office of the Federal Bureau of Investigation.
3842 The Department of Law Enforcement may forward the report to any
3843 other law enforcement agency it believes may retain information
3844 related to the petitioner.

3845 Section 70. For the purpose of incorporating the amendments
3846 made by this act to sections 775.21 and 943.0435, Florida
3847 Statutes, in references thereto, paragraph (b) of subsection (1)
3848 of section 92.55, Florida Statutes, is reenacted to read:

3849 92.55 Judicial or other proceedings involving victim or
3850 witness under the age of 18, a person who has an intellectual
3851 disability, or a sexual offense victim or witness; special
3852 protections; use of therapy animals or facility dogs.—

3853 (1) For purposes of this section, the term:

3854 (b) "Sexual offense" means any offense specified in s.
3855 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3856 Section 71. For the purpose of incorporating the amendment
3857 made by this act to section 16.56, Florida Statutes, in a
3858 reference thereto, paragraph (b) of subsection (1) of section
3859 92.605, Florida Statutes, is reenacted to read:

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3860 92.605 Production of certain records by Florida businesses
3861 and out-of-state corporations.—

3862 (1) For the purposes of this section, the term:

3863 (b) "Applicant" means a law enforcement officer who is
3864 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
3865 905.185, or s. 914.04 or who is issued a search warrant under s.
3866 933.01, or anyone who is authorized to issue a subpoena under
3867 the Florida Rules of Criminal Procedure.

3868 Section 72. For the purpose of incorporating the amendments
3869 made by this act to sections 775.21, 943.0435, and 944.607,
3870 Florida Statutes, in references thereto, subsection (3) of
3871 section 322.141, Florida Statutes, is reenacted to read:

3872 322.141 Color or markings of certain licenses or
3873 identification cards.—

3874 (3) All licenses for the operation of motor vehicles or
3875 identification cards originally issued or reissued by the
3876 department to persons who are designated as sexual predators
3877 under s. 775.21 or subject to registration as sexual offenders
3878 under s. 943.0435 or s. 944.607, or who have a similar
3879 designation or are subject to a similar registration under the
3880 laws of another jurisdiction, shall have on the front of the
3881 license or identification card the following:

3882 (a) For a person designated as a sexual predator under s.
3883 775.21 or who has a similar designation under the laws of
3884 another jurisdiction, the marking "SEXUAL PREDATOR."

3885 (b) For a person subject to registration as a sexual
3886 offender under s. 943.0435 or s. 944.607, or subject to a
3887 similar registration under the laws of another jurisdiction, the
3888 marking "943.0435, F.S."

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3889 Section 73. For the purpose of incorporating the amendment
3890 made by this act to section 775.0877, Florida Statutes, in a
3891 reference thereto, paragraph (h) of subsection (2) of section
3892 381.004, Florida Statutes, is reenacted to read:

3893 381.004 HIV testing.—

3894 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
3895 RESULTS; COUNSELING; CONFIDENTIALITY.—

3896 (h) Paragraph (a) does not apply:

3897 1. When testing for sexually transmissible diseases is
3898 required by state or federal law, or by rule, including the
3899 following situations:

3900 a. HIV testing pursuant to s. 796.08 of persons convicted
3901 of prostitution or of procuring another to commit prostitution.

3902 b. HIV testing of inmates pursuant to s. 945.355 before
3903 their release from prison by reason of parole, accumulation of
3904 gain-time credits, or expiration of sentence.

3905 c. Testing for HIV by a medical examiner in accordance with
3906 s. 406.11.

3907 d. HIV testing of pregnant women pursuant to s. 384.31.

3908 2. To those exceptions provided for blood, plasma, organs,
3909 skin, semen, or other human tissue pursuant to s. 381.0041.

3910 3. For the performance of an HIV-related test by licensed
3911 medical personnel in bona fide medical emergencies if the test
3912 results are necessary for medical diagnostic purposes to provide
3913 appropriate emergency care or treatment to the person being
3914 tested and the patient is unable to consent, as supported by
3915 documentation in the medical record. Notification of test
3916 results in accordance with paragraph (c) is required.

3917 4. For the performance of an HIV-related test by licensed

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3918 medical personnel for medical diagnosis of acute illness where,
3919 in the opinion of the attending physician, providing
3920 notification would be detrimental to the patient, as supported
3921 by documentation in the medical record, and the test results are
3922 necessary for medical diagnostic purposes to provide appropriate
3923 care or treatment to the person being tested. Notification of
3924 test results in accordance with paragraph (c) is required if it
3925 would not be detrimental to the patient. This subparagraph does
3926 not authorize the routine testing of patients for HIV infection
3927 without notification.

3928 5. If HIV testing is performed as part of an autopsy for
3929 which consent was obtained pursuant to s. 872.04.

3930 6. For the performance of an HIV test upon a defendant
3931 pursuant to the victim's request in a prosecution for any type
3932 of sexual battery where a blood sample is taken from the
3933 defendant voluntarily, pursuant to court order for any purpose,
3934 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3935 the results of an HIV test performed shall be disclosed solely
3936 to the victim and the defendant, except as provided in ss.
3937 775.0877, 951.27, and 960.003.

3938 7. If an HIV test is mandated by court order.

3939 8. For epidemiological research pursuant to s. 381.0031,
3940 for research consistent with institutional review boards created
3941 by 45 C.F.R. part 46, or for the performance of an HIV-related
3942 test for the purpose of research, if the testing is performed in
3943 a manner by which the identity of the test subject is not known
3944 and may not be retrieved by the researcher.

3945 9. If human tissue is collected lawfully without the
3946 consent of the donor for corneal removal as authorized by s.

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3947 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3948 10. For the performance of an HIV test upon an individual
3949 who comes into contact with medical personnel in such a way that
3950 a significant exposure has occurred during the course of
3951 employment, within the scope of practice, or during the course
3952 of providing emergency medical assistance to the individual. The
3953 term "medical personnel" includes a licensed or certified health
3954 care professional; an employee of a health care professional or
3955 health care facility; employees of a laboratory licensed under
3956 chapter 483; personnel of a blood bank or plasma center; a
3957 medical student or other student who is receiving training as a
3958 health care professional at a health care facility; and a
3959 paramedic or emergency medical technician certified by the
3960 department to perform life-support procedures under s. 401.23.

3961 a. The occurrence of a significant exposure shall be
3962 documented by medical personnel under the supervision of a
3963 licensed physician and recorded only in the personnel record of
3964 the medical personnel.

3965 b. Costs of an HIV test shall be borne by the medical
3966 personnel or the employer of the medical personnel. However,
3967 costs of testing or treatment not directly related to the
3968 initial HIV tests or costs of subsequent testing or treatment
3969 may not be borne by the medical personnel or the employer of the
3970 medical personnel.

3971 c. In order to use the provisions of this subparagraph, the
3972 medical personnel must be tested for HIV pursuant to this
3973 section or provide the results of an HIV test taken within 6
3974 months before the significant exposure if such test results are
3975 negative.

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3976 d. A person who receives the results of an HIV test
3977 pursuant to this subparagraph shall maintain the confidentiality
3978 of the information received and of the persons tested. Such
3979 confidential information is exempt from s. 119.07(1).

3980 e. If the source of the exposure is not available and will
3981 not voluntarily present himself or herself to a health facility
3982 to be tested for HIV, the medical personnel or the employer of
3983 such person acting on behalf of the employee may seek a court
3984 order directing the source of the exposure to submit to HIV
3985 testing. A sworn statement by a physician licensed under chapter
3986 458 or chapter 459 that a significant exposure has occurred and
3987 that, in the physician's medical judgment, testing is medically
3988 necessary to determine the course of treatment constitutes
3989 probable cause for the issuance of an order by the court. The
3990 results of the test shall be released to the source of the
3991 exposure and to the person who experienced the exposure.

3992 11. For the performance of an HIV test upon an individual
3993 who comes into contact with nonmedical personnel in such a way
3994 that a significant exposure has occurred while the nonmedical
3995 personnel provides emergency medical assistance during a medical
3996 emergency. For the purposes of this subparagraph, a medical
3997 emergency means an emergency medical condition outside of a
3998 hospital or health care facility that provides physician care.
3999 The test may be performed only during the course of treatment
4000 for the medical emergency.

4001 a. The occurrence of a significant exposure shall be
4002 documented by medical personnel under the supervision of a
4003 licensed physician and recorded in the medical record of the
4004 nonmedical personnel.

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4005 b. Costs of any HIV test shall be borne by the nonmedical
4006 personnel or the employer of the nonmedical personnel. However,
4007 costs of testing or treatment not directly related to the
4008 initial HIV tests or costs of subsequent testing or treatment
4009 may not be borne by the nonmedical personnel or the employer of
4010 the nonmedical personnel.

4011 c. In order to use the provisions of this subparagraph, the
4012 nonmedical personnel shall be tested for HIV pursuant to this
4013 section or shall provide the results of an HIV test taken within
4014 6 months before the significant exposure if such test results
4015 are negative.

4016 d. A person who receives the results of an HIV test
4017 pursuant to this subparagraph shall maintain the confidentiality
4018 of the information received and of the persons tested. Such
4019 confidential information is exempt from s. 119.07(1).

4020 e. If the source of the exposure is not available and will
4021 not voluntarily present himself or herself to a health facility
4022 to be tested for HIV, the nonmedical personnel or the employer
4023 of the nonmedical personnel acting on behalf of the employee may
4024 seek a court order directing the source of the exposure to
4025 submit to HIV testing. A sworn statement by a physician licensed
4026 under chapter 458 or chapter 459 that a significant exposure has
4027 occurred and that, in the physician's medical judgment, testing
4028 is medically necessary to determine the course of treatment
4029 constitutes probable cause for the issuance of an order by the
4030 court. The results of the test shall be released to the source
4031 of the exposure and to the person who experienced the exposure.

4032 12. For the performance of an HIV test by the medical
4033 examiner or attending physician upon an individual who expired

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4034 or could not be resuscitated while receiving emergency medical
4035 assistance or care and who was the source of a significant
4036 exposure to medical or nonmedical personnel providing such
4037 assistance or care.

4038 a. HIV testing may be conducted only after appropriate
4039 medical personnel under the supervision of a licensed physician
4040 documents in the medical record of the medical personnel or
4041 nonmedical personnel that there has been a significant exposure
4042 and that, in accordance with the written protocols based on the
4043 National Centers for Disease Control and Prevention guidelines
4044 on HIV postexposure prophylaxis and in the physician's medical
4045 judgment, the information is medically necessary to determine
4046 the course of treatment for the medical personnel or nonmedical
4047 personnel.

4048 b. Costs of an HIV test performed under this subparagraph
4049 may not be charged to the deceased or to the family of the
4050 deceased person.

4051 c. For this subparagraph to be applicable, the medical
4052 personnel or nonmedical personnel must be tested for HIV under
4053 this section or must provide the results of an HIV test taken
4054 within 6 months before the significant exposure if such test
4055 results are negative.

4056 d. A person who receives the results of an HIV test
4057 pursuant to this subparagraph shall comply with paragraph (e).

4058 13. For the performance of an HIV-related test medically
4059 indicated by licensed medical personnel for medical diagnosis of
4060 a hospitalized infant as necessary to provide appropriate care
4061 and treatment of the infant if, after a reasonable attempt, a
4062 parent cannot be contacted to provide consent. The medical

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4063 records of the infant must reflect the reason consent of the
4064 parent was not initially obtained. Test results shall be
4065 provided to the parent when the parent is located.

4066 14. For the performance of HIV testing conducted to monitor
4067 the clinical progress of a patient previously diagnosed to be
4068 HIV positive.

4069 15. For the performance of repeated HIV testing conducted
4070 to monitor possible conversion from a significant exposure.

4071 Section 74. For the purpose of incorporating the amendment
4072 made by this act to section 775.0877, Florida Statutes, in
4073 references thereto, paragraph (c) of subsection (1) and
4074 subsection (3) of section 384.29, Florida Statutes, are
4075 reenacted to read:

4076 384.29 Confidentiality.—

4077 (1) All information and records held by the department or
4078 its authorized representatives relating to known or suspected
4079 cases of sexually transmissible diseases are strictly
4080 confidential and exempt from the provisions of s. 119.07(1).
4081 Such information shall not be released or made public by the
4082 department or its authorized representatives, or by a court or
4083 parties to a lawsuit upon revelation by subpoena, except under
4084 the following circumstances:

4085 (c) When made to medical personnel, appropriate state
4086 agencies, public health agencies, or courts of appropriate
4087 jurisdiction, to enforce the provisions of this chapter or s.
4088 775.0877 and related rules;

4089 (3) No employee of the department or its authorized
4090 representatives shall be examined in a civil, criminal, special,
4091 or other proceeding as to the existence or contents of pertinent

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4092 records of a person examined or treated for a sexually
4093 transmissible disease by the department or its authorized
4094 representatives, or of the existence or contents of such reports
4095 received from a private physician or private health facility,
4096 without the consent of the person examined and treated for such
4097 diseases, except in proceedings under ss. 384.27 and 384.28 or
4098 involving offenders pursuant to s. 775.0877.

4099 Section 75. For the purpose of incorporating the amendment
4100 made by this act to section 39.01, Florida Statutes, in
4101 references thereto, paragraphs (b) and (e) of subsection (2) of
4102 section 390.01114, Florida Statutes, are reenacted to read:

4103 390.01114 Parental Notice of Abortion Act.—

4104 (2) DEFINITIONS.—As used in this section, the term:

4105 (b) "Child abuse" means abandonment, abuse, harm, mental
4106 injury, neglect, physical injury, or sexual abuse of a child as
4107 those terms are defined in ss. 39.01, 827.04, and 984.03.

4108 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

4109 Section 76. For the purpose of incorporating the amendment
4110 made by this act to section 39.01, Florida Statutes, in
4111 references thereto, paragraph (h) of subsection (4) and
4112 subsections (7) and (9) of section 393.067, Florida Statutes,
4113 are reenacted to read:

4114 393.067 Facility licensure.—

4115 (4) The application shall be under oath and shall contain
4116 the following:

4117 (h) Certification that the staff of the facility or program
4118 will receive training to detect, report, and prevent sexual
4119 abuse, ~~abuse~~, neglect, exploitation, and abandonment, as defined
4120 in ss. 39.01 and 415.102, of residents and clients.

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4121 (7) The agency shall adopt rules establishing minimum
4122 standards for facilities and programs licensed under this
4123 section, including rules requiring facilities and programs to
4124 train staff to detect, report, and prevent sexual abuse, abuse,
4125 neglect, exploitation, and abandonment, as defined in ss. 39.01
4126 and 415.102, of residents and clients, minimum standards of
4127 quality and adequacy of client care, incident reporting
4128 requirements, and uniform firesafety standards established by
4129 the State Fire Marshal which are appropriate to the size of the
4130 facility or of the component centers or units of the program.

4131 (9) The agency may conduct unannounced inspections to
4132 determine compliance by foster care facilities, group home
4133 facilities, residential habilitation centers, and comprehensive
4134 transitional education programs with the applicable provisions
4135 of this chapter and the rules adopted pursuant hereto, including
4136 the rules adopted for training staff of a facility or a program
4137 to detect, report, and prevent sexual abuse, abuse, neglect,
4138 exploitation, and abandonment, as defined in ss. 39.01 and
4139 415.102, of residents and clients. The facility or program shall
4140 make copies of inspection reports available to the public upon
4141 request.

4142 Section 77. For the purpose of incorporating the amendment
4143 made by this act to section 39.01, Florida Statutes, in a
4144 reference thereto, paragraph (p) of subsection (4) of section
4145 394.495, Florida Statutes, is reenacted to read:

4146 394.495 Child and adolescent mental health system of care;
4147 programs and services.-

4148 (4) The array of services may include, but is not limited
4149 to:

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4150 (p) Trauma-informed services for children who have suffered
4151 sexual exploitation as defined in s. 39.01(71)(g).

4152 Section 78. For the purpose of incorporating the amendment
4153 made by this act to section 943.0435, Florida Statutes, in a
4154 reference thereto, paragraph (a) of subsection (2) of section
4155 394.9125, Florida Statutes, is reenacted to read:

4156 394.9125 State attorney; authority to refer a person for
4157 civil commitment.—

4158 (2) A state attorney may refer a person to the department
4159 for civil commitment proceedings if the person:

4160 (a) Is required to register as a sexual offender pursuant
4161 to s. 943.0435;

4162 Section 79. For the purpose of incorporating the amendments
4163 made by this act to sections 775.21, 943.0435, and 943.04354,
4164 Florida Statutes, in references thereto, paragraphs (a) and (c)
4165 of subsection (2) of section 397.4872, Florida Statutes, are
4166 reenacted to read:

4167 397.4872 Exemption from disqualification; publication.—

4168 (2) The department may exempt a person from ss. 397.487(6)
4169 and 397.4871(5) if it has been at least 3 years since the person
4170 has completed or been lawfully released from confinement,
4171 supervision, or sanction for the disqualifying offense. An
4172 exemption from the disqualifying offenses may not be given under
4173 any circumstances for any person who is a:

4174 (a) Sexual predator pursuant to s. 775.21;

4175 (c) Sexual offender pursuant to s. 943.0435, unless the
4176 requirement to register as a sexual offender has been removed
4177 pursuant to s. 943.04354.

4178 Section 80. For the purpose of incorporating the amendments

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4179 made by this act to sections 775.21, 943.0435, and 943.04354,
4180 Florida Statutes, in references thereto, paragraph (b) of
4181 subsection (4) of section 435.07, Florida Statutes, is reenacted
4182 to read:

4183 435.07 Exemptions from disqualification.—Unless otherwise
4184 provided by law, the provisions of this section apply to
4185 exemptions from disqualification for disqualifying offenses
4186 revealed pursuant to background screenings required under this
4187 chapter, regardless of whether those disqualifying offenses are
4188 listed in this chapter or other laws.

4189 (4)

4190 (b) Disqualification from employment under this chapter may
4191 not be removed from, nor may an exemption be granted to, any
4192 person who is a:

- 4193 1. Sexual predator as designated pursuant to s. 775.21;
4194 2. Career offender pursuant to s. 775.261; or
4195 3. Sexual offender pursuant to s. 943.0435, unless the
4196 requirement to register as a sexual offender has been removed
4197 pursuant to s. 943.04354.

4198 Section 81. For the purpose of incorporating the amendment
4199 made by this act to section 775.21, Florida Statutes, in a
4200 reference thereto, subsection (9) of section 507.07, Florida
4201 Statutes, is reenacted to read:

4202 507.07 Violations.—It is a violation of this chapter:

4203 (9) For a mover or a moving broker to knowingly refuse or
4204 fail to disclose in writing to a customer before a household
4205 move that the mover, or an employee or subcontractor of the
4206 mover or moving broker, who has access to the dwelling or
4207 property of the customer, including access to give a quote for

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4208 the move, has been convicted of a felony listed in s.
4209 775.21(4)(a)1. or convicted of a similar offense of another
4210 jurisdiction, regardless of when such felony offense was
4211 committed.

4212 Section 82. For the purpose of incorporating the amendment
4213 made by this act to section 895.02, Florida Statutes, in a
4214 reference thereto, paragraph (g) of subsection (3) of section
4215 655.50, Florida Statutes, is reenacted to read:

4216 655.50 Florida Control of Money Laundering and Terrorist
4217 Financing in Financial Institutions Act.—

4218 (3) As used in this section, the term:

4219 (g) "Specified unlawful activity" means "racketeering
4220 activity" as defined in s. 895.02.

4221 Section 83. For the purpose of incorporating the amendment
4222 made by this act to section 784.046, Florida Statutes, in a
4223 reference thereto, paragraph (e) of subsection (1) of section
4224 741.313, Florida Statutes, is reenacted to read:

4225 741.313 Unlawful action against employees seeking
4226 protection.—

4227 (1) As used in this section, the term:

4228 (e) "Sexual violence" means sexual violence, as defined in
4229 s. 784.046, or any crime the underlying factual basis of which
4230 has been found by a court to include an act of sexual violence.

4231 Section 84. For the purpose of incorporating the amendment
4232 made by this act to section 947.1405, Florida Statutes, in a
4233 reference thereto, paragraph (j) of subsection (4) of section
4234 775.084, Florida Statutes, is reenacted to read:

4235 775.084 Violent career criminals; habitual felony offenders
4236 and habitual violent felony offenders; three-time violent felony

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4237 offenders; definitions; procedure; enhanced penalties or
4238 mandatory minimum prison terms.—

4239 (4)

4240 (j) The provisions of s. 947.1405 shall apply to persons
4241 sentenced as habitual felony offenders and persons sentenced as
4242 habitual violent felony offenders.

4243 Section 85. For the purpose of incorporating the amendment
4244 made by this act to section 943.0435, Florida Statutes, in a
4245 reference thereto, subsection (2) of section 775.0862, Florida
4246 Statutes, is reenacted to read:

4247 775.0862 Sexual offenses against students by authority
4248 figures; reclassification.—

4249 (2) The felony degree of a violation of an offense listed
4250 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
4251 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
4252 as provided in this section if the offense is committed by an
4253 authority figure of a school against a student of the school.

4254 Section 86. For the purpose of incorporating the amendments
4255 made by this act to sections 775.21, 943.0435, and 944.607,
4256 Florida Statutes, in references thereto, paragraphs (e) and (f)
4257 of subsection (4) of section 775.13, Florida Statutes, are
4258 reenacted to read:

4259 775.13 Registration of convicted felons, exemptions;
4260 penalties.—

4261 (4) This section does not apply to an offender:

4262 (e) Who is a sexual predator and has registered as required
4263 under s. 775.21;

4264 (f) Who is a sexual offender and has registered as required
4265 in s. 943.0435 or s. 944.607; or

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4266 Section 87. For the purpose of incorporating the amendments
4267 made by this act to sections 943.0435, 944.607, 947.1405, and
4268 948.30, Florida Statutes, in references thereto, paragraph (b)
4269 of subsection (3), paragraph (d) of subsection (5), paragraph
4270 (f) of subsection (6), and paragraph (c) of subsection (10) of
4271 section 775.21, Florida Statutes, are reenacted to read:

4272 775.21 The Florida Sexual Predators Act.—

4273 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4274 (b) The high level of threat that a sexual predator
4275 presents to the public safety, and the long-term effects
4276 suffered by victims of sex offenses, provide the state with
4277 sufficient justification to implement a strategy that includes:

4278 1. Incarcerating sexual predators and maintaining adequate
4279 facilities to ensure that decisions to release sexual predators
4280 into the community are not made on the basis of inadequate
4281 space.

4282 2. Providing for specialized supervision of sexual
4283 predators who are in the community by specially trained
4284 probation officers with low caseloads, as described in ss.
4285 947.1405(7) and 948.30. The sexual predator is subject to
4286 specified terms and conditions implemented at sentencing or at
4287 the time of release from incarceration, with a requirement that
4288 those who are financially able must pay all or part of the costs
4289 of supervision.

4290 3. Requiring the registration of sexual predators, with a
4291 requirement that complete and accurate information be maintained
4292 and accessible for use by law enforcement authorities,
4293 communities, and the public.

4294 4. Providing for community and public notification

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4295 concerning the presence of sexual predators.

4296 5. Prohibiting sexual predators from working with children,
4297 either for compensation or as a volunteer.

4298 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4299 as a sexual predator as follows:

4300 (d) A person who establishes or maintains a residence in
4301 this state and who has not been designated as a sexual predator
4302 by a court of this state but who has been designated as a sexual
4303 predator, as a sexually violent predator, or by another sexual
4304 offender designation in another state or jurisdiction and was,
4305 as a result of such designation, subjected to registration or
4306 community or public notification, or both, or would be if the
4307 person was a resident of that state or jurisdiction, without
4308 regard to whether the person otherwise meets the criteria for
4309 registration as a sexual offender, shall register in the manner
4310 provided in s. 943.0435 or s. 944.607 and shall be subject to
4311 community and public notification as provided in s. 943.0435 or
4312 s. 944.607. A person who meets the criteria of this section is
4313 subject to the requirements and penalty provisions of s.
4314 943.0435 or s. 944.607 until the person provides the department
4315 with an order issued by the court that designated the person as
4316 a sexual predator, as a sexually violent predator, or by another
4317 sexual offender designation in the state or jurisdiction in
4318 which the order was issued which states that such designation
4319 has been removed or demonstrates to the department that such
4320 designation, if not imposed by a court, has been removed by
4321 operation of law or court order in the state or jurisdiction in
4322 which the designation was made, and provided such person no
4323 longer meets the criteria for registration as a sexual offender

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4324 under the laws of this state.

4325 (6) REGISTRATION.—

4326 (f) Within 48 hours after the registration required under
4327 paragraph (a) or paragraph (e), a sexual predator who is not
4328 incarcerated and who resides in the community, including a
4329 sexual predator under the supervision of the Department of
4330 Corrections, shall register in person at a driver license office
4331 of the Department of Highway Safety and Motor Vehicles and shall
4332 present proof of registration unless a driver license or an
4333 identification card that complies with the requirements of s.

4334 322.141(3) was previously secured or updated under s. 944.607.

4335 At the driver license office the sexual predator shall:

4336 1. If otherwise qualified, secure a Florida driver license,
4337 renew a Florida driver license, or secure an identification
4338 card. The sexual predator shall identify himself or herself as a
4339 sexual predator who is required to comply with this section,
4340 provide his or her place of permanent, temporary, or transient
4341 residence, including a rural route address and a post office
4342 box, and submit to the taking of a photograph for use in issuing
4343 a driver license, a renewed license, or an identification card,
4344 and for use by the department in maintaining current records of
4345 sexual predators. A post office box may not be provided in lieu
4346 of a physical residential address. If the sexual predator's
4347 place of residence is a motor vehicle, trailer, mobile home, or
4348 manufactured home, as defined in chapter 320, the sexual
4349 predator shall also provide to the Department of Highway Safety
4350 and Motor Vehicles the vehicle identification number; the
4351 license tag number; the registration number; and a description,
4352 including color scheme, of the motor vehicle, trailer, mobile

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4353 home, or manufactured home. If a sexual predator's place of
4354 residence is a vessel, live-aboard vessel, or houseboat, as
4355 defined in chapter 327, the sexual predator shall also provide
4356 to the Department of Highway Safety and Motor Vehicles the hull
4357 identification number; the manufacturer's serial number; the
4358 name of the vessel, live-aboard vessel, or houseboat; the
4359 registration number; and a description, including color scheme,
4360 of the vessel, live-aboard vessel, or houseboat.

4361 2. Pay the costs assessed by the Department of Highway
4362 Safety and Motor Vehicles for issuing or renewing a driver
4363 license or an identification card as required by this section.
4364 The driver license or identification card issued to the sexual
4365 predator must comply with s. 322.141(3).

4366 3. Provide, upon request, any additional information
4367 necessary to confirm the identity of the sexual predator,
4368 including a set of fingerprints.

4369 (10) PENALTIES.—

4370 (c) Any person who misuses public records information
4371 relating to a sexual predator, as defined in this section, or a
4372 sexual offender, as defined in s. 943.0435 or s. 944.607, to
4373 secure a payment from such a predator or offender; who knowingly
4374 distributes or publishes false information relating to such a
4375 predator or offender which the person misrepresents as being
4376 public records information; or who materially alters public
4377 records information with the intent to misrepresent the
4378 information, including documents, summaries of public records
4379 information provided by law enforcement agencies, or public
4380 records information displayed by law enforcement agencies on
4381 websites or provided through other means of communication,

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4382 commits a misdemeanor of the first degree, punishable as
4383 provided in s. 775.082 or s. 775.083.

4384 Section 88. For the purpose of incorporating the amendments
4385 made by this act to sections 943.0435, 944.606, and 944.607,
4386 Florida Statutes, in references thereto, subsection (2) of
4387 section 775.24, Florida Statutes, is reenacted to read:

4388 775.24 Duty of the court to uphold laws governing sexual
4389 predators and sexual offenders.—

4390 (2) If a person meets the criteria in this chapter for
4391 designation as a sexual predator or meets the criteria in s.
4392 943.0435, s. 944.606, s. 944.607, or any other law for
4393 classification as a sexual offender, the court may not enter an
4394 order, for the purpose of approving a plea agreement or for any
4395 other reason, which:

4396 (a) Exempts a person who meets the criteria for designation
4397 as a sexual predator or classification as a sexual offender from
4398 such designation or classification, or exempts such person from
4399 the requirements for registration or community and public
4400 notification imposed upon sexual predators and sexual offenders;

4401 (b) Restricts the compiling, reporting, or release of
4402 public records information that relates to sexual predators or
4403 sexual offenders; or

4404 (c) Prevents any person or entity from performing its
4405 duties or operating within its statutorily conferred authority
4406 as such duty or authority relates to sexual predators or sexual
4407 offenders.

4408 Section 89. For the purpose of incorporating the amendments
4409 made by this act to sections 775.21, 943.0435, 944.606, and
4410 944.607, Florida Statutes, in references thereto, section

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4411 775.25, Florida Statutes, is reenacted to read:

4412 775.25 Prosecutions for acts or omissions.—A sexual
4413 predator or sexual offender who commits any act or omission in
4414 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4415 944.607, or former s. 947.177 may be prosecuted for the act or
4416 omission in the county in which the act or omission was
4417 committed, in the county of the last registered address of the
4418 sexual predator or sexual offender, in the county in which the
4419 conviction occurred for the offense or offenses that meet the
4420 criteria for designating a person as a sexual predator or sexual
4421 offender, in the county where the sexual predator or sexual
4422 offender was released from incarceration, or in the county of
4423 the intended address of the sexual predator or sexual offender
4424 as reported by the predator or offender prior to his or her
4425 release from incarceration. In addition, a sexual predator may
4426 be prosecuted for any such act or omission in the county in
4427 which he or she was designated a sexual predator.

4428 Section 90. For the purpose of incorporating the amendments
4429 made by this act to sections 775.21, 943.0435, and 944.607,
4430 Florida Statutes, in references thereto, paragraph (b) of
4431 subsection (3) of section 775.261, Florida Statutes, is
4432 reenacted to read:

4433 775.261 The Florida Career Offender Registration Act.—

4434 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4435 (b) This section does not apply to any person who has been
4436 designated as a sexual predator and required to register under
4437 s. 775.21 or who is required to register as a sexual offender
4438 under s. 943.0435 or s. 944.607. However, if a person is no
4439 longer required to register as a sexual predator under s. 775.21

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4440 or as a sexual offender under s. 943.0435 or s. 944.607, the
4441 person must register as a career offender under this section if
4442 the person is otherwise designated as a career offender as
4443 provided in this section.

4444 Section 91. For the purpose of incorporating the amendment
4445 made by this act to section 847.001, Florida Statutes, in a
4446 reference thereto, paragraph (d) of subsection (2) of section
4447 784.049, Florida Statutes, is reenacted to read:

4448 784.049 Sexual cyberharassment.—

4449 (2) As used in this section, the term:

4450 (d) "Sexually explicit image" means any image depicting
4451 nudity, as defined in s. 847.001, or depicting a person engaging
4452 in sexual conduct, as defined in s. 847.001.

4453 Section 92. For the purpose of incorporating the amendment
4454 made by this act to section 794.0115, Florida Statutes, in
4455 references thereto, paragraph (a) of subsection (2) and
4456 subsections (3), (4), and (5) of section 794.011, Florida
4457 Statutes, are reenacted to read:

4458 794.011 Sexual battery.—

4459 (2) (a) A person 18 years of age or older who commits sexual
4460 battery upon, or in an attempt to commit sexual battery injures
4461 the sexual organs of, a person less than 12 years of age commits
4462 a capital felony, punishable as provided in ss. 775.082 and
4463 921.141.

4464 (3) A person who commits sexual battery upon a person 12
4465 years of age or older, without that person's consent, and in the
4466 process thereof uses or threatens to use a deadly weapon or uses
4467 actual physical force likely to cause serious personal injury
4468 commits a life felony, punishable as provided in s. 775.082, s.

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4469 775.083, s. 775.084, or s. 794.0115.

4470 (4) (a) A person 18 years of age or older who commits sexual
4471 battery upon a person 12 years of age or older but younger than
4472 18 years of age without that person's consent, under any of the
4473 circumstances listed in paragraph (e), commits a felony of the
4474 first degree, punishable by a term of years not exceeding life
4475 or as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4476 794.0115.

4477 (b) A person 18 years of age or older who commits sexual
4478 battery upon a person 18 years of age or older without that
4479 person's consent, under any of the circumstances listed in
4480 paragraph (e), commits a felony of the first degree, punishable
4481 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4482 794.0115.

4483 (c) A person younger than 18 years of age who commits
4484 sexual battery upon a person 12 years of age or older without
4485 that person's consent, under any of the circumstances listed in
4486 paragraph (e), commits a felony of the first degree, punishable
4487 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4488 794.0115.

4489 (d) A person commits a felony of the first degree,
4490 punishable by a term of years not exceeding life or as provided
4491 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4492 person commits sexual battery upon a person 12 years of age or
4493 older without that person's consent, under any of the
4494 circumstances listed in paragraph (e), and such person was
4495 previously convicted of a violation of:

4496 1. Section 787.01(2) or s. 787.02(2) when the violation
4497 involved a victim who was a minor and, in the course of

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4498 committing that violation, the defendant committed against the
4499 minor a sexual battery under this chapter or a lewd act under s.
4500 800.04 or s. 847.0135(5);

4501 2. Section 787.01(3)(a)2. or 3.;

4502 3. Section 787.02(3)(a)2. or 3.;

4503 4. Section 800.04;

4504 5. Section 825.1025;

4505 6. Section 847.0135(5); or

4506 7. This chapter, excluding subsection (10) of this section.

4507 (e) The following circumstances apply to paragraphs (a)-
4508 (d):

4509 1. The victim is physically helpless to resist.

4510 2. The offender coerces the victim to submit by threatening
4511 to use force or violence likely to cause serious personal injury
4512 on the victim, and the victim reasonably believes that the
4513 offender has the present ability to execute the threat.

4514 3. The offender coerces the victim to submit by threatening
4515 to retaliate against the victim, or any other person, and the
4516 victim reasonably believes that the offender has the ability to
4517 execute the threat in the future.

4518 4. The offender, without the prior knowledge or consent of
4519 the victim, administers or has knowledge of someone else
4520 administering to the victim any narcotic, anesthetic, or other
4521 intoxicating substance that mentally or physically incapacitates
4522 the victim.

4523 5. The victim is mentally defective, and the offender has
4524 reason to believe this or has actual knowledge of this fact.

4525 6. The victim is physically incapacitated.

4526 7. The offender is a law enforcement officer, correctional

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4527 officer, or correctional probation officer as defined in s.
4528 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
4529 under s. 943.1395 or is an elected official exempt from such
4530 certification by virtue of s. 943.253, or any other person in a
4531 position of control or authority in a probation, community
4532 control, controlled release, detention, custodial, or similar
4533 setting, and such officer, official, or person is acting in such
4534 a manner as to lead the victim to reasonably believe that the
4535 offender is in a position of control or authority as an agent or
4536 employee of government.

4537 (5) (a) A person 18 years of age or older who commits sexual
4538 battery upon a person 12 years of age or older but younger than
4539 18 years of age, without that person's consent, and in the
4540 process does not use physical force and violence likely to cause
4541 serious personal injury commits a felony of the first degree,
4542 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4543 s. 794.0115.

4544 (b) A person 18 years of age or older who commits sexual
4545 battery upon a person 18 years of age or older, without that
4546 person's consent, and in the process does not use physical force
4547 and violence likely to cause serious personal injury commits a
4548 felony of the second degree, punishable as provided in s.
4549 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4550 (c) A person younger than 18 years of age who commits
4551 sexual battery upon a person 12 years of age or older, without
4552 that person's consent, and in the process does not use physical
4553 force and violence likely to cause serious personal injury
4554 commits a felony of the second degree, punishable as provided in
4555 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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4556 (d) A person commits a felony of the first degree,
4557 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4558 s. 794.0115 if the person commits sexual battery upon a person
4559 12 years of age or older, without that person's consent, and in
4560 the process does not use physical force and violence likely to
4561 cause serious personal injury and the person was previously
4562 convicted of a violation of:

4563 1. Section 787.01(2) or s. 787.02(2) when the violation
4564 involved a victim who was a minor and, in the course of
4565 committing that violation, the defendant committed against the
4566 minor a sexual battery under this chapter or a lewd act under s.
4567 800.04 or s. 847.0135(5);

4568 2. Section 787.01(3)(a)2. or 3.;

4569 3. Section 787.02(3)(a)2. or 3.;

4570 4. Section 800.04;

4571 5. Section 825.1025;

4572 6. Section 847.0135(5); or

4573 7. This chapter, excluding subsection (10) of this section.

4574 Section 93. For the purpose of incorporating the amendment
4575 made by this act to section 92.56, Florida Statutes, in a
4576 reference thereto, section 794.03, Florida Statutes, is
4577 reenacted to read:

4578 794.03 Unlawful to publish or broadcast information
4579 identifying sexual offense victim.—No person shall print,
4580 publish, or broadcast, or cause or allow to be printed,
4581 published, or broadcast, in any instrument of mass communication
4582 the name, address, or other identifying fact or information of
4583 the victim of any sexual offense within this chapter, except as
4584 provided in s. 119.071(2)(h) or unless the court determines that

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4585 such information is no longer confidential and exempt pursuant
4586 to s. 92.56. An offense under this section shall constitute a
4587 misdemeanor of the second degree, punishable as provided in s.
4588 775.082 or s. 775.083.

4589 Section 94. For the purpose of incorporating the amendment
4590 made by this act to section 775.21, Florida Statutes, in a
4591 reference thereto, subsection (1) of section 794.075, Florida
4592 Statutes, is reenacted to read:

4593 794.075 Sexual predators; erectile dysfunction drugs.—

4594 (1) A person may not possess a prescription drug, as
4595 defined in s. 499.003(40), for the purpose of treating erectile
4596 dysfunction if the person is designated as a sexual predator
4597 under s. 775.21.

4598 Section 95. For the purpose of incorporating the amendment
4599 made by this act to section 960.03, Florida Statutes, in
4600 references thereto, paragraph (b) of subsection (1) and
4601 subsections (2) and (3) of section 847.002, Florida Statutes,
4602 are reenacted to read:

4603 847.002 Child pornography prosecutions.—

4604 (1) Any law enforcement officer who, pursuant to a criminal
4605 investigation, recovers images or movies of child pornography
4606 shall:

4607 (b) Request the law enforcement agency contact information
4608 from the Child Victim Identification Program for any images or
4609 movies recovered which contain an identified victim of child
4610 pornography as defined in s. 960.03.

4611 (2) Any law enforcement officer submitting a case for
4612 prosecution which involves the production, promotion, or
4613 possession of child pornography shall submit to the designated

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4614 prosecutor the law enforcement agency contact information
4615 provided by the Child Victim Identification Program at the
4616 National Center for Missing and Exploited Children, for any
4617 images or movies involved in the case which contain the
4618 depiction of an identified victim of child pornography as
4619 defined in s. 960.03.

4620 (3) In every filed case involving an identified victim of
4621 child pornography, as defined in s. 960.03, the prosecuting
4622 agency shall enter the following information into the Victims in
4623 Child Pornography Tracking Repeat Exploitation database
4624 maintained by the Office of the Attorney General:

4625 (a) The case number and agency file number.

4626 (b) The named defendant.

4627 (c) The circuit court division and county.

4628 (d) Current court dates and the status of the case.

4629 (e) Contact information for the prosecutor assigned.

4630 (f) Verification that the prosecutor is or is not in
4631 possession of a victim impact statement and will use the
4632 statement in sentencing.

4633 Section 96. For the purpose of incorporating the amendment
4634 made by this act to section 847.001, Florida Statutes, in a
4635 reference thereto, paragraph (b) of subsection (3) of section
4636 847.012, Florida Statutes, is reenacted to read:

4637 847.012 Harmful materials; sale or distribution to minors
4638 or using minors in production prohibited; penalty.—

4639 (3) A person may not knowingly sell, rent, or loan for
4640 monetary consideration to a minor:

4641 (b) Any book, pamphlet, magazine, printed matter however
4642 reproduced, or sound recording that contains any matter defined

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4643 in s. 847.001, explicit and detailed verbal descriptions or
4644 narrative accounts of sexual excitement, or sexual conduct and
4645 that is harmful to minors.

4646 Section 97. For the purpose of incorporating the amendment
4647 made by this act to section 92.56, Florida Statutes, in a
4648 reference thereto, subsection (3) of section 847.01357, Florida
4649 Statutes, is reenacted to read:

4650 847.01357 Exploited children's civil remedy.—

4651 (3) Any victim who has a bona fide claim under this section
4652 shall, upon request, be provided a pseudonym, pursuant to s.
4653 92.56(3), which shall be issued and maintained by the Department
4654 of Legal Affairs for use in all legal pleadings. This identifier
4655 shall be fully recognized in all courts in this state as a valid
4656 legal identity.

4657 Section 98. For the purpose of incorporating the amendment
4658 made by this act to section 847.001, Florida Statutes, in a
4659 reference thereto, subsections (2) and (3) of section 847.0138,
4660 Florida Statutes, are reenacted to read:

4661 847.0138 Transmission of material harmful to minors to a
4662 minor by electronic device or equipment prohibited; penalties.—

4663 (2) Notwithstanding ss. 847.012 and 847.0133, any person
4664 who knew or believed that he or she was transmitting an image,
4665 information, or data that is harmful to minors, as defined in s.
4666 847.001, to a specific individual known by the defendant to be a
4667 minor commits a felony of the third degree, punishable as
4668 provided in s. 775.082, s. 775.083, or s. 775.084.

4669 (3) Notwithstanding ss. 847.012 and 847.0133, any person in
4670 any jurisdiction other than this state who knew or believed that
4671 he or she was transmitting an image, information, or data that

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4672 is harmful to minors, as defined in s. 847.001, to a specific
4673 individual known by the defendant to be a minor commits a felony
4674 of the third degree, punishable as provided in s. 775.082, s.
4675 775.083, or s. 775.084.

4676

4677 The provisions of this section do not apply to subscription-
4678 based transmissions such as list servers.

4679 Section 99. For the purpose of incorporating the amendments
4680 made by this act to sections 16.56 and 895.02, Florida Statutes,
4681 in references thereto, paragraph (h) of subsection (2) and
4682 subsection (10) of section 896.101, Florida Statutes, are
4683 reenacted to read:

4684 896.101 Florida Money Laundering Act; definitions;
4685 penalties; injunctions; seizure warrants; immunity.-

4686 (2) As used in this section, the term:

4687 (h) "Specified unlawful activity" means any "racketeering
4688 activity" as defined in s. 895.02.

4689 (10) Any financial institution, licensed money services
4690 business, or other person served with and complying with the
4691 terms of a warrant, temporary injunction, or other court order,
4692 including any subpoena issued under s. 16.56 or s. 27.04,
4693 obtained in furtherance of an investigation of any crime in this
4694 section, including any crime listed as specified unlawful
4695 activity under this section or any felony violation of chapter
4696 560, has immunity from criminal liability and is not liable to
4697 any person for any lawful action taken in complying with the
4698 warrant, temporary injunction, or other court order, including
4699 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
4700 issued under s. 16.56 or s. 27.04 contains a nondisclosure

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4701 provision, any financial institution, licensed money services
4702 business, employee or officer of a financial institution or
4703 licensed money services business, or any other person may not
4704 notify, directly or indirectly, any customer of that financial
4705 institution or money services business whose records are being
4706 sought by the subpoena, or any other person named in the
4707 subpoena, about the existence or the contents of that subpoena
4708 or about information that has been furnished to the state
4709 attorney or statewide prosecutor who issued the subpoena or
4710 other law enforcement officer named in the subpoena in response
4711 to the subpoena.

4712 Section 100. For the purpose of incorporating the
4713 amendments made by this act to sections 775.21 and 948.06,
4714 Florida Statutes, in references thereto, paragraphs (b) and (c)
4715 of subsection (1) of section 903.0351, Florida Statutes, are
4716 reenacted to read:

4717 903.0351 Restrictions on pretrial release pending
4718 probation-violation hearing or community-control-violation
4719 hearing.—

4720 (1) In the instance of an alleged violation of felony
4721 probation or community control, bail or any other form of
4722 pretrial release shall not be granted prior to the resolution of
4723 the probation-violation hearing or the community-control-
4724 violation hearing to:

4725 (b) A person who is on felony probation or community
4726 control for any offense committed on or after the effective date
4727 of this act and who is arrested for a qualifying offense as
4728 defined in s. 948.06(8)(c); or

4729 (c) A person who is on felony probation or community

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4730 control and has previously been found by a court to be a
4731 habitual violent felony offender as defined in s. 775.084(1)(b),
4732 a three-time violent felony offender as defined in s.
4733 775.084(1)(c), or a sexual predator under s. 775.21, and who is
4734 arrested for committing a qualifying offense as defined in s.
4735 948.06(8)(c) on or after the effective date of this act.

4736 Section 101. For the purpose of incorporating the
4737 amendments made by this act to sections 775.21 and 943.0435,
4738 Florida Statutes, in references thereto, paragraph (m) of
4739 subsection (2) of section 903.046, Florida Statutes, is
4740 reenacted to read:

4741 903.046 Purpose of and criteria for bail determination.—

4742 (2) When determining whether to release a defendant on bail
4743 or other conditions, and what that bail or those conditions may
4744 be, the court shall consider:

4745 (m) Whether the defendant, other than a defendant whose
4746 only criminal charge is a misdemeanor offense under chapter 316,
4747 is required to register as a sexual offender under s. 943.0435
4748 or a sexual predator under s. 775.21; and, if so, he or she is
4749 not eligible for release on bail or surety bond until the first
4750 appearance on the case in order to ensure the full participation
4751 of the prosecutor and the protection of the public.

4752 Section 102. For the purpose of incorporating the amendment
4753 made by this act to section 895.02, Florida Statutes, in a
4754 reference thereto, subsection (3) of section 905.34, Florida
4755 Statutes, is reenacted to read:

4756 905.34 Powers and duties; law applicable.—The jurisdiction
4757 of a statewide grand jury impaneled under this chapter shall
4758 extend throughout the state. The subject matter jurisdiction of

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4759 the statewide grand jury shall be limited to the offenses of:

4760 (3) Any violation of the provisions of the Florida RICO
4761 (Racketeer Influenced and Corrupt Organization) Act, including
4762 any offense listed in the definition of racketeering activity in
4763 s. 895.02(8)(a), providing such listed offense is investigated
4764 in connection with a violation of s. 895.03 and is charged in a
4765 separate count of an information or indictment containing a
4766 count charging a violation of s. 895.03, the prosecution of
4767 which listed offense may continue independently if the
4768 prosecution of the violation of s. 895.03 is terminated for any
4769 reason;

4770
4771 or any attempt, solicitation, or conspiracy to commit any
4772 violation of the crimes specifically enumerated above, when any
4773 such offense is occurring, or has occurred, in two or more
4774 judicial circuits as part of a related transaction or when any
4775 such offense is connected with an organized criminal conspiracy
4776 affecting two or more judicial circuits. The statewide grand
4777 jury may return indictments and presentments irrespective of the
4778 county or judicial circuit where the offense is committed or
4779 triable. If an indictment is returned, it shall be certified and
4780 transferred for trial to the county where the offense was
4781 committed. The powers and duties of, and law applicable to,
4782 county grand juries shall apply to a statewide grand jury except
4783 when such powers, duties, and law are inconsistent with the
4784 provisions of ss. 905.31-905.40.

4785 Section 103. For the purpose of incorporating the
4786 amendments made by this act to sections 775.21 and 847.0135,
4787 Florida Statutes, in references thereto, paragraph (g) of

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4788 subsection (3) of section 921.0022, Florida Statutes, is
 4789 reenacted to read:

4790 921.0022 Criminal Punishment Code; offense severity ranking
 4791 chart.—

4792 (3) OFFENSE SEVERITY RANKING CHART

4793 (g) LEVEL 7

4794

4795

Florida Statute	Felony Degree	Description
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4796

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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4797

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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4798

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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4799

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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4800

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4801	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4802	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4803	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4804	456.065(2)	3rd	Practicing a health care profession without a license.
4805	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4806	458.327(1)	3rd	Practicing medicine without a license.
4807	459.013(1)	3rd	Practicing osteopathic medicine without a license.
	460.411(1)	3rd	Practicing chiropractic medicine without a license.

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461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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4818	483.901 (7)	3rd	Practicing medical physics without a license.
4819	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4820	484.053	3rd	Dispensing hearing aids without a license.
4821	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.
4822	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.
4823	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but

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4824

less than \$20,000 by financial institution.

775.21(10)(a)

3rd

Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

4825

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

4826

775.21(10)(g)

3rd

Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

4827

782.051(3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

4828

782.07(1)

2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

4829

782.071

2nd

Killing of a human being or

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4830			unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4831	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4832	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4833	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4834	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4835	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4836	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4837	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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4838	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4839	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4840	784.081 (1)	1st	Aggravated battery on specified official or employee.
4841	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
4842	784.083 (1)	1st	Aggravated battery on code inspector.
4843	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4844	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.
4844	790.07 (4)	1st	Specified weapons violation subsequent to previous

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conviction of s. 790.07(1) or
(2).

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

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	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
4852	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4853	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4854	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4855	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
4856	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified

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			sex offense.
4857	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
4858	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4859	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4860	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4861	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4862	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
4863	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand

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			theft in 2nd degree.
4864	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4865	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4866	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4867	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4868	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4869	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4870	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4871	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.

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4872

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

4873

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

4874

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.

4875

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

4876

817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

4877

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

4878

825.103 (3) (b) 2nd Exploiting an elderly person or

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4879			disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4880	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4881	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4882	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4883	838.015	2nd	Bribery.
4884	838.016	2nd	Unlawful compensation or reward for official behavior.
4885	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4886	838.22	2nd	Bid tampering.
4887	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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4888	843.0855 (3)	3rd	Unlawful simulation of legal process.
4889	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4890	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4891	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4892	872.06	2nd	Abuse of a dead human body.
4893	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4894	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 cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d),

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(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.

4895

893.13(1)(e)1.

1st

Sell, manufacture, or deliver
 cocaine or other drug
 prohibited under s.

893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)4.,
 within 1,000 feet of property
 used for religious services or
 a specified business site.

4896

893.13(4)(a)

1st

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

4897

893.135(1)(a)1.

1st

Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.

4898

893.135
 (1)(b)1.a.

1st

Trafficking in cocaine, more
 than 28 grams, less than 200
 grams.

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4900

893.135 1st Trafficking in illegal drugs,
(1) (c) 1.a. more than 4 grams, less than 14
grams.

4901

893.135 1st Trafficking in hydrocodone, 14
(1) (c) 2.a. grams or more, less than 28
grams.

4902

893.135 1st Trafficking in hydrocodone, 28
(1) (c) 2.b. grams or more, less than 50
grams.

4903

893.135 1st Trafficking in oxycodone, 7
(1) (c) 3.a. grams or more, less than 14
grams.

4904

893.135 1st Trafficking in oxycodone, 14
(1) (c) 3.b. grams or more, less than 25
grams.

4905

893.135 1st Trafficking in fentanyl, 4
(1) (c) 4.b. (I) grams or more, less than 14
grams.

4906

893.135 1st Trafficking in phencyclidine,
(1) (d) 1.a. 28 grams or more, less than 200
grams.

893.135 (1) (e) 1. 1st Trafficking in methaqualone,

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			200 grams or more, less than 5 kilograms.
4907	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
4908	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4909	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4910	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4911	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4912	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
4913	893.135	1st	Trafficking in synthetic

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4914	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
4915	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
4916	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4917	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4918	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
4919	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply

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4920

with reporting requirements.

943.0435 (9) (a)

3rd

Sexual offender; failure to
comply with reporting
requirements.

4921

943.0435 (13)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

4922

943.0435 (14)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

4923

944.607 (9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

4924

944.607 (10) (a)

3rd

Sexual offender; failure to
submit to the taking of a
digitized photograph.

4925

944.607 (12)

3rd

Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

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4926

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4927

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

4928

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

4929

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4930

4931 Section 104. For the purpose of incorporating the amendment
 4932 made by this act to section 775.21, Florida Statutes, in a
 4933 reference thereto, paragraph (o) of subsection (6) of section
 4934 921.141, Florida Statutes, is reenacted to read:

4935 921.141 Sentence of death or life imprisonment for capital
 4936 felonies; further proceedings to determine sentence.—

4937 (6) AGGRAVATING FACTORS.—Aggravating factors shall be

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4938 limited to the following:

4939 (o) The capital felony was committed by a person designated
4940 as a sexual predator pursuant to s. 775.21 or a person
4941 previously designated as a sexual predator who had the sexual
4942 predator designation removed.

4943 Section 105. For the purpose of incorporating the
4944 amendments made by this act to sections 775.21, 944.606, and
4945 944.607, Florida Statutes, in references thereto, subsection
4946 (3), paragraph (a) of subsection (4), and subsection (5) of
4947 section 943.0435, Florida Statutes, are reenacted to read:

4948 943.0435 Sexual offenders required to register with the
4949 department; penalty.—

4950 (3) Within 48 hours after the report required under
4951 subsection (2), a sexual offender shall report in person at a
4952 driver license office of the Department of Highway Safety and
4953 Motor Vehicles, unless a driver license or identification card
4954 that complies with the requirements of s. 322.141(3) was
4955 previously secured or updated under s. 944.607. At the driver
4956 license office the sexual offender shall:

4957 (a) If otherwise qualified, secure a Florida driver
4958 license, renew a Florida driver license, or secure an
4959 identification card. The sexual offender shall identify himself
4960 or herself as a sexual offender who is required to comply with
4961 this section and shall provide proof that the sexual offender
4962 reported as required in subsection (2). The sexual offender
4963 shall provide any of the information specified in subsection
4964 (2), if requested. The sexual offender shall submit to the
4965 taking of a photograph for use in issuing a driver license,
4966 renewed license, or identification card, and for use by the

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4967 department in maintaining current records of sexual offenders.

4968 (b) Pay the costs assessed by the Department of Highway
4969 Safety and Motor Vehicles for issuing or renewing a driver
4970 license or identification card as required by this section. The
4971 driver license or identification card issued must be in
4972 compliance with s. 322.141(3).

4973 (c) Provide, upon request, any additional information
4974 necessary to confirm the identity of the sexual offender,
4975 including a set of fingerprints.

4976 (4) (a) Each time a sexual offender's driver license or
4977 identification card is subject to renewal, and, without regard
4978 to the status of the offender's driver license or identification
4979 card, within 48 hours after any change in the offender's
4980 permanent, temporary, or transient residence or change in the
4981 offender's name by reason of marriage or other legal process,
4982 the offender shall report in person to a driver license office,
4983 and is subject to the requirements specified in subsection (3).
4984 The Department of Highway Safety and Motor Vehicles shall
4985 forward to the department all photographs and information
4986 provided by sexual offenders. Notwithstanding the restrictions
4987 set forth in s. 322.142, the Department of Highway Safety and
4988 Motor Vehicles may release a reproduction of a color-photograph
4989 or digital-image license to the Department of Law Enforcement
4990 for purposes of public notification of sexual offenders as
4991 provided in this section and ss. 943.043 and 944.606. A sexual
4992 offender who is unable to secure or update a driver license or
4993 an identification card with the Department of Highway Safety and
4994 Motor Vehicles as provided in subsection (3) and this subsection
4995 shall also report any change in the sexual offender's permanent,

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4996 temporary, or transient residence or change in the offender's
4997 name by reason of marriage or other legal process within 48
4998 hours after the change to the sheriff's office in the county
4999 where the offender resides or is located and provide
5000 confirmation that he or she reported such information to the
5001 Department of Highway Safety and Motor Vehicles. The reporting
5002 requirements under this paragraph do not negate the requirement
5003 for a sexual offender to obtain a Florida driver license or an
5004 identification card as required in this section.

5005 (5) This section does not apply to a sexual offender who is
5006 also a sexual predator, as defined in s. 775.21. A sexual
5007 predator must register as required under s. 775.21.

5008 Section 106. For the purpose of incorporating the
5009 amendments made by this act to sections 943.0435, 944.606, and
5010 944.607, Florida Statutes, in references thereto, subsection (2)
5011 of section 943.0436, Florida Statutes, is reenacted to read:

5012 943.0436 Duty of the court to uphold laws governing sexual
5013 predators and sexual offenders.—

5014 (2) If a person meets the criteria in chapter 775 for
5015 designation as a sexual predator or meets the criteria in s.
5016 943.0435, s. 944.606, s. 944.607, or any other law for
5017 classification as a sexual offender, the court may not enter an
5018 order, for the purpose of approving a plea agreement or for any
5019 other reason, which:

5020 (a) Exempts a person who meets the criteria for designation
5021 as a sexual predator or classification as a sexual offender from
5022 such designation or classification, or exempts such person from
5023 the requirements for registration or community and public
5024 notification imposed upon sexual predators and sexual offenders;

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5025 (b) Restricts the compiling, reporting, or release of
5026 public records information that relates to sexual predators or
5027 sexual offenders; or

5028 (c) Prevents any person or entity from performing its
5029 duties or operating within its statutorily conferred authority
5030 as such duty or authority relates to sexual predators or sexual
5031 offenders.

5032 Section 107. For the purpose of incorporating the amendment
5033 made by this act to section 847.0135, Florida Statutes, in a
5034 reference thereto, paragraph (g) of subsection (2) of section
5035 943.325, Florida Statutes, is reenacted to read:

5036 943.325 DNA database.—

5037 (2) DEFINITIONS.—As used in this section, the term:

5038 (g) "Qualifying offender" means any person, including
5039 juveniles and adults, who is:

5040 1.a. Committed to a county jail;

5041 b. Committed to or under the supervision of the Department
5042 of Corrections, including persons incarcerated in a private
5043 correctional institution operated under contract pursuant to s.
5044 944.105;

5045 c. Committed to or under the supervision of the Department
5046 of Juvenile Justice;

5047 d. Transferred to this state under the Interstate Compact
5048 on Juveniles, part XIII of chapter 985; or

5049 e. Accepted under Article IV of the Interstate Corrections
5050 Compact, part III of chapter 941; and who is:

5051 2.a. Convicted of any felony offense or attempted felony
5052 offense in this state or of a similar offense in another
5053 jurisdiction;

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5054 b. Convicted of a misdemeanor violation of s. 784.048, s.
5055 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
5056 offense that was found, pursuant to s. 874.04, to have been
5057 committed for the purpose of benefiting, promoting, or
5058 furthering the interests of a criminal gang as defined in s.
5059 874.03; or

5060 c. Arrested for any felony offense or attempted felony
5061 offense in this state.

5062 Section 108. For the purpose of incorporating the amendment
5063 made by this act to section 847.001, Florida Statutes, in a
5064 reference thereto, subsection (2) of section 944.11, Florida
5065 Statutes, is reenacted to read:

5066 944.11 Department to regulate admission of books.—

5067 (2) The department shall have the authority to prohibit
5068 admission of reading materials or publications with content
5069 which depicts sexual conduct as defined by s. 847.001 or
5070 presents nudity in such a way as to create the appearance that
5071 sexual conduct is imminent. The department shall have the
5072 authority to prohibit admission of such materials at a
5073 particular state correctional facility upon a determination by
5074 the department that such material or publications would be
5075 detrimental to the safety, security, order or rehabilitative
5076 interests of a particular state correctional facility or would
5077 create a risk of disorder at a particular state correctional
5078 facility.

5079 Section 109. For the purpose of incorporating the
5080 amendments made by this act to sections 775.21 and 943.0435,
5081 Florida Statutes, in references thereto, paragraph (a) of
5082 subsection (4) and subsection (9) of section 944.607, Florida

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5083 Statutes, are reenacted to read:

5084 944.607 Notification to Department of Law Enforcement of
5085 information on sexual offenders.—

5086 (4) A sexual offender, as described in this section, who is
5087 under the supervision of the Department of Corrections but is
5088 not incarcerated shall register with the Department of
5089 Corrections within 3 business days after sentencing for a
5090 registrable offense and otherwise provide information as
5091 required by this subsection.

5092 (a) The sexual offender shall provide his or her name; date
5093 of birth; social security number; race; sex; height; weight;
5094 hair and eye color; tattoos or other identifying marks; all
5095 electronic mail addresses and Internet identifiers required to
5096 be provided pursuant to s. 943.0435(4)(e); employment
5097 information required to be provided pursuant to s.
5098 943.0435(4)(e); all home telephone numbers and cellular
5099 telephone numbers required to be provided pursuant to s.
5100 943.0435(4)(e); the make, model, color, vehicle identification
5101 number (VIN), and license tag number of all vehicles owned;
5102 permanent or legal residence and address of temporary residence
5103 within the state or out of state while the sexual offender is
5104 under supervision in this state, including any rural route
5105 address or post office box; if no permanent or temporary
5106 address, any transient residence within the state; and address,
5107 location or description, and dates of any current or known
5108 future temporary residence within the state or out of state. The
5109 sexual offender shall also produce his or her passport, if he or
5110 she has a passport, and, if he or she is an alien, shall produce
5111 or provide information about documents establishing his or her

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5112 immigration status. The sexual offender shall also provide
5113 information about any professional licenses he or she has. The
5114 Department of Corrections shall verify the address of each
5115 sexual offender in the manner described in ss. 775.21 and
5116 943.0435. The department shall report to the Department of Law
5117 Enforcement any failure by a sexual predator or sexual offender
5118 to comply with registration requirements.

5119 (9) A sexual offender, as described in this section, who is
5120 under the supervision of the Department of Corrections but who
5121 is not incarcerated shall, in addition to the registration
5122 requirements provided in subsection (4), register and obtain a
5123 distinctive driver license or identification card in the manner
5124 provided in s. 943.0435(3), (4), and (5), unless the sexual
5125 offender is a sexual predator, in which case he or she shall
5126 register and obtain a distinctive driver license or
5127 identification card as required under s. 775.21. A sexual
5128 offender who fails to comply with the requirements of s.
5129 943.0435 is subject to the penalties provided in s. 943.0435(9).

5130 Section 110. For the purpose of incorporating the
5131 amendments made by this act to sections 775.21 and 944.607,
5132 Florida Statutes, in references thereto, subsection (7) of
5133 section 944.608, Florida Statutes, is reenacted to read:

5134 944.608 Notification to Department of Law Enforcement of
5135 information on career offenders.—

5136 (7) A career offender who is under the supervision of the
5137 department but who is not incarcerated shall, in addition to the
5138 registration requirements provided in subsection (3), register
5139 in the manner provided in s. 775.261(4)(c), unless the career
5140 offender is a sexual predator, in which case he or she shall

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5141 register as required under s. 775.21, or is a sexual offender,
5142 in which case he or she shall register as required in s.
5143 944.607. A career offender who fails to comply with the
5144 requirements of s. 775.261(4) is subject to the penalties
5145 provided in s. 775.261(8).

5146 Section 111. For the purpose of incorporating the amendment
5147 made by this act to section 775.21, Florida Statutes, in a
5148 reference thereto, subsection (4) of section 944.609, Florida
5149 Statutes, is reenacted to read:

5150 944.609 Career offenders; notification upon release.—

5151 (4) The department or any law enforcement agency may notify
5152 the community and the public of a career offender's presence in
5153 the community. However, with respect to a career offender who
5154 has been found to be a sexual predator under s. 775.21, the
5155 Department of Law Enforcement or any other law enforcement
5156 agency must inform the community and the public of the career
5157 offender's presence in the community, as provided in s. 775.21.

5158 Section 112. For the purpose of incorporating the amendment
5159 made by this act to section 947.1405, Florida Statutes, in a
5160 reference thereto, subsection (1) of section 944.70, Florida
5161 Statutes, is reenacted to read:

5162 944.70 Conditions for release from incarceration.—

5163 (1) (a) A person who is convicted of a crime committed on or
5164 after October 1, 1983, but before January 1, 1994, may be
5165 released from incarceration only:

- 5166 1. Upon expiration of the person's sentence;
- 5167 2. Upon expiration of the person's sentence as reduced by
5168 accumulated gain-time;
- 5169 3. As directed by an executive order granting clemency;

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- 5170 4. Upon attaining the provisional release date;
- 5171 5. Upon placement in a conditional release program pursuant
- 5172 to s. 947.1405; or
- 5173 6. Upon the granting of control release pursuant to s.
- 5174 947.146.
- 5175 (b) A person who is convicted of a crime committed on or
- 5176 after January 1, 1994, may be released from incarceration only:
- 5177 1. Upon expiration of the person's sentence;
- 5178 2. Upon expiration of the person's sentence as reduced by
- 5179 accumulated meritorious or incentive gain-time;
- 5180 3. As directed by an executive order granting clemency;
- 5181 4. Upon placement in a conditional release program pursuant
- 5182 to s. 947.1405 or a conditional medical release program pursuant
- 5183 to s. 947.149; or
- 5184 5. Upon the granting of control release, including
- 5185 emergency control release, pursuant to s. 947.146.
- 5186 Section 113. For the purpose of incorporating the amendment
- 5187 made by this act to section 947.1405, Florida Statutes, in a
- 5188 reference thereto, paragraph (f) of subsection (1) of section
- 5189 947.13, Florida Statutes, is reenacted to read:
- 5190 947.13 Powers and duties of commission.—
- 5191 (1) The commission shall have the powers and perform the
- 5192 duties of:
- 5193 (f) Establishing the terms and conditions of persons
- 5194 released on conditional release under s. 947.1405, and
- 5195 determining subsequent ineligibility for conditional release due
- 5196 to a violation of the terms or conditions of conditional release
- 5197 and taking action with respect to such a violation.
- 5198 Section 114. For the purpose of incorporating the

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5199 amendments made by this act to sections 775.21, 943.0435, and
5200 943.4354, Florida Statutes, in references thereto, paragraph (c)
5201 of subsection (2) and subsection (12) of section 947.1405,
5202 Florida Statutes, are reenacted to read:

5203 947.1405 Conditional release program.—

5204 (2) Any inmate who:

5205 (c) Is found to be a sexual predator under s. 775.21 or
5206 former s. 775.23,

5207

5208 shall, upon reaching the tentative release date or provisional
5209 release date, whichever is earlier, as established by the
5210 Department of Corrections, be released under supervision subject
5211 to specified terms and conditions, including payment of the cost
5212 of supervision pursuant to s. 948.09. Such supervision shall be
5213 applicable to all sentences within the overall term of sentences
5214 if an inmate's overall term of sentences includes one or more
5215 sentences that are eligible for conditional release supervision
5216 as provided herein. Effective July 1, 1994, and applicable for
5217 offenses committed on or after that date, the commission may
5218 require, as a condition of conditional release, that the
5219 releasee make payment of the debt due and owing to a county or
5220 municipal detention facility under s. 951.032 for medical care,
5221 treatment, hospitalization, or transportation received by the
5222 releasee while in that detention facility. The commission, in
5223 determining whether to order such repayment and the amount of
5224 such repayment, shall consider the amount of the debt, whether
5225 there was any fault of the institution for the medical expenses
5226 incurred, the financial resources of the releasee, the present
5227 and potential future financial needs and earning ability of the

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5228 releasee, and dependents, and other appropriate factors. If any
5229 inmate placed on conditional release supervision is also subject
5230 to probation or community control, resulting from a probationary
5231 or community control split sentence within the overall term of
5232 sentences, the Department of Corrections shall supervise such
5233 person according to the conditions imposed by the court and the
5234 commission shall defer to such supervision. If the court revokes
5235 probation or community control and resentences the offender to a
5236 term of incarceration, such revocation also constitutes a
5237 sufficient basis for the revocation of the conditional release
5238 supervision on any nonprobationary or noncommunity control
5239 sentence without further hearing by the commission. If any such
5240 supervision on any nonprobationary or noncommunity control
5241 sentence is revoked, such revocation may result in a forfeiture
5242 of all gain-time, and the commission may revoke the resulting
5243 deferred conditional release supervision or take other action it
5244 considers appropriate. If the term of conditional release
5245 supervision exceeds that of the probation or community control,
5246 then, upon expiration of the probation or community control,
5247 authority for the supervision shall revert to the commission and
5248 the supervision shall be subject to the conditions imposed by
5249 the commission. A panel of no fewer than two commissioners shall
5250 establish the terms and conditions of any such release. If the
5251 offense was a controlled substance violation, the conditions
5252 shall include a requirement that the offender submit to random
5253 substance abuse testing intermittently throughout the term of
5254 conditional release supervision, upon the direction of the
5255 correctional probation officer as defined in s. 943.10(3). The
5256 commission shall also determine whether the terms and conditions

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5257 of such release have been violated and whether such violation
5258 warrants revocation of the conditional release.

5259 (12) In addition to all other conditions imposed, for a
5260 releasee who is subject to conditional release for a crime that
5261 was committed on or after May 26, 2010, and who has been
5262 convicted at any time of committing, or attempting, soliciting,
5263 or conspiring to commit, any of the criminal offenses listed in
5264 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5265 jurisdiction against a victim who was under 18 years of age at
5266 the time of the offense, if the releasee has not received a
5267 pardon for any felony or similar law of another jurisdiction
5268 necessary for the operation of this subsection, if a conviction
5269 of a felony or similar law of another jurisdiction necessary for
5270 the operation of this subsection has not been set aside in any
5271 postconviction proceeding, or if the releasee has not been
5272 removed from the requirement to register as a sexual offender or
5273 sexual predator pursuant to s. 943.04354, the commission must
5274 impose the following conditions:

5275 (a) A prohibition on visiting schools, child care
5276 facilities, parks, and playgrounds without prior approval from
5277 the releasee's supervising officer. The commission may also
5278 designate additional prohibited locations to protect a victim.
5279 The prohibition ordered under this paragraph does not prohibit
5280 the releasee from visiting a school, child care facility, park,
5281 or playground for the sole purpose of attending a religious
5282 service as defined in s. 775.0861 or picking up or dropping off
5283 the releasee's child or grandchild at a child care facility or
5284 school.

5285 (b) A prohibition on distributing candy or other items to

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5286 children on Halloween; wearing a Santa Claus costume, or other
5287 costume to appeal to children, on or preceding Christmas;
5288 wearing an Easter Bunny costume, or other costume to appeal to
5289 children, on or preceding Easter; entertaining at children's
5290 parties; or wearing a clown costume without prior approval from
5291 the commission.

5292 Section 115. For the purpose of incorporating the amendment
5293 made by this act to section 947.1405, Florida Statutes, in
5294 references thereto, subsections (1), (2), and (7) of section
5295 947.141, Florida Statutes, are reenacted to read:

5296 947.141 Violations of conditional release, control release,
5297 or conditional medical release or addiction-recovery
5298 supervision.—

5299 (1) If a member of the commission or a duly authorized
5300 representative of the commission has reasonable grounds to
5301 believe that an offender who is on release supervision under s.
5302 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5303 the terms and conditions of the release in a material respect,
5304 such member or representative may cause a warrant to be issued
5305 for the arrest of the releasee; if the offender was found to be
5306 a sexual predator, the warrant must be issued.

5307 (2) Upon the arrest on a felony charge of an offender who
5308 is on release supervision under s. 947.1405, s. 947.146, s.
5309 947.149, or s. 944.4731, the offender must be detained without
5310 bond until the initial appearance of the offender at which a
5311 judicial determination of probable cause is made. If the trial
5312 court judge determines that there was no probable cause for the
5313 arrest, the offender may be released. If the trial court judge
5314 determines that there was probable cause for the arrest, such

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5315 determination also constitutes reasonable grounds to believe
5316 that the offender violated the conditions of the release. Within
5317 24 hours after the trial court judge's finding of probable
5318 cause, the detention facility administrator or designee shall
5319 notify the commission and the department of the finding and
5320 transmit to each a facsimile copy of the probable cause
5321 affidavit or the sworn offense report upon which the trial court
5322 judge's probable cause determination is based. The offender must
5323 continue to be detained without bond for a period not exceeding
5324 72 hours excluding weekends and holidays after the date of the
5325 probable cause determination, pending a decision by the
5326 commission whether to issue a warrant charging the offender with
5327 violation of the conditions of release. Upon the issuance of the
5328 commission's warrant, the offender must continue to be held in
5329 custody pending a revocation hearing held in accordance with
5330 this section.

5331 (7) If a law enforcement officer has probable cause to
5332 believe that an offender who is on release supervision under s.
5333 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5334 the terms and conditions of his or her release by committing a
5335 felony offense, the officer shall arrest the offender without a
5336 warrant, and a warrant need not be issued in the case.

5337 Section 116. For the purpose of incorporating the
5338 amendments made by this act to sections 775.21 and 943.0435,
5339 Florida Statutes, in references thereto, paragraph (b) of
5340 subsection (2) of section 948.013, Florida Statutes, is
5341 reenacted to read:

5342 948.013 Administrative probation.—

5343 (2)

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5344 (b) Effective for an offense committed on or after October
5345 1, 2017, a person is ineligible for placement on administrative
5346 probation if the person is sentenced to or is serving a term of
5347 probation or community control, regardless of the conviction or
5348 adjudication, for committing, or attempting, conspiring, or
5349 soliciting to commit, any of the felony offenses described in s.
5350 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

5351 Section 117. For the purpose of incorporating the amendment
5352 made by this act to section 775.21, Florida Statutes, in
5353 references thereto, paragraphs (b) and (d) of subsection (8) of
5354 section 948.06, Florida Statutes, are reenacted to read:

5355 948.06 Violation of probation or community control;
5356 revocation; modification; continuance; failure to pay
5357 restitution or cost of supervision.—

5358 (8)

5359 (b) For purposes of this section and ss. 903.0351, 948.064,
5360 and 921.0024, the term "violent felony offender of special
5361 concern" means a person who is on:

5362 1. Felony probation or community control related to the
5363 commission of a qualifying offense committed on or after the
5364 effective date of this act;

5365 2. Felony probation or community control for any offense
5366 committed on or after the effective date of this act, and has
5367 previously been convicted of a qualifying offense;

5368 3. Felony probation or community control for any offense
5369 committed on or after the effective date of this act, and is
5370 found to have violated that probation or community control by
5371 committing a qualifying offense;

5372 4. Felony probation or community control and has previously

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5373 been found by a court to be a habitual violent felony offender
5374 as defined in s. 775.084(1)(b) and has committed a qualifying
5375 offense on or after the effective date of this act;

5376 5. Felony probation or community control and has previously
5377 been found by a court to be a three-time violent felony offender
5378 as defined in s. 775.084(1)(c) and has committed a qualifying
5379 offense on or after the effective date of this act; or

5380 6. Felony probation or community control and has previously
5381 been found by a court to be a sexual predator under s. 775.21
5382 and has committed a qualifying offense on or after the effective
5383 date of this act.

5384 (d) In the case of an alleged violation of probation or
5385 community control other than a failure to pay costs, fines, or
5386 restitution, the following individuals shall remain in custody
5387 pending the resolution of the probation or community control
5388 violation:

5389 1. A violent felony offender of special concern, as defined
5390 in this section;

5391 2. A person who is on felony probation or community control
5392 for any offense committed on or after the effective date of this
5393 act and who is arrested for a qualifying offense as defined in
5394 this section; or

5395 3. A person who is on felony probation or community control
5396 and has previously been found by a court to be a habitual
5397 violent felony offender as defined in s. 775.084(1)(b), a three-
5398 time violent felony offender as defined in s. 775.084(1)(c), or
5399 a sexual predator under s. 775.21, and who is arrested for
5400 committing a qualifying offense as defined in this section on or
5401 after the effective date of this act.

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5402

5403 The court shall not dismiss the probation or community control
5404 violation warrant pending against an offender enumerated in this
5405 paragraph without holding a recorded violation-of-probation
5406 hearing at which both the state and the offender are
5407 represented.

5408 Section 118. For the purpose of incorporating the
5409 amendments made by this act to sections 775.21, 943.0435, and
5410 944.607, Florida Statutes, in references thereto, section
5411 948.063, Florida Statutes, is reenacted to read:

5412 948.063 Violations of probation or community control by
5413 designated sexual offenders and sexual predators.—

5414 (1) If probation or community control for any felony
5415 offense is revoked by the court pursuant to s. 948.06(2)(e) and
5416 the offender is designated as a sexual offender pursuant to s.
5417 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
5418 775.21 for unlawful sexual activity involving a victim 15 years
5419 of age or younger and the offender is 18 years of age or older,
5420 and if the court imposes a subsequent term of supervision
5421 following the revocation of probation or community control, the
5422 court must order electronic monitoring as a condition of the
5423 subsequent term of probation or community control.

5424 (2) If the probationer or offender is required to register
5425 as a sexual predator under s. 775.21 or as a sexual offender
5426 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5427 involving a victim 15 years of age or younger and the
5428 probationer or offender is 18 years of age or older and has
5429 violated the conditions of his or her probation or community
5430 control, but the court does not revoke the probation or

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5431 community control, the court shall nevertheless modify the
5432 probation or community control to include electronic monitoring
5433 for any probationer or offender not then subject to electronic
5434 monitoring.

5435 Section 119. For the purpose of incorporating the amendment
5436 made by this act to section 775.21, Florida Statutes, in a
5437 reference thereto, subsection (4) of section 948.064, Florida
5438 Statutes, is reenacted to read:

5439 948.064 Notification of status as a violent felony offender
5440 of special concern.—

5441 (4) The state attorney, or the statewide prosecutor if
5442 applicable, shall advise the court at each critical stage in the
5443 judicial process, at which the state attorney or statewide
5444 prosecutor is represented, whether an alleged or convicted
5445 offender is a violent felony offender of special concern; a
5446 person who is on felony probation or community control for any
5447 offense committed on or after the effective date of this act and
5448 who is arrested for a qualifying offense; or a person who is on
5449 felony probation or community control and has previously been
5450 found by a court to be a habitual violent felony offender as
5451 defined in s. 775.084(1)(b), a three-time violent felony
5452 offender as defined in s. 775.084(1)(c), or a sexual predator
5453 under s. 775.21, and who is arrested for committing a qualifying
5454 offense on or after the effective date of this act.

5455 Section 120. For the purpose of incorporating the amendment
5456 made by this act to section 948.06, Florida Statutes, in a
5457 reference thereto, paragraph (a) of subsection (7) of section
5458 948.08, Florida Statutes, is reenacted to read:

5459 948.08 Pretrial intervention program.—

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5460 (7) (a) Notwithstanding any provision of this section, a
5461 person who is charged with a felony, other than a felony listed
5462 in s. 948.06(8)(c), and identified as a veteran, as defined in
5463 s. 1.01, including a veteran who is discharged or released under
5464 a general discharge, or servicemember, as defined in s. 250.01,
5465 who suffers from a military service-related mental illness,
5466 traumatic brain injury, substance abuse disorder, or
5467 psychological problem, is eligible for voluntary admission into
5468 a pretrial veterans' treatment intervention program approved by
5469 the chief judge of the circuit, upon motion of either party or
5470 the court's own motion, except:

5471 1. If a defendant was previously offered admission to a
5472 pretrial veterans' treatment intervention program at any time
5473 before trial and the defendant rejected that offer on the
5474 record, the court may deny the defendant's admission to such a
5475 program.

5476 2. If a defendant previously entered a court-ordered
5477 veterans' treatment program, the court may deny the defendant's
5478 admission into the pretrial veterans' treatment program.

5479 Section 121. For the purpose of incorporating the amendment
5480 made by this act to section 775.21, Florida Statutes, in a
5481 reference thereto, subsection (3) of section 948.12, Florida
5482 Statutes, is reenacted to read:

5483 948.12 Intensive supervision for postprison release of
5484 violent offenders.—It is the finding of the Legislature that the
5485 population of violent offenders released from state prison into
5486 the community poses the greatest threat to the public safety of
5487 the groups of offenders under community supervision. Therefore,
5488 for the purpose of enhanced public safety, any offender released

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5489 from state prison who:

5490 (3) Has been found to be a sexual predator pursuant to s.
5491 775.21,

5492

5493 and who has a term of probation to follow the period of
5494 incarceration shall be provided intensive supervision by
5495 experienced correctional probation officers. Subject to specific
5496 appropriation by the Legislature, caseloads may be restricted to
5497 a maximum of 40 offenders per officer to provide for enhanced
5498 public safety as well as to effectively monitor conditions of
5499 electronic monitoring or curfews, if such was ordered by the
5500 court.

5501 Section 122. For the purpose of incorporating the
5502 amendments made by this act to sections 775.21 and 943.0435,
5503 Florida Statutes, in references thereto, paragraph (b) of
5504 subsection (3) and subsection (4) of section 948.30, Florida
5505 Statutes, are reenacted to read:

5506 948.30 Additional terms and conditions of probation or
5507 community control for certain sex offenses.—Conditions imposed
5508 pursuant to this section do not require oral pronouncement at
5509 the time of sentencing and shall be considered standard
5510 conditions of probation or community control for offenders
5511 specified in this section.

5512 (3) Effective for a probationer or community controllee
5513 whose crime was committed on or after September 1, 2005, and
5514 who:

5515 (b) Is designated a sexual predator pursuant to s. 775.21;

5516 or

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5518 the court must order, in addition to any other provision of this
5519 section, mandatory electronic monitoring as a condition of the
5520 probation or community control supervision.

5521 (4) In addition to all other conditions imposed, for a
5522 probationer or community controllee who is subject to
5523 supervision for a crime that was committed on or after May 26,
5524 2010, and who has been convicted at any time of committing, or
5525 attempting, soliciting, or conspiring to commit, any of the
5526 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5527 similar offense in another jurisdiction, against a victim who
5528 was under the age of 18 at the time of the offense; if the
5529 offender has not received a pardon for any felony or similar law
5530 of another jurisdiction necessary for the operation of this
5531 subsection, if a conviction of a felony or similar law of
5532 another jurisdiction necessary for the operation of this
5533 subsection has not been set aside in any postconviction
5534 proceeding, or if the offender has not been removed from the
5535 requirement to register as a sexual offender or sexual predator
5536 pursuant to s. 943.04354, the court must impose the following
5537 conditions:

5538 (a) A prohibition on visiting schools, child care
5539 facilities, parks, and playgrounds, without prior approval from
5540 the offender's supervising officer. The court may also designate
5541 additional locations to protect a victim. The prohibition
5542 ordered under this paragraph does not prohibit the offender from
5543 visiting a school, child care facility, park, or playground for
5544 the sole purpose of attending a religious service as defined in
5545 s. 775.0861 or picking up or dropping off the offender's
5546 children or grandchildren at a child care facility or school.

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5547 (b) A prohibition on distributing candy or other items to
5548 children on Halloween; wearing a Santa Claus costume, or other
5549 costume to appeal to children, on or preceding Christmas;
5550 wearing an Easter Bunny costume, or other costume to appeal to
5551 children, on or preceding Easter; entertaining at children's
5552 parties; or wearing a clown costume; without prior approval from
5553 the court.

5554 Section 123. For the purpose of incorporating the
5555 amendments made by this act to sections 775.21, 943.0435,
5556 944.606, and 944.607, Florida Statutes, in references thereto,
5557 section 948.31, Florida Statutes, is reenacted to read:

5558 948.31 Evaluation and treatment of sexual predators and
5559 offenders on probation or community control.—The court may
5560 require any probationer or community controllee who is required
5561 to register as a sexual predator under s. 775.21 or sexual
5562 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5563 an evaluation, at the probationer or community controllee's
5564 expense, by a qualified practitioner to determine whether such
5565 probationer or community controllee needs sexual offender
5566 treatment. If the qualified practitioner determines that sexual
5567 offender treatment is needed and recommends treatment, the
5568 probationer or community controllee must successfully complete
5569 and pay for the treatment. Such treatment must be obtained from
5570 a qualified practitioner as defined in s. 948.001. Treatment may
5571 not be administered by a qualified practitioner who has been
5572 convicted or adjudicated delinquent of committing, or
5573 attempting, soliciting, or conspiring to commit, any offense
5574 that is listed in s. 943.0435(1)(h)1.a.(I).

5575 Section 124. For the purpose of incorporating the amendment

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5576 made by this act to section 775.0877, Florida Statutes, in a
5577 reference thereto, section 951.27, Florida Statutes, is
5578 reenacted to read:

5579 951.27 Blood tests of inmates.—

5580 (1) Each county and each municipal detention facility shall
5581 have a written procedure developed, in consultation with the
5582 facility medical provider, establishing conditions under which
5583 an inmate will be tested for infectious disease, including human
5584 immunodeficiency virus pursuant to s. 775.0877, which procedure
5585 is consistent with guidelines of the Centers for Disease Control
5586 and Prevention and recommendations of the Correctional Medical
5587 Authority. It is not unlawful for the person receiving the test
5588 results to divulge the test results to the sheriff or chief
5589 correctional officer.

5590 (2) Except as otherwise provided in this subsection,
5591 serologic blood test results obtained pursuant to subsection (1)
5592 are confidential and exempt from the provisions of s. 119.07(1)
5593 and s. 24(a), Art. I of the State Constitution. However, such
5594 results may be provided to employees or officers of the sheriff
5595 or chief correctional officer who are responsible for the
5596 custody and care of the affected inmate and have a need to know
5597 such information, and as provided in ss. 775.0877 and 960.003.
5598 In addition, upon request of the victim or the victim's legal
5599 guardian, or the parent or legal guardian of the victim if the
5600 victim is a minor, the results of any HIV test performed on an
5601 inmate who has been arrested for any sexual offense involving
5602 oral, anal, or vaginal penetration by, or union with, the sexual
5603 organ of another, shall be disclosed to the victim or the
5604 victim's legal guardian, or to the parent or legal guardian of

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5605 the victim if the victim is a minor. In such cases, the county
5606 or municipal detention facility shall furnish the test results
5607 to the Department of Health, which is responsible for disclosing
5608 the results to public health agencies as provided in s. 775.0877
5609 and to the victim or the victim's legal guardian, or the parent
5610 or legal guardian of the victim if the victim is a minor, as
5611 provided in s. 960.003(3).

5612 (3) The results of any serologic blood test on an inmate
5613 are a part of that inmate's permanent medical file. Upon
5614 transfer of the inmate to any other correctional facility, such
5615 file is also transferred, and all relevant authorized persons
5616 must be notified of positive HIV test results, as required in s.
5617 775.0877.

5618 Section 125. For the purpose of incorporating the amendment
5619 made by this act to section 775.0877, Florida Statutes, in
5620 references thereto, paragraphs (a) and (b) of subsection (2) and
5621 paragraph (a) of subsection (3) of section 960.003, Florida
5622 Statutes, are reenacted to read:

5623 960.003 Hepatitis and HIV testing for persons charged with
5624 or alleged by petition for delinquency to have committed certain
5625 offenses; disclosure of results to victims.-

5626 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5627 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.-

5628 (a) In any case in which a person has been charged by
5629 information or indictment with or alleged by petition for
5630 delinquency to have committed any offense enumerated in s.
5631 775.0877(1)(a)-(n), which involves the transmission of body
5632 fluids from one person to another, upon request of the victim or
5633 the victim's legal guardian, or of the parent or legal guardian

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5634 of the victim if the victim is a minor, the court shall order
5635 such person to undergo hepatitis and HIV testing within 48 hours
5636 after the information, indictment, or petition for delinquency
5637 is filed. In the event the victim or, if the victim is a minor,
5638 the victim's parent or legal guardian requests hepatitis and HIV
5639 testing after 48 hours have elapsed from the filing of the
5640 indictment, information, or petition for delinquency, the
5641 testing shall be done within 48 hours after the request.

5642 (b) However, when a victim of any sexual offense enumerated
5643 in s. 775.0877(1)(a)-(n) is under the age of 18 at the time the
5644 offense was committed or when a victim of any sexual offense
5645 enumerated in s. 775.0877(1)(a)-(n) or s. 825.1025 is a disabled
5646 adult or elderly person as defined in s. 825.1025 regardless of
5647 whether the offense involves the transmission of bodily fluids
5648 from one person to another, then upon the request of the victim
5649 or the victim's legal guardian, or of the parent or legal
5650 guardian, the court shall order such person to undergo hepatitis
5651 and HIV testing within 48 hours after the information,
5652 indictment, or petition for delinquency is filed. In the event
5653 the victim or, if the victim is a minor, the victim's parent or
5654 legal guardian requests hepatitis and HIV testing after 48 hours
5655 have elapsed from the filing of the indictment, information, or
5656 petition for delinquency, the testing shall be done within 48
5657 hours after the request. The testing shall be performed under
5658 the direction of the Department of Health in accordance with s.
5659 381.004. The results of a hepatitis and HIV test performed on a
5660 defendant or juvenile offender pursuant to this subsection shall
5661 not be admissible in any criminal or juvenile proceeding arising
5662 out of the alleged offense.

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5663 (3) DISCLOSURE OF RESULTS.—

5664 (a) The results of the test shall be disclosed no later
5665 than 2 weeks after the court receives such results, under the
5666 direction of the Department of Health, to the person charged
5667 with or alleged by petition for delinquency to have committed or
5668 to the person convicted of or adjudicated delinquent for any
5669 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5670 transmission of body fluids from one person to another, and,
5671 upon request, to the victim or the victim's legal guardian, or
5672 the parent or legal guardian of the victim if the victim is a
5673 minor, and to public health agencies pursuant to s. 775.0877. If
5674 the alleged offender is a juvenile, the test results shall also
5675 be disclosed to the parent or guardian. When the victim is a
5676 victim as described in paragraph (2)(b), the test results must
5677 also be disclosed no later than 2 weeks after the court receives
5678 such results, to the person charged with or alleged by petition
5679 for delinquency to have committed or to the person convicted of
5680 or adjudicated delinquent for any offense enumerated in s.
5681 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5682 offense involves the transmission of bodily fluids from one
5683 person to another, and, upon request, to the victim or the
5684 victim's legal guardian, or the parent or legal guardian of the
5685 victim, and to public health agencies pursuant to s. 775.0877.
5686 Otherwise, hepatitis and HIV test results obtained pursuant to
5687 this section are confidential and exempt from the provisions of
5688 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5689 shall not be disclosed to any other person except as expressly
5690 authorized by law or court order.

5691 Section 126. For the purpose of incorporating the amendment

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5692 made by this act to section 39.01, Florida Statutes, in a
5693 reference thereto, subsection (5) of section 960.065, Florida
5694 Statutes, is reenacted to read:

5695 960.065 Eligibility for awards.—

5696 (5) A person is not ineligible for an award pursuant to
5697 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
5698 person is a victim of sexual exploitation of a child as defined
5699 in s. 39.01(71) (g).

5700 Section 127. For the purpose of incorporating the amendment
5701 made by this act to section 39.01, Florida Statutes, in a
5702 reference thereto, subsection (2) of section 984.03, Florida
5703 Statutes, is reenacted to read:

5704 984.03 Definitions.—When used in this chapter, the term:

5705 (2) "Abuse" means any willful act that results in any
5706 physical, mental, or sexual injury that causes or is likely to
5707 cause the child's physical, mental, or emotional health to be
5708 significantly impaired. Corporal discipline of a child by a
5709 parent or guardian for disciplinary purposes does not in itself
5710 constitute abuse when it does not result in harm to the child as
5711 defined in s. 39.01.

5712 Section 128. For the purpose of incorporating the amendment
5713 made by this act to section 985.475, Florida Statutes, in a
5714 reference thereto, paragraph (c) of subsection (5) of section
5715 985.0301, Florida Statutes, is reenacted to read:

5716 985.0301 Jurisdiction.—

5717 (5)

5718 (c) The court shall retain jurisdiction over a juvenile
5719 sexual offender, as defined in s. 985.475, who has been placed
5720 on community-based treatment alternative with supervision or who

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5721 has been placed in a program or facility for juvenile sexual
5722 offenders, pursuant to s. 985.48, until the juvenile sexual
5723 offender reaches 21 years of age, specifically for the purpose
5724 of allowing the juvenile to complete the program.

5725 Section 129. For the purpose of incorporating the
5726 amendments made by this act to sections 775.21, 943.0435,
5727 944.606, and 944.607, Florida Statutes, in references thereto,
5728 paragraph (b) of subsection (6) of section 985.04, Florida
5729 Statutes, is reenacted to read:

5730 985.04 Oaths; records; confidential information.—

5731 (6)

5732 (b) Sexual offender and predator registration information
5733 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
5734 and 985.4815 is a public record pursuant to s. 119.07(1) and as
5735 otherwise provided by law.

5736 Section 130. For the purpose of incorporating the amendment
5737 made by this act to section 985.475, Florida Statutes, in a
5738 reference thereto, paragraph (c) of subsection (1) of section
5739 985.441, Florida Statutes, is reenacted to read:

5740 985.441 Commitment.—

5741 (1) The court that has jurisdiction of an adjudicated
5742 delinquent child may, by an order stating the facts upon which a
5743 determination of a sanction and rehabilitative program was made
5744 at the disposition hearing:

5745 (c) Commit the child to the department for placement in a
5746 program or facility for juvenile sexual offenders in accordance
5747 with s. 985.48, subject to specific appropriation for such a
5748 program or facility.

5749 1. The child may only be committed for such placement

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5750 pursuant to determination that the child is a juvenile sexual
5751 offender under the criteria specified in s. 985.475.

5752 2. Any commitment of a juvenile sexual offender to a
5753 program or facility for juvenile sexual offenders must be for an
5754 indeterminate period of time, but the time may not exceed the
5755 maximum term of imprisonment that an adult may serve for the
5756 same offense.

5757 Section 131. For the purpose of incorporating the
5758 amendments made by this act to sections 775.21 and 943.0435,
5759 Florida Statutes, in references thereto, subsection (9) of
5760 section 985.4815, Florida Statutes, is reenacted to read:

5761 985.4815 Notification to Department of Law Enforcement of
5762 information on juvenile sexual offenders.—

5763 (9) A sexual offender, as described in this section, who is
5764 under the care, jurisdiction, or supervision of the department
5765 but who is not incarcerated shall, in addition to the
5766 registration requirements provided in subsection (4), register
5767 in the manner provided in s. 943.0435(3), (4), and (5), unless
5768 the sexual offender is a sexual predator, in which case he or
5769 she shall register as required under s. 775.21. A sexual
5770 offender who fails to comply with the requirements of s.
5771 943.0435 is subject to the penalties provided in s. 943.0435(9).

5772 Section 132. For the purpose of incorporating the amendment
5773 made by this act to section 943.0435, Florida Statutes, in a
5774 reference thereto, paragraph (g) of subsection (2) of section
5775 1012.467, Florida Statutes, is reenacted to read:

5776 1012.467 Noninstructional contractors who are permitted
5777 access to school grounds when students are present; background
5778 screening requirements.—

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(2)

(g) A noninstructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(h)1., relating to the registration of an individual as a sexual offender.

2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

4. Section 775.30, relating to terrorism.

5. Section 782.04, relating to murder.

6. Section 787.01, relating to kidnapping.

7. Any offense under chapter 800, relating to lewdness and indecent exposure.

8. Section 826.04, relating to incest.

9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

Section 133. The Division of Law Revision and Information is directed to capitalize the first letter of each word in the term "Child Protection Team" wherever it appears in the Florida Statutes.

Section 134. This act shall take effect October 1, 2018.

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