

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

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

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

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

101 application and construction; providing for separate
102 offenses of transmission of child pornography under
103 certain circumstances; amending ss. 856.022, 895.02,
104 905.34, and 934.07, F.S.; conforming provisions to
105 changes made by the act; amending s. 938.085, F.S.;
106 revising the offenses for which a surcharge to be
107 deposited into the Rape Crisis Program Trust Fund
108 shall be imposed; conforming provisions to changes
109 made by the act; amending s. 938.10, F.S.; revising
110 the offenses for which an additional court cost shall
111 be imposed; conforming provisions to changes made by
112 the act; amending ss. 943.0435, 943.04354, 943.0585,
113 943.059, 944.606, 944.607, and 947.1405, F.S.;
114 conforming provisions to changes made by the act;
115 amending ss. 948.03, and 948.04, F.S.; conforming
116 provisions to changes made by the act; amending s.
117 948.06, F.S.; revising the offenses that constitute a
118 qualifying offense for purposes relating to a
119 violation of probation or community control;
120 conforming provisions to changes made by the act;
121 amending ss. 948.062, 948.101, 948.30, 948.32, 960.03,
122 and 960.197, F.S.; conforming provisions to changes
123 made by the act; amending s. 985.04, F.S.; revising
124 the types of offenses committed by a child in certain
125 custody or supervision of the Department of Juvenile

126 Justice which require the department to provide notice
 127 to the school superintendent; conforming provisions to
 128 changes made by the act; amending ss. 985.475 and
 129 1012.315, F.S.; conforming provisions to changes made
 130 by the act; amending s. 921.0022, F.S.; ranking the
 131 offense of solicitation of a child via a computer
 132 service while misrepresenting one's age on the offense
 133 severity ranking chart; conforming provisions to
 134 changes made by the act; providing a directive to the
 135 Division of Law Revision and Information; reenacting
 136 ss. 39.402(9) (a), 39.506(6), 39.509(6) (b),
 137 39.521(3) (d), 39.806(1) (d) and (n), 63.089(4) (b),
 138 63.092(3), 68.07(3) (i) and (6), 92.55(1) (b),
 139 92.605(1) (b), 322.141(3), 381.004(2) (h), 384.29(1) (c)
 140 and (3), 390.01114(2) (b) and (e), 393.067(4) (h), (7),
 141 and (9), 394.495(4) (p), 394.9125(2) (a), 397.4872(2) (a)
 142 and (c), 435.07(4) (b), 507.07(9), 655.50(3) (g),
 143 741.313(1) (e), 775.084(4) (j), 775.0862(2),
 144 775.13(4) (e) and (f), 775.21(3) (b), (5) (d), (6) (f),
 145 and (10) (c), 775.24(2), 775.25, 775.261(3) (b),
 146 784.049(2) (d), 794.011(2) (a), (3), (4), and (5),
 147 794.03, 794.075(1), 847.002(1) (b), (2), and (3),
 148 847.012(3) (b), 847.01357(3), 847.0138(2) and (3),
 149 896.101(2) (g) and (10), 903.0351(1) (b) and (c),
 150 903.046(2) (m), 905.34(3), 921.0022(3) (g),

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

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

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

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

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

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

244 16.56 Office of Statewide Prosecution.—

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

249 (a) Investigate and prosecute the offenses of:

250 1. Bribery, burglary, criminal usury, extortion, gambling,

251 kidnapping, larceny, murder, prostitution, perjury, robbery,
 252 carjacking, home-invasion robbery, and patient brokering;
 253 2. Any crime involving narcotic or other dangerous drugs;
 254 3. Any violation of the Florida RICO (Racketeer Influenced
 255 and Corrupt Organization) Act, including any offense listed in
 256 the definition of racketeering activity in s. 895.02(8)(a),
 257 providing such listed offense is investigated in connection with
 258 a violation of s. 895.03 and is charged in a separate count of
 259 an information or indictment containing a count charging a
 260 violation of s. 895.03, the prosecution of which listed offense
 261 may continue independently if the prosecution of the violation
 262 of s. 895.03 is terminated for any reason;
 263 4. Any violation of the Florida Anti-Fencing Act;
 264 5. Any violation of the Florida Antitrust Act of 1980, as
 265 amended;
 266 6. Any crime involving, or resulting in, fraud or deceit
 267 upon any person;
 268 7. Any violation of s. 847.0135, relating to computer
 269 pornography and child exploitation ~~prevention~~, or any offense
 270 related to a violation of former s. 827.071, s. 847.003, s.
 271 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
 272 crime is facilitated by or connected to the use of the Internet
 273 or any device capable of electronic data storage or
 274 transmission;
 275 8. Any violation of chapter 815;

- 276 9. Any criminal violation of part I of chapter 499;
 277 10. Any violation of the Florida Motor Fuel Tax Relief Act
 278 of 2004;
 279 11. Any criminal violation of s. 409.920 or s. 409.9201;
 280 12. Any crime involving voter registration, voting, or
 281 candidate or issue petition activities;
 282 13. Any criminal violation of the Florida Money Laundering
 283 Act;
 284 14. Any criminal violation of the Florida Securities and
 285 Investor Protection Act; or
 286 15. Any violation of chapter 787, as well as any and all
 287 offenses related to a violation of chapter 787;
 288
 289 or any attempt, solicitation, or conspiracy to commit any of the
 290 crimes specifically enumerated above. The office shall have such
 291 power only when any such offense is occurring, or has occurred,
 292 in two or more judicial circuits as part of a related
 293 transaction, or when any such offense is connected with an
 294 organized criminal conspiracy affecting two or more judicial
 295 circuits. Informations or indictments charging such offenses
 296 shall contain general allegations stating the judicial circuits
 297 and counties in which crimes are alleged to have occurred or the
 298 judicial circuits and counties in which crimes affecting such
 299 circuits or counties are alleged to have been connected with an
 300 organized criminal conspiracy.

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

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

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

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

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

- 315 1. Solicit for or engage in prostitution; or
- 316 2. Engage in a sexual performance, as defined by former s.
317 827.071 or s. 847.003 ~~chapter 827.~~

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

320 (g) The sexual exploitation of a child, which includes the
321 act of a child offering to engage in or engaging in
322 prostitution, or the act of allowing, encouraging, or forcing a
323 child to:

- 324 1. Solicit for or engage in prostitution;
- 325 2. Engage in a sexual performance, as defined by former s.

326 827.071 or s. 847.003 ~~chapter 827~~; or

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

329 Section 3. Paragraph (b) of subsection (4) of section
330 39.0132, Florida Statutes, is amended to read:

331 39.0132 Oaths, records, and confidential information.—
332 (4)

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

346 Section 4. Paragraph (a) of subsection (3) of section
347 39.0139, Florida Statutes, is amended to read:

348 39.0139 Visitation or other contact; restrictions.—

349 (3) PRESUMPTION OF DETRIMENT.—

350 (a) A rebuttable presumption of detriment to a child is

351 created when:

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

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

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

361 b. Section 794.011, relating to sexual battery;

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

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

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

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

368 g. Section 847.003, relating to sexual performance by a
369 child;

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

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

373 3. A court of competent jurisdiction has determined a
374 parent or caregiver to be a sexual predator as defined in s.
375 775.21 or a parent or caregiver has received a substantially

376 similar designation under laws of another jurisdiction.

377 Section 5. Paragraph (b) of subsection (2) of section
378 39.301, Florida Statutes, is amended to read:

379 39.301 Initiation of protective investigations.—

380 (2)

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

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

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

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

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

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

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

398 Section 6. Paragraph (a) of subsection (6) of section
399 39.509, Florida Statutes, is amended to read:

400 39.509 Grandparents rights.—Notwithstanding any other

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

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

414 (a) The finding of guilt, regardless of adjudication, or
415 entry or plea of guilty or nolo contendere to charges under the
416 following statutes, or similar statutes of other jurisdictions:
417 s. 787.04, relating to removing minors from the state or
418 concealing minors contrary to court order; s. 794.011, relating
419 to sexual battery; s. 798.02, relating to lewd and lascivious
420 behavior; chapter 800, relating to lewdness and indecent
421 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
422 relating to the abuse of children; s. 847.003, relating to
423 sexual performance by a child; s. 847.0135, excluding s.
424 847.0135(6), relating to computer pornography and child
425 exploitation; or s. 847.0137, relating to child pornography.

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

428 90.404 Character evidence; when admissible.—

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

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

435 2. For the purposes of this paragraph, the term "child
 436 molestation" means conduct proscribed by s. 787.025(2)(c), s.
 437 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
 438 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
 439 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
 440 847.0137(2), s. 847.0145, or s. 985.701(1) when committed
 441 against a person 16 years of age or younger.

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

447 2. For the purposes of this paragraph, the term "sexual
 448 offense" means conduct proscribed by s. 787.025(2)(c), s.
 449 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
 450 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,

451 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
452 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.
453 985.701(1).

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

456 92.56 Judicial proceedings and court records involving
457 sexual offenses and human trafficking.—

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

476 and knowing disclosure of the identity of the victim to any
477 other person by the defendant constitutes contempt.

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

489 (5) This section does not prohibit the publication or
490 broadcast of the substance of trial testimony in a prosecution
491 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; in
492 s. 787.06(3)(b), (d), (f), or (g); chapter 794; or chapter
493 800; for ~~or~~ a crime of child abuse or aggravated child abuse
494 ~~or sexual performance by a child,~~ as described in chapter 827;
495 for sexual performance by a child as described in former s.
496 827.071; or for a sexual offense described in chapter 847, but
497 the publication or broadcast may not include an identifying
498 photograph, an identifiable voice, or the name or address of the
499 victim, unless the victim has consented in writing to the
500 publication and filed such consent with the court or unless the

501 court has declared such records not confidential and exempt as
 502 provided for in subsection (1).

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

505 92.561 Prohibition on reproduction of child pornography.—

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

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

514 92.565 Admissibility of confession in sexual abuse cases.—

515 (2) In any criminal action in which the defendant is
 516 charged with a crime against a victim under s. 787.06(3),
 517 involving commercial sexual activity; s. 794.011; s. 794.05; s.
 518 800.04; s. 826.04; s. 827.03, involving sexual abuse; s. 827.04,
 519 involving sexual abuse; former s. 827.071; s. 847.003; or s.
 520 847.0135(5);~~7~~ or s. 847.0137(2), or any other crime involving
 521 sexual abuse of another, or with any attempt, solicitation, or
 522 conspiracy to commit any of these crimes, the defendant's
 523 memorialized confession or admission is admissible during trial
 524 without the state having to prove a corpus delicti of the crime
 525 if the court finds in a hearing conducted outside the presence

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

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

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

540 435.04 Level 2 screening standards.—

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

- 550 (ll) Former s. Section 827.071, relating to sexual

551 performance by a child.

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

554 Section 12. Paragraph (c) of subsection (4) of section
555 435.07, Florida Statutes, is amended to read:

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

562 (4)

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

576 jurisdiction:

577 1. A felony offense prohibited under any of the following
578 statutes:

579 a. Chapter 741, relating to domestic violence.

580 b. Section 782.04, relating to murder.

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

586 d. Section 784.021, relating to aggravated assault.

587 e. Section 784.045, relating to aggravated battery.

588 f. Section 787.01, relating to kidnapping.

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

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

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

600 j. Section 794.011, relating to sexual battery.

601 k. Former s. 794.041, relating to sexual activity with or
 602 solicitation of a child by a person in familial or custodial
 603 authority.

604 l. Section 794.05, relating to unlawful sexual activity
 605 with certain minors.

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

607 n. Section 806.01, relating to arson.

608 o. Section 826.04, relating to incest.

609 p. Section 827.03, relating to child abuse, aggravated
 610 child abuse, or neglect of a child.

611 q. Section 827.04, relating to contributing to the
 612 delinquency or dependency of a child.

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

615 s. Chapter 847, relating to obscenity and child
 616 exploitation pornography.

617 t. Section 985.701, relating to sexual misconduct in
 618 juvenile justice programs.

619 2. A misdemeanor offense prohibited under any of the
 620 following statutes:

621 a. Section 784.03, relating to battery, if the victim of
 622 the offense was a minor.

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

625 c. Chapter 847, relating to obscenity and child

626 exploitation ~~pornography~~.

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

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

636 456.074 Certain health care practitioners; immediate
637 suspension of license.—

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

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

653 (q) Section 847.0135, relating to computer pornography and
654 child exploitation.

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

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

661 480.041 Massage therapists; qualifications; licensure;
662 endorsement.—

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

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

672 (q) Section 847.0135, relating to computer pornography and
673 child exploitation.

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

675 Section 15. Paragraphs (o) and (q) of subsection (8) of

676 section 480.043, Florida Statutes, are amended, paragraphs (r)
677 and (s) of that subsection are redesignated as paragraphs (s)
678 and (t), respectively, and a new paragraph (r) is added to that
679 subsection, to read:

680 480.043 Massage establishments; requisites; licensure;
681 inspection.—

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

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

695 (q) Section 847.0135, relating to computer pornography and
696 child exploitation.

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

698 Section 16. Paragraph (b) of subsection (3) of section
699 743.067, Florida Statutes, is amended to read:

700 743.067 Certified unaccompanied homeless youths.—

701 (3) A certified unaccompanied homeless youth may:

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

- 710 1. Himself or herself; or
- 711 2. His or her child, if the certified unaccompanied
712 homeless youth is unmarried, is the parent of the child, and has
713 actual custody of the child.

714 Section 17. Paragraph (a) of subsection (1) of section
715 772.102, Florida Statutes, is amended to read:

716 772.102 Definitions.—As used in this chapter, the term:

717 (1) "Criminal activity" means to commit, to attempt to
718 commit, to conspire to commit, or to solicit, coerce, or
719 intimidate another person to commit:

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

- 722 1. Section 210.18, relating to evasion of payment of
723 cigarette taxes.
- 724 2. Section 414.39, relating to public assistance fraud.
- 725 3. Section 440.105 or s. 440.106, relating to workers'

- 726 compensation.
- 727 4. Part IV of chapter 501, relating to telemarketing.
- 728 5. Chapter 517, relating to securities transactions.
- 729 6. Section 550.235 or s. 550.3551, relating to dogracing
730 and horseracing.
- 731 7. Chapter 550, relating to jai alai frontons.
- 732 8. Chapter 552, relating to the manufacture, distribution,
733 and use of explosives.
- 734 9. Chapter 562, relating to beverage law enforcement.
- 735 10. Section 624.401, relating to transacting insurance
736 without a certificate of authority, s. 624.437(4)(c)1., relating
737 to operating an unauthorized multiple-employer welfare
738 arrangement, or s. 626.902(1)(b), relating to representing or
739 aiding an unauthorized insurer.
- 740 11. Chapter 687, relating to interest and usurious
741 practices.
- 742 12. Section 721.08, s. 721.09, or s. 721.13, relating to
743 real estate timeshare plans.
- 744 13. Chapter 782, relating to homicide.
- 745 14. Chapter 784, relating to assault and battery.
- 746 15. Chapter 787, relating to kidnapping or human
747 trafficking.
- 748 16. Chapter 790, relating to weapons and firearms.
- 749 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
750 relating to prostitution.

- 751 18. Chapter 806, relating to arson.
- 752 19. Section 810.02(2)(c), relating to specified burglary
753 of a dwelling or structure.
- 754 20. Chapter 812, relating to theft, robbery, and related
755 crimes.
- 756 21. Chapter 815, relating to computer-related crimes.
- 757 22. Chapter 817, relating to fraudulent practices, false
758 pretenses, fraud generally, and credit card crimes.
- 759 23. Former s. Section 827.071, relating to commercial
760 sexual exploitation of children.
- 761 24. Chapter 831, relating to forgery and counterfeiting.
- 762 25. Chapter 832, relating to issuance of worthless checks
763 and drafts.
- 764 26. Section 836.05, relating to extortion.
- 765 27. Chapter 837, relating to perjury.
- 766 28. Chapter 838, relating to bribery and misuse of public
767 office.
- 768 29. Chapter 843, relating to obstruction of justice.
- 769 30. Section 847.003, relating to sexual performance by a
770 child.
- 771 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
772 or s. 847.07, relating to obscene literature and profanity.
- 773 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
774 s. 849.25, relating to gambling.
- 775 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and

776 control.

777 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,
778 victims, or informants.

779 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering
780 with jurors and evidence.

781 Section 18. Paragraph (a) of subsection (9) of section
782 775.082, Florida Statutes, is amended to read:

783 775.082 Penalties; applicability of sentencing structures;
784 mandatory minimum sentences for certain reoffenders previously
785 released from prison.—

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

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

801 n. Unlawful throwing, placing, or discharging of a
 802 destructive device or bomb;

803 o. Any felony that involves the use or threat of physical
 804 force or violence against an individual;

805 p. Armed burglary;

806 q. Burglary of a dwelling or burglary of an occupied
 807 structure; or

808 r. Any felony violation of s. 790.07, s. 800.04, s.
 809 827.03, former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 810 847.0137(2);

811

812 within 3 years after being released from a state correctional
 813 facility operated by the Department of Corrections or a private
 814 vendor or within 3 years after being released from a
 815 correctional institution of another state, the District of
 816 Columbia, the United States, any possession or territory of the
 817 United States, or any foreign jurisdiction, following
 818 incarceration for an offense for which the sentence is
 819 punishable by more than 1 year in this state.

820 2. "Prison releasee reoffender" also means any defendant
 821 who commits or attempts to commit any offense listed in sub-
 822 subparagraphs (a)1.a.-r. while the defendant was serving a
 823 prison sentence or on escape status from a state correctional
 824 facility operated by the Department of Corrections or a private
 825 vendor or while the defendant was on escape status from a

826 | correctional institution of another state, the District of
827 | Columbia, the United States, any possession or territory of the
828 | United States, or any foreign jurisdiction, following
829 | incarceration for an offense for which the sentence is
830 | punishable by more than 1 year in this state.

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

840 | a. For a felony punishable by life, by a term of
841 | imprisonment for life;

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

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

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

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

851 775.0847 Possession or promotion of certain visual
852 depictions ~~images~~ of child pornography; reclassification.-

853 (1) For purposes of this section:

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

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

868 (g) "Visual depiction" has the same meaning provided in s.
869 847.0137.

870 (2) A violation of former s. 827.071, s. 847.003, s.
871 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
872 the next higher degree as provided in subsection (3) if:

873 (a) The offender possesses 10 or more visual depictions
874 ~~images~~ of any form of child pornography regardless of content;
875 and

876 (b) The content of at least one visual depiction ~~image~~
 877 contains one or more of the following:
 878 1. A child who is younger than the age of 5.
 879 2. Sadomasochistic abuse involving a child.
 880 3. Sexual battery involving a child.
 881 4. Sexual bestiality involving a child.
 882 5. Any movie involving a child, regardless of length and
 883 regardless of whether the movie contains sound.

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

886 775.0877 Criminal transmission of HIV; procedures;
 887 penalties.—

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

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

894 (b) Section 826.04, relating to incest;

895 (c) Section 800.04, relating to lewd or lascivious
 896 offenses committed upon or in the presence of persons less than
 897 16 years of age;

898 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
 899 relating to assault;

900 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),

901 relating to aggravated assault;
 902 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
 903 relating to battery;
 904 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
 905 relating to aggravated battery;
 906 (h) Section 827.03(2)(c), relating to child abuse;
 907 (i) Section 827.03(2)(a), relating to aggravated child
 908 abuse;
 909 (j) Section 825.102(1), relating to abuse of an elderly
 910 person or disabled adult;
 911 (k) Section 825.102(2), relating to aggravated abuse of an
 912 elderly person or disabled adult;
 913 (l) Former s. Section 827.071 or s. 847.003, relating to
 914 sexual performance by a child ~~person less than 18 years of age~~;
 915 (m) Sections 796.07 and 796.08, relating to prostitution;
 916 (n) Section 381.0041(11)(b), relating to donation of
 917 blood, plasma, organs, skin, or other human tissue; or
 918 (o) Sections 787.06(3)(b), (d), (f), and (g), relating to
 919 human trafficking,
 920
 921 the court shall order the offender to undergo HIV testing, to be
 922 performed under the direction of the Department of Health in
 923 accordance with s. 381.004, unless the offender has undergone
 924 HIV testing voluntarily or pursuant to procedures established in
 925 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or

926 rule providing for HIV testing of criminal offenders or inmates,
927 subsequent to her or his arrest for an offense enumerated in
928 paragraphs (a)-(n) for which she or he was convicted or to which
929 she or he pled nolo contendere or guilty. The results of an HIV
930 test performed on an offender pursuant to this subsection are
931 not admissible in any criminal proceeding arising out of the
932 alleged offense.

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

936 775.21 The Florida Sexual Predators Act.—

937 (4) SEXUAL PREDATOR CRITERIA.—

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

943 1. The felony is:

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

948 b. Any felony violation, or any attempt thereof, of s.
949 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
950 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),

951 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
952 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
953 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
954 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);
955 s. 847.0145; s. 895.03, if the court makes a written finding
956 that the racketeering activity involved at least one sexual
957 offense listed in this sub-subparagraph or at least one offense
958 listed in this sub-subparagraph with sexual intent or motive; s.
959 916.1075(2); or s. 985.701(1); or a violation of a similar law
960 of another jurisdiction, and the offender has previously been
961 convicted of or found to have committed, or has pled nolo
962 contendere or guilty to, regardless of adjudication, any
963 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
964 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
965 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
966 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
967 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
968 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
969 847.0137(2); s. 847.0145; s. 895.03, if the court makes a
970 written finding that the racketeering activity involved at least
971 one sexual offense listed in this sub-subparagraph or at least
972 one offense listed in this sub-subparagraph with sexual intent
973 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a
974 similar law of another jurisdiction;
975 2. The offender has not received a pardon for any felony

976 or similar law of another jurisdiction that is necessary for the
 977 operation of this paragraph; and

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

981 (10) PENALTIES.—

982 (b) A sexual predator who has been convicted of or found
 983 to have committed, or has pled nolo contendere or guilty to,
 984 regardless of adjudication, any violation, or attempted
 985 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 986 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.
 987 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
 988 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
 989 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a
 990 similar law of another jurisdiction when the victim of the
 991 offense was a minor, and who works, whether for compensation or
 992 as a volunteer, at any business, school, child care facility,
 993 park, playground, or other place where children regularly
 994 congregate, commits a felony of the third degree, punishable as
 995 provided in s. 775.082, s. 775.083, or s. 775.084.

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

999 775.215 Residency restriction for persons convicted of
 1000 certain sex offenses.—

1001 (2) (a) A person who has been convicted of a violation of
1002 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1003 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
1004 whether adjudication has been withheld, in which the victim of
1005 the offense was less than 16 years of age, may not reside within
1006 1,000 feet of any school, child care facility, park, or
1007 playground. However, a person does not violate this subsection
1008 and may not be forced to relocate if he or she is living in a
1009 residence that meets the requirements of this subsection and a
1010 school, child care facility, park, or playground is subsequently
1011 established within 1,000 feet of his or her residence.

1012 (b) A person who violates this subsection and whose
1013 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
1014 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
1015 classified as a felony of the first degree or higher commits a
1016 felony of the third degree, punishable as provided in s. 775.082
1017 or s. 775.083. A person who violates this subsection and whose
1018 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
1019 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was
1020 classified as a felony of the second or third degree commits a
1021 misdemeanor of the first degree, punishable as provided in s.
1022 775.082 or s. 775.083.

1023 (c) This subsection applies to any person convicted of a
1024 violation of s. 794.011, s. 800.04, former s. 827.071, s.
1025 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for

1026 offenses that occur on or after October 1, 2004, excluding
1027 persons who have been removed from the requirement to register
1028 as a sexual offender or sexual predator pursuant to s.
1029 943.04354.

1030 (3) (a) A person who has been convicted of an offense in
1031 another jurisdiction that is similar to a violation of s.
1032 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1033 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of
1034 whether adjudication has been withheld, in which the victim of
1035 the offense was less than 16 years of age, may not reside within
1036 1,000 feet of any school, child care facility, park, or
1037 playground. However, a person does not violate this subsection
1038 and may not be forced to relocate if he or she is living in a
1039 residence that meets the requirements of this subsection and a
1040 school, child care facility, park, or playground is subsequently
1041 established within 1,000 feet of his or her residence.

1042 (c) This subsection applies to any person convicted of an
1043 offense in another jurisdiction that is similar to a violation
1044 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
1045 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense
1046 occurred on or after May 26, 2010, excluding persons who have
1047 been removed from the requirement to register as a sexual
1048 offender or sexual predator pursuant to s. 943.04354.

1049 Section 23. Paragraph (c) of subsection (1) of section
1050 784.046, Florida Statutes, is amended to read:

1051 784.046 Action by victim of repeat violence, sexual
 1052 violence, or dating violence for protective injunction; dating
 1053 violence investigations, notice to victims, and reporting;
 1054 pretrial release violations; public records exemption.—

1055 (1) As used in this section, the term:

1056 (c) "Sexual violence" means any one incident of:

1057 1. Sexual battery, as defined in chapter 794;

1058 2. A lewd or lascivious act, as defined in chapter 800,
 1059 committed upon or in the presence of a person younger than 16
 1060 years of age;

1061 3. Luring or enticing a child, as described in chapter
 1062 787;

1063 4. Sexual performance by a child, as described in former
 1064 s. 827.071 or s. 847.003 ~~chapter 827~~; or

1065 5. Any other forcible felony wherein a sexual act is
 1066 committed or attempted,

1067
 1068 regardless of whether criminal charges based on the incident
 1069 were filed, reduced, or dismissed by the state attorney.

1070 Section 24. Subsection (2) of section 794.0115, Florida
 1071 Statutes, is amended to read:

1072 794.0115 Dangerous sexual felony offender; mandatory
 1073 sentencing.—

1074 (2) Any person who is convicted of a violation of s.
 1075 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

1076 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
 1077 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
 1078 of any similar offense under a former designation, which offense
 1079 the person committed when he or she was 18 years of age or
 1080 older, and the person:

1081 (a) Caused serious personal injury to the victim as a
 1082 result of the commission of the offense;

1083 (b) Used or threatened to use a deadly weapon during the
 1084 commission of the offense;

1085 (c) Victimized more than one person during the course of
 1086 the criminal episode applicable to the offense;

1087 (d) Committed the offense while under the jurisdiction of
 1088 a court for a felony offense under the laws of this state, for
 1089 an offense that is a felony in another jurisdiction, or for an
 1090 offense that would be a felony if that offense were committed in
 1091 this state; or

1092 (e) Has previously been convicted of a violation of s.
 1093 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 1094 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
 1095 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of
 1096 any offense under a former statutory designation which is
 1097 similar in elements to an offense described in this paragraph;
 1098 or of any offense that is a felony in another jurisdiction, or
 1099 would be a felony if that offense were committed in this state,
 1100 and which is similar in elements to an offense described in this

1101 paragraph,
 1102
 1103 is a dangerous sexual felony offender, who must be sentenced to
 1104 a mandatory minimum term of 25 years imprisonment up to, and
 1105 including, life imprisonment. If the offense described in this
 1106 subsection was committed on or after October 1, 2014, a person
 1107 who qualifies as a dangerous sexual felony offender pursuant to
 1108 this subsection must be sentenced to a mandatory minimum term of
 1109 50 years imprisonment up to, and including, life imprisonment.

1110 Section 25. Subsection (1) of section 794.024, Florida
 1111 Statutes, is amended to read:

1112 794.024 Unlawful to disclose identifying information.—

1113 (1) A public employee or officer who has access to the
 1114 photograph, name, or address of a person who is alleged to be
 1115 the victim of an offense described in this chapter, chapter 800,
 1116 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual
 1117 offense described in chapter 847 may not willfully and knowingly
 1118 disclose it to a person who is not assisting in the
 1119 investigation or prosecution of the alleged offense or to any
 1120 person other than the defendant, the defendant's attorney, a
 1121 person specified in an order entered by the court having
 1122 jurisdiction of the alleged offense, or organizations authorized
 1123 to receive such information made exempt by s. 119.071(2)(h), or
 1124 to a rape crisis center or sexual assault counselor, as defined
 1125 in s. 90.5035(1)(b), who will be offering services to the

1126 | victim.

1127 | Section 26. Subsection (1) of section 794.056, Florida

1128 | Statutes, is amended to read:

1129 | 794.056 Rape Crisis Program Trust Fund.—

1130 | (1) The Rape Crisis Program Trust Fund is created within

1131 | the Department of Health for the purpose of providing funds for

1132 | rape crisis centers in this state. Trust fund moneys shall be

1133 | used exclusively for the purpose of providing services for

1134 | victims of sexual assault. Funds credited to the trust fund

1135 | consist of those funds collected as an additional court

1136 | assessment in each case in which a defendant pleads guilty or

1137 | nolo contendere to, or is found guilty of, regardless of

1138 | adjudication, an offense provided in s. 775.21(6) and (10)(a),

1139 | (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.

1140 | 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.

1141 | 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.

1142 | 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;

1143 | former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.

1144 | 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.

1145 | 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.

1146 | 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;

1147 | s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),

1148 | (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds

1149 | credited to the trust fund also shall include revenues provided

1150 | by law, moneys appropriated by the Legislature, and grants from

1151 public or private entities.

1152 Section 27. Section 794.10, Florida Statutes, is created
1153 to read:

1154 794.10 Investigative subpoenas in certain cases involving
1155 child victims.—

1156 (1) DEFINITIONS.—As used in this section, the term:

1157 (a) "Child" means a person who is less than 18 years of
1158 age.

1159 (b) "Child sexual offender" means a person who is required
1160 to register as a sexual predator under s. 775.21 or as a sexual
1161 offender under s. 943.0435 if at least one of the offenses that
1162 qualified the person for such registration requirement involved
1163 a victim who was a child at the time of the offense.

1164 (c) "Criminal justice agency" means a law enforcement
1165 agency, court, or prosecutor in this state.

1166 (d) "Sexual exploitation or abuse of a child" means a
1167 criminal offense based on any conduct described in s. 39.01(71).

1168 (2) AUTHORIZATION.—

1169 (a) In any investigation of:

1170 1. An offense involving the sexual exploitation or abuse
1171 of a child;

1172 2. A sexual offense allegedly committed by a child sexual
1173 offender who has not registered as required under s. 775.21 or
1174 s. 943.0435; or

1175 3. An offense under chapter 847 involving a child victim

1176 which is not otherwise included in subparagraph 1. or
1177 subparagraph 2.,
1178
1179 a criminal justice agency may issue in writing and cause to be
1180 served a subpoena requiring the production of any record,
1181 object, or other information or testimony described in paragraph
1182 (b).

1183 (b) A subpoena issued under this section may require:

1184 1. The production of any record, object, or other
1185 information relevant to the investigation.

1186 2. Testimony by the custodian of the record, object, or
1187 other information concerning its production and authenticity.

1188 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this
1189 section shall describe any record, object, or other information
1190 required to be produced and prescribe a reasonable return date
1191 within which the record, object, or other information can be
1192 assembled and made available.

1193 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this
1194 section shall be reimbursed for fees and mileage at the same
1195 rate at which witnesses in the courts of this state are
1196 reimbursed.

1197 (5) PETITIONS BEFORE RETURN DATE.—At any time before the
1198 return date specified in the subpoena, the recipient of the
1199 subpoena may, in the circuit court of the county in which the
1200 recipient conducts business or resides, petition for an order

1201 modifying or setting aside the subpoena or the requirement for
 1202 nondisclosure of certain information under subsection (6).

1203 (6) NONDISCLOSURE.—

1204 (a)1. If a subpoena issued under this section is
 1205 accompanied by a written certification under subparagraph 2. and
 1206 notice under paragraph (c), the recipient of the subpoena, and a
 1207 person to whom information is disclosed under subparagraph
 1208 (b)1., shall not disclose, for a period of 180 days, to any
 1209 person the existence or contents of the subpoena.

1210 2. The requirement in subparagraph 1. applies if the
 1211 criminal justice agency that issued the subpoena certifies in
 1212 writing that the disclosure may result in one or more of the
 1213 following circumstances:

- 1214 a. Endangering a person's life or physical safety;
- 1215 b. Encouraging a person's flight from prosecution;
- 1216 c. Destruction of or tampering with evidence;
- 1217 d. Intimidation of potential witnesses; or
- 1218 e. Otherwise seriously jeopardizing an investigation or
 1219 unduly delaying a trial.

1220 (b)1. A recipient of a subpoena may disclose information
 1221 subject to the nondisclosure requirement in subparagraph (a)1.
 1222 to:

- 1223 a. A person to whom disclosure is necessary in order to
 1224 comply with the subpoena;
- 1225 b. An attorney in order to obtain legal advice or

1226 assistance regarding the subpoena; or
1227 c. Any other person as authorized by the criminal justice
1228 agency that issued the subpoena.
1229 2. A recipient of a subpoena who discloses to a person
1230 described in subparagraph 1. information subject to the
1231 nondisclosure requirement shall notify such person of the
1232 nondisclosure requirement by providing the person with a copy of
1233 the subpoena. A person to whom information is disclosed under
1234 subparagraph 1. is subject to the nondisclosure requirement in
1235 subparagraph (a)1.
1236 3. At the request of the criminal justice agency that
1237 issued the subpoena, a recipient of a subpoena who discloses or
1238 intends to disclose to a person described in sub-subparagraph
1239 1.a. or sub-subparagraph 1.b. information subject to the
1240 nondisclosure requirement shall provide to the criminal justice
1241 agency the identity of the person to whom such disclosure was or
1242 will be made.
1243 (c)1. The nondisclosure requirement imposed under
1244 paragraph (a) is subject to judicial review under subsection
1245 (13).
1246 2. A subpoena issued under this section, in connection
1247 with which a nondisclosure requirement under paragraph (a) is
1248 imposed, shall include:
1249 a. Notice of the nondisclosure requirement and the
1250 availability of judicial review.

1251 b. Notice that a violation of the nondisclosure
1252 requirement is subject to the penalties provided in paragraph
1253 (11) (b).

1254 (d) The nondisclosure requirement in paragraph (a) may be
1255 extended under subsection (13).

1256 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this
1257 section shall not require the production of anything that is
1258 protected from production under the standards applicable to a
1259 subpoena duces tecum issued by a court of this state.

1260 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding
1261 resulting from the production of any record, object, or other
1262 information under this section does not arise within a
1263 reasonable period of time after such production, the criminal
1264 justice agency to which it was delivered shall, upon written
1265 demand made by the person producing it, return the record,
1266 object, or other information to such person, unless the record
1267 was a copy and not an original.

1268 (9) TIME OF PRODUCTION.—A subpoena issued under this
1269 section may require production of any record, object, or other
1270 information as soon as possible, but the recipient of the
1271 subpoena must have at least 24 hours after he or she is served
1272 to produce the record, object, or other information.

1273 (10) SERVICE.—A subpoena issued under this section may be
1274 served as provided in chapter 48.

1275 (11) ENFORCEMENT.—

1276 (a) If a recipient of a subpoena under this section
1277 refuses to comply with the subpoena, the criminal justice agency
1278 may invoke the aid of any circuit court described in subsection
1279 (5) or of the circuit court of the county in which the
1280 authorized investigation is being conducted. Such court may
1281 issue an order requiring the recipient of a subpoena to appear
1282 before the criminal justice agency that issued the subpoena to
1283 produce any record, object, or other information or to testify
1284 concerning the production and authenticity of the record,
1285 object, or other information. Any failure to comply with an
1286 order under this paragraph may be punished by the court as a
1287 contempt of court. All process in any such case may be served in
1288 any county in which such person may be found.

1289 (b) A recipient of a subpoena, or a person to whom
1290 information is disclosed under subparagraph(6)(b)1., who
1291 knowingly violates:

1292 1. A nondisclosure requirement imposed under paragraph
1293 (6)(a) commits a noncriminal violation punishable as provided in
1294 s. 775.083. Each person to whom a disclosure is made in
1295 violation of this subparagraph constitutes a separate violation
1296 subject to a separate fine.

1297 2. A nondisclosure requirement ordered by the court under
1298 this section may be held in contempt of court.

1299 (12) IMMUNITY.—Notwithstanding any other law, any person,
1300 including any officer, agent, or employee, receiving a subpoena

1301 under this section who complies in good faith with the subpoena
1302 and produces or discloses any record, object, or other
1303 information sought is not liable in any court in this state to
1304 any customer or other person for such production or disclosure.

1305 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1306 (a)1.a. If a recipient of a subpoena under this section,
1307 or a person to whom information is disclosed under subparagraph
1308 (6)(b)1., wishes to have a court review a nondisclosure
1309 requirement under subsection (6), such recipient or person may
1310 notify the criminal justice agency issuing the subpoena or file
1311 a petition for judicial review in the circuit court described in
1312 subsection (5).

1313 b. Within 30 days after the date on which the criminal
1314 justice agency receives the notification under sub-subparagraph
1315 a., the criminal justice agency shall apply for an order
1316 prohibiting the disclosure of the existence or contents of the
1317 subpoena. An application under this sub-subparagraph may be
1318 filed in the circuit court described in subsection (5) or in the
1319 circuit court of the county in which the authorized
1320 investigation is being conducted.

1321 c. The nondisclosure requirement shall remain in effect
1322 during the pendency of proceedings relating to the requirement.

1323 d. A circuit court that receives a petition under sub-
1324 paragraph a. or an application under sub-subparagraph b.
1325 shall rule on such petition or application as expeditiously as

1326 possible.

1327 2. An application for a nondisclosure order or extension
1328 thereof or a response to a petition filed under this paragraph
1329 must include a certification from the criminal justice agency
1330 that issued the subpoena indicating that the disclosure of such
1331 information may result in one or more of the circumstances
1332 described in subparagraph (6) (a)2.

1333 3. A circuit court shall issue a nondisclosure order or
1334 extension thereof under this paragraph if it determines that
1335 there is reason to believe that disclosure of such information
1336 may result in one or more of the circumstances described in
1337 subparagraph (6) (a)2.

1338 4. Upon a showing that any of the circumstances described
1339 in subparagraph (6) (a)2. continue to exist, a circuit court may
1340 issue an ex parte order extending a nondisclosure order imposed
1341 under this section for an additional 180 days. There is no limit
1342 on the number of nondisclosure extensions that may be granted
1343 under this subparagraph.

1344 (b) In all proceedings under this subsection, subject to
1345 any right to an open hearing in a contempt proceeding, a circuit
1346 court must close any hearing to the extent necessary to prevent
1347 the unauthorized disclosure of a request for records, objects,
1348 or other information made to any person under this section.
1349 Petitions, filings, records, orders, certifications, and
1350 subpoenas must also be kept under seal to the extent and as long

1351 as necessary to prevent the unauthorized disclosure of any
 1352 information under this section.

1353 Section 28. Section 796.001, Florida Statutes, is amended
 1354 to read:

1355 796.001 Offenses by adults involving minors; intent.—It is
 1356 the intent of the Legislature that adults who involve minors in
 1357 any behavior prohibited under this chapter be prosecuted under
 1358 other laws of this state, such as, but not limited to, s.
 1359 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
 1360 ~~chapter 827~~, and chapter 847. The Legislature finds that
 1361 prosecution of such adults under this chapter is inappropriate
 1362 since a minor is unable to consent to such behavior.

1363 Section 29. Section 827.071, Florida Statutes, is
 1364 repealed.

1365 Section 30. Subsections (3), (8), and (16) of section
 1366 847.001, Florida Statutes, are amended to read:

1367 847.001 Definitions.—As used in this chapter, the term:

1368 (3) "Child pornography" has the same meaning as provided
 1369 in s. 847.0137 ~~means any image depicting a minor engaged in~~
 1370 ~~sexual conduct.~~

1371 (8) "Minor" or "child" means a ~~any~~ person under the age of
 1372 18 years.

1373 (16) "Sexual conduct" means actual or simulated sexual
 1374 intercourse, deviate sexual intercourse, sexual bestiality,
 1375 masturbation, or sadomasochistic abuse; actual or simulated lewd

1376 exhibition of the genitals; actual physical contact with a
1377 person's clothed or unclothed genitals, pubic area, buttocks,
1378 or, if such person is a female, breast with the intent to arouse
1379 or gratify the sexual desire of either party; or any act or
1380 conduct which constitutes sexual battery or simulates that
1381 sexual battery is being or will be committed. A mother's
1382 breastfeeding of her baby does not under any circumstance
1383 constitute "sexual conduct."

1384 Section 31. Section 847.003, Florida Statutes, is created
1385 to read:

1386 847.003 Sexual performance by a child; penalties.—

1387 (1) As used in this section, the term:

1388 (a) "Performance" means a play, motion picture,
1389 photograph, or dance or other visual representation exhibited
1390 before an audience.

1391 (b) "Promote" means to procure, manufacture, issue, sell,
1392 give, provide, lend, mail, deliver, transfer, transmute,
1393 publish, distribute, circulate, disseminate, present, exhibit,
1394 or advertise or to offer or agree to do the same.

1395 (c) "Sexual performance" means a performance or part
1396 thereof which includes sexual conduct by a child.

1397 (2) A person who, knowing the character and content
1398 thereof, employs, authorizes, or induces a child to engage in a
1399 sexual performance or, being a parent, legal guardian, or
1400 custodian of such child, consents to the participation by such

1401 child in a sexual performance commits the offense of use of a
 1402 child in a sexual performance, a felony of the second degree,
 1403 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1404 (3) A person who, knowing the character and content
 1405 thereof, produces, directs, or promotes a performance that
 1406 includes sexual conduct by a child commits the offense of
 1407 promoting a sexual performance by a child, a felony of the
 1408 second degree, punishable as provided in s. 775.082, s. 775.083,
 1409 or s. 775.084.

1410 Section 32. Subsections (2), (3), and (4) of section
 1411 847.0135, Florida Statutes, are amended to read:

1412 847.0135 Computer pornography; child exploitation
 1413 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1414 (2) COMPUTER PORNOGRAPHY.—A person who:

1415 (a) Knowingly compiles, enters into, or transmits by use
 1416 of computer;

1417 (b) Makes, prints, publishes, or reproduces by other
 1418 computerized means;

1419 (c) Knowingly causes or allows to be entered into or
 1420 transmitted by use of computer; or

1421 (d) Buys, sells, receives, exchanges, or disseminates,

1422
 1423 a any notice, statement, or advertisement of a any minor's name,
 1424 telephone number, place of residence, physical characteristics,
 1425 or other descriptive or identifying information for purposes of

1426 facilitating, encouraging, offering, or soliciting sexual
 1427 conduct of or with a any minor, or the visual depiction of such
 1428 conduct, commits a felony of the third degree, punishable as
 1429 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that
 1430 an undercover operative or law enforcement officer was involved
 1431 in the detection and investigation of an offense under this
 1432 section shall not constitute a defense to a prosecution under
 1433 this section.

1434 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 1435 PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online
 1436 service, Internet service, local bulletin board service, or ~~any~~
 1437 other device capable of electronic data storage or transmission
 1438 to:

1439 (a) Seduce, solicit, lure, or entice, or attempt to
 1440 seduce, solicit, lure, or entice, a child or another person
 1441 believed by the person to be a child, to commit an ~~any~~ illegal
 1442 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1443 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1444 in ~~any~~ unlawful sexual conduct with a child or with another
 1445 person believed by the person to be a child; or

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

1451 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage
1452 in ~~any~~ sexual conduct,
1453
1454 commits a felony of the third degree, punishable as provided in
1455 s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in
1456 violating this subsection, misrepresents his or her age, commits
1457 a felony of the second degree, punishable as provided in s.
1458 775.082, s. 775.083, or s. 775.084. Each separate use of a
1459 computer online service, Internet service, local bulletin board
1460 service, or ~~any~~ other device capable of electronic data storage
1461 or transmission wherein an offense described in this section is
1462 committed may be charged as a separate offense.

1463 (4) TRAVELING TO MEET A MINOR.—A ~~Any~~ person who travels
1464 any distance either within this state, to this state, or from
1465 this state by any means, who attempts to do so, or who causes
1466 another to do so or to attempt to do so for the purpose of
1467 engaging in an ~~any~~ illegal act described in chapter 794, chapter
1468 800, former s. 827.071 ~~or chapter 827, s. 847.003, or s.~~
1469 847.0137, or to otherwise engage in other unlawful sexual
1470 conduct with a child or with another person believed by the
1471 person to be a child after using a computer online service,
1472 Internet service, local bulletin board service, or ~~any~~ other
1473 device capable of electronic data storage or transmission to:

1474 (a) Seduce, solicit, lure, or entice or attempt to seduce,
1475 solicit, lure, or entice a child or another person believed by

1476 the person to be a child, to engage in an ~~any~~ illegal act
 1477 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1478 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1479 in other unlawful sexual conduct with a child; or

1480 (b) Solicit, lure, or entice or attempt to solicit, lure,
 1481 or entice a parent, legal guardian, or custodian of a child or a
 1482 person believed to be a parent, legal guardian, or custodian of
 1483 a child to consent to the participation of such child in an ~~any~~
 1484 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1485 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1486 in ~~any~~ sexual conduct,

1487
 1488 commits a felony of the second degree, punishable as provided in
 1489 s. 775.082, s. 775.083, or s. 775.084.

1490 Section 33. Subsection (1) of section 847.01357, Florida
 1491 Statutes, is amended to read:

1492 847.01357 Exploited children's civil remedy.—

1493 (1) A ~~Any~~ person who, while under the age of 18, was a
 1494 victim of a sexual abuse crime listed in chapter 794, chapter
 1495 800, former s. 827.071 ~~chapter 827,~~ or chapter 847, where any
 1496 portion of such abuse was used in the production of child
 1497 pornography, and who suffers personal or psychological injury as
 1498 a result of the production, promotion, or possession of such
 1499 images or movies, may bring an action in an appropriate state
 1500 court against the producer, promoter, or possessor of such

1501 images or movies, regardless of whether the victim is now an
 1502 adult. In any action brought under this section, a prevailing
 1503 plaintiff shall recover the actual damages such person sustained
 1504 and the cost of the suit, including reasonable attorney
 1505 ~~attorney's~~ fees. A Any victim who is awarded damages under this
 1506 section shall be deemed to have sustained damages of at least
 1507 \$150,000.

1508 Section 34. Section 847.0137, Florida Statutes, is amended
 1509 to read:

1510 847.0137 Child pornography; Transmission of pornography by
 1511 ~~electronic device or equipment~~ prohibited acts; penalties.-

1512 (1) For purposes of this section, the term:

1513 (a) ~~"Minor" means any person less than 18 years of age.~~

1514 "Child pornography" means a visual depiction of sexual conduct,
 1515 in which:

1516 1. The production of such visual depiction involves the
 1517 use of a minor engaging in sexual conduct; or

1518 2. Such visual depiction has been created, adapted, or
 1519 modified to appear that an identifiable minor is engaging in
 1520 sexual conduct.

1521 (b) "Identifiable minor" means a person who is
 1522 recognizable as an actual person by the person's face, likeness,
 1523 or other distinguishing characteristic, such as a unique
 1524 birthmark, or other recognizable feature and:

1525 1. Who was a minor at the time the visual depiction was

1526 created, adapted, or modified; or

1527 2. Whose image as a minor was used in creating, adapting,
1528 or modifying the visual depiction.

1529
1530 This paragraph does not require proof of the actual identity of
1531 the identifiable minor.

1532 (c) "Intentionally view" means to deliberately,
1533 purposefully, and voluntarily view. Proof of intentional viewing
1534 requires establishing that a person deliberately, purposefully,
1535 and voluntarily viewed more than one visual depiction over any
1536 period of time.

1537 (d) "Promote" means to procure, manufacture, issue, sell,
1538 give, provide, lend, mail, deliver, transfer, transmute,
1539 publish, distribute, circulate, disseminate, present, exhibit,
1540 or advertise or to offer or agree to do the same.

1541 (e) ~~(b)~~ "Transmit" means the act of sending and causing to
1542 be delivered, including the act of providing access for
1543 receiving and causing to be delivered, a visual depiction ~~any~~
1544 ~~image, information, or data from one or more persons or places~~
1545 ~~to one or more other persons or places~~ over or through any
1546 medium, including the Internet or an interconnected network, by
1547 use of ~~any~~ electronic equipment or other device.

1548 (f) "Visual depiction" includes, but is not limited to, a
1549 photograph, picture, image, motion picture, film, video,
1550 representation, or computer or computer-generated image or

1551 picture, whether made or produced by electronic, mechanical, or
1552 other means. The term also includes undeveloped film and
1553 videotape, data stored on computer disk or by electronic means
1554 which is capable of conversion into a visual image, and data
1555 that is capable of conversion into a visual image that has been
1556 transmitted by any means, whether stored in a permanent or
1557 nonpermanent format.

1558 (2) (a) It is unlawful for a person to possess, with the
1559 intent to promote, child pornography. The possession of three or
1560 more visual depictions of child pornography is prima facie
1561 evidence of an intent to promote. A person who violates this
1562 paragraph commits a felony of the second degree, punishable as
1563 provided in s. 775.082, s. 775.083, or s. 775.084.

1564 (b) It is unlawful for a person to knowingly possess,
1565 control, or intentionally view child pornography. The
1566 possession, control, or intentional viewing of each visual
1567 depiction of child pornography is a separate offense. If the
1568 visual depiction includes sexual conduct by more than one minor,
1569 each minor in each visual depiction that is knowingly possessed,
1570 controlled, or intentionally viewed is a separate offense. A
1571 person who violates this paragraph commits a felony of the third
1572 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1573 775.084.

1574 (c) This subsection does not apply to child pornography
1575 possessed, controlled, or intentionally viewed as part of a law

1576 enforcement investigation.

1577 (d) Prosecution of a person for an offense under this
1578 subsection does not prohibit prosecution of that person in this
1579 state for a violation of any law of this state, including a law
1580 providing for greater penalties than prescribed in this section
1581 or for any other crime punishing the sexual performance or
1582 sexual exploitation of children.

1583 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any
1584 person in this state who knew or reasonably should have known
1585 that he or she was transmitting child pornography, ~~as defined in~~
1586 ~~s. 847.001,~~ to another person in this state or in another
1587 jurisdiction commits a felony of the third degree, punishable as
1588 provided in s. 775.082, s. 775.083, or s. 775.084.

1589 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any
1590 person in any jurisdiction other than this state who knew or
1591 reasonably should have known that he or she was transmitting
1592 child pornography, ~~as defined in s. 847.001,~~ to another any
1593 person in this state commits a felony of the third degree,
1594 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1595 (c) (4) This subsection does ~~section shall~~ not be construed
1596 ~~to~~ prohibit prosecution of a person in this state or another
1597 jurisdiction for a violation of any law of this state, including
1598 a law providing for greater penalties than prescribed in this
1599 subsection ~~section,~~ for the transmission of child pornography, ~~as~~
1600 ~~defined in s. 847.001,~~ to another any person in this state.

1601 (d)~~(5)~~ A person is subject to prosecution in this state
 1602 pursuant to chapter 910 for any act or conduct proscribed by
 1603 this subsection ~~section~~, including a person in a jurisdiction
 1604 other than this state, if the act or conduct violates paragraph
 1605 (b) ~~subsection (3)~~.

1606 (e) This subsection does ~~The provisions of this section do~~
 1607 not apply to subscription-based transmissions such as list
 1608 servers.

1609 Section 35. Subsection (1) of section 856.022, Florida
 1610 Statutes, is amended to read:

1611 856.022 Loitering or prowling by certain offenders in
 1612 close proximity to children; penalty.—

1613 (1) Except as provided in subsection (2), this section
 1614 applies to a person convicted of committing, or attempting,
 1615 soliciting, or conspiring to commit, any of the criminal
 1616 offenses proscribed in the following statutes in this state or
 1617 similar offenses in another jurisdiction against a victim who
 1618 was under 18 years of age at the time of the offense: s. 787.01,
 1619 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 1620 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1621 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1622 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
 1623 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1624 s. 985.701(1); or any similar offense committed in this state
 1625 which has been redesignated from a former statute number to one

1626 of those listed in this subsection, if the person has not
 1627 received a pardon for any felony or similar law of another
 1628 jurisdiction necessary for the operation of this subsection and
 1629 a conviction of a felony or similar law of another jurisdiction
 1630 necessary for the operation of this subsection has not been set
 1631 aside in any postconviction proceeding.

1632 Section 36. Paragraph (a) of subsection (8) of section
 1633 895.02, Florida Statutes, is amended to read:

1634 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1635 term:

1636 (8) "Racketeering activity" means to commit, to attempt to
 1637 commit, to conspire to commit, or to solicit, coerce, or
 1638 intimidate another person to commit:

1639 (a) Any crime that is chargeable by petition, indictment,
 1640 or information under the following provisions of the Florida
 1641 Statutes:

1642 1. Section 210.18, relating to evasion of payment of
 1643 cigarette taxes.

1644 2. Section 316.1935, relating to fleeing or attempting to
 1645 elude a law enforcement officer and aggravated fleeing or
 1646 eluding.

1647 3. Section 403.727(3)(b), relating to environmental
 1648 control.

1649 4. Section 409.920 or s. 409.9201, relating to Medicaid
 1650 fraud.

- 1651 5. Section 414.39, relating to public assistance fraud.
- 1652 6. Section 440.105 or s. 440.106, relating to workers'
- 1653 compensation.
- 1654 7. Section 443.071(4), relating to creation of a
- 1655 fictitious employer scheme to commit reemployment assistance
- 1656 fraud.
- 1657 8. Section 465.0161, relating to distribution of medicinal
- 1658 drugs without a permit as an Internet pharmacy.
- 1659 9. Section 499.0051, relating to crimes involving
- 1660 contraband, adulterated, or misbranded drugs.
- 1661 10. Part IV of chapter 501, relating to telemarketing.
- 1662 11. Chapter 517, relating to sale of securities and
- 1663 investor protection.
- 1664 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1665 and horseracing.
- 1666 13. Chapter 550, relating to jai alai frontons.
- 1667 14. Section 551.109, relating to slot machine gaming.
- 1668 15. Chapter 552, relating to the manufacture,
- 1669 distribution, and use of explosives.
- 1670 16. Chapter 560, relating to money transmitters, if the
- 1671 violation is punishable as a felony.
- 1672 17. Chapter 562, relating to beverage law enforcement.
- 1673 18. Section 624.401, relating to transacting insurance
- 1674 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1675 to operating an unauthorized multiple-employer welfare

1676 arrangement, or s. 626.902(1)(b), relating to representing or
1677 aiding an unauthorized insurer.

1678 19. Section 655.50, relating to reports of currency
1679 transactions, when such violation is punishable as a felony.

1680 20. Chapter 687, relating to interest and usurious
1681 practices.

1682 21. Section 721.08, s. 721.09, or s. 721.13, relating to
1683 real estate timeshare plans.

1684 22. Section 775.13(5)(b), relating to registration of
1685 persons found to have committed any offense for the purpose of
1686 benefiting, promoting, or furthering the interests of a criminal
1687 gang.

1688 23. Section 777.03, relating to commission of crimes by
1689 accessories after the fact.

1690 24. Chapter 782, relating to homicide.

1691 25. Chapter 784, relating to assault and battery.

1692 26. Chapter 787, relating to kidnapping or human
1693 trafficking.

1694 27. Chapter 790, relating to weapons and firearms.

1695 28. Chapter 794, relating to sexual battery, but only if
1696 such crime was committed with the intent to benefit, promote, or
1697 further the interests of a criminal gang, or for the purpose of
1698 increasing a criminal gang member's own standing or position
1699 within a criminal gang.

1700 29. Former s. 796.03, former s. 796.035, s. 796.04, s.

- 1701 796.05, or s. 796.07, relating to prostitution.
- 1702 30. Chapter 806, relating to arson and criminal mischief.
- 1703 31. Chapter 810, relating to burglary and trespass.
- 1704 32. Chapter 812, relating to theft, robbery, and related
- 1705 crimes.
- 1706 33. Chapter 815, relating to computer-related crimes.
- 1707 34. Chapter 817, relating to fraudulent practices, false
- 1708 pretenses, fraud generally, credit card crimes, and patient
- 1709 brokering.
- 1710 35. Chapter 825, relating to abuse, neglect, or
- 1711 exploitation of an elderly person or disabled adult.
- 1712 36. Former s. Section 827.071, relating to commercial
- 1713 sexual exploitation of children.
- 1714 37. Section 828.122, relating to fighting or baiting
- 1715 animals.
- 1716 38. Chapter 831, relating to forgery and counterfeiting.
- 1717 39. Chapter 832, relating to issuance of worthless checks
- 1718 and drafts.
- 1719 40. Section 836.05, relating to extortion.
- 1720 41. Chapter 837, relating to perjury.
- 1721 42. Chapter 838, relating to bribery and misuse of public
- 1722 office.
- 1723 43. Chapter 843, relating to obstruction of justice.
- 1724 44. Section 847.003, relating to sexual performance by a
- 1725 child.

1726 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
1727 or s. 847.07, relating to obscene literature and profanity.

1728 ~~46.45.~~ Chapter 849, relating to gambling, lottery,
1729 gambling or gaming devices, slot machines, or any of the
1730 provisions within that chapter.

1731 ~~47.46.~~ Chapter 874, relating to criminal gangs.

1732 ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
1733 control.

1734 ~~49.48.~~ Chapter 896, relating to offenses related to
1735 financial transactions.

1736 ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
1737 with or harassing a witness, victim, or informant, and
1738 retaliation against a witness, victim, or informant.

1739 ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
1740 with jurors and evidence.

1741 Section 37. Subsection (8) of section 905.34, Florida
1742 Statutes, is amended to read:

1743 905.34 Powers and duties; law applicable.—The jurisdiction
1744 of a statewide grand jury impaneled under this chapter shall
1745 extend throughout the state. The subject matter jurisdiction of
1746 the statewide grand jury shall be limited to the offenses of:

1747 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
1748 or s. 847.0138 relating to computer pornography and child
1749 exploitation prevention, or any offense related to a violation
1750 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any

1751 violation of former s. 827.071 ~~chapter 827~~ where the crime is
1752 facilitated by or connected to the use of the Internet or any
1753 device capable of electronic data storage or transmission;
1754
1755 or any attempt, solicitation, or conspiracy to commit any
1756 violation of the crimes specifically enumerated above, when any
1757 such offense is occurring, or has occurred, in two or more
1758 judicial circuits as part of a related transaction or when any
1759 such offense is connected with an organized criminal conspiracy
1760 affecting two or more judicial circuits. The statewide grand
1761 jury may return indictments and presentments irrespective of the
1762 county or judicial circuit where the offense is committed or
1763 triable. If an indictment is returned, it shall be certified and
1764 transferred for trial to the county where the offense was
1765 committed. The powers and duties of, and law applicable to,
1766 county grand juries shall apply to a statewide grand jury except
1767 when such powers, duties, and law are inconsistent with the
1768 provisions of ss. 905.31-905.40.

1769 Section 38. Paragraph (a) of subsection (1) of section
1770 934.07, Florida Statutes, is amended to read:

1771 934.07 Authorization for interception of wire, oral, or
1772 electronic communications.—

1773 (1) The Governor, the Attorney General, the statewide
1774 prosecutor, or any state attorney may authorize an application
1775 to a judge of competent jurisdiction for, and such judge may

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1776 grant in conformity with ss. 934.03-934.09 an order authorizing
1777 or approving the interception of, wire, oral, or electronic
1778 communications by:

1779 (a) The Department of Law Enforcement or any law
1780 enforcement agency as defined in s. 934.02 having responsibility
1781 for the investigation of the offense as to which the application
1782 is made when such interception may provide or has provided
1783 evidence of the commission of the offense of murder, kidnapping,
1784 aircraft piracy, arson, gambling, robbery, burglary, theft,
1785 dealing in stolen property, criminal usury, bribery, or
1786 extortion; any felony violation of ss. 790.161-790.166,
1787 inclusive; any violation of s. 787.06; any violation of chapter
1788 893; any violation of the provisions of the Florida Anti-Fencing
1789 Act; any violation of chapter 895; any violation of chapter 896;
1790 any violation of chapter 815; any violation of chapter 847; any
1791 violation of former s. 827.071; any violation of s. 944.40; or
1792 any conspiracy or solicitation to commit any violation of the
1793 laws of this state relating to the crimes specifically
1794 enumerated in this paragraph.

1795 Section 39. Section 938.085, Florida Statutes, is amended
1796 to read:

1797 938.085 Additional cost to fund rape crisis centers.—In
1798 addition to any sanction imposed when a person pleads guilty or
1799 nolo contendere to, or is found guilty of, regardless of
1800 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and

1801 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1802 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1803 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1804 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1805 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1806 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1807 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1808 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135
 1809 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),
 1810 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court
 1811 shall impose a surcharge of \$151. Payment of the surcharge shall
 1812 be a condition of probation, community control, or any other
 1813 court-ordered supervision. The sum of \$150 of the surcharge
 1814 shall be deposited into the Rape Crisis Program Trust Fund
 1815 established within the Department of Health by chapter 2003-140,
 1816 Laws of Florida. The clerk of the court shall retain \$1 of each
 1817 surcharge that the clerk of the court collects as a service
 1818 charge of the clerk's office.

1819 Section 40. Subsection (1) of section 938.10, Florida
 1820 Statutes, is amended to read:

1821 938.10 Additional court cost imposed in cases of certain
 1822 crimes.—

1823 (1) If a person pleads guilty or nolo contendere to, or is
 1824 found guilty of, regardless of adjudication, any offense against
 1825 a minor in violation of s. 784.085, chapter 787, chapter 794,

1826 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
 1827 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
 1828 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.
 1829 893.147(3), or s. 985.701, or any offense in violation of s.
 1830 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1831 court shall impose a court cost of \$151 against the offender in
 1832 addition to any other cost or penalty required by law.

1833 Section 41. Paragraph (h) of subsection (1) of section
 1834 943.0435, Florida Statutes, is amended to read:

1835 943.0435 Sexual offenders required to register with the
 1836 department; penalty.—

1837 (1) As used in this section, the term:

1838 (h)1. "Sexual offender" means a person who meets the
 1839 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1840 subparagraph c., or sub-subparagraph d., as follows:

1841 a.(I) Has been convicted of committing, or attempting,
 1842 soliciting, or conspiring to commit, any of the criminal
 1843 offenses proscribed in the following statutes in this state or
 1844 similar offenses in another jurisdiction: s. 393.135(2); s.
 1845 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1846 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former
 1847 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.
 1848 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.
 1849 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.
 1850 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.

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

1859 (II) Has been released on or after October 1, 1997, from
1860 the sanction imposed for any conviction of an offense described
1861 in sub-sub-subparagraph (I). For purposes of sub-sub-
1862 subparagraph (I), a sanction imposed in this state or in any
1863 other jurisdiction includes, but is not limited to, a fine,
1864 probation, community control, parole, conditional release,
1865 control release, or incarceration in a state prison, federal
1866 prison, private correctional facility, or local detention
1867 facility;

1868 b. Establishes or maintains a residence in this state and
1869 who has not been designated as a sexual predator by a court of
1870 this state but who has been designated as a sexual predator, as
1871 a sexually violent predator, or by another sexual offender
1872 designation in another state or jurisdiction and was, as a
1873 result of such designation, subjected to registration or
1874 community or public notification, or both, or would be if the
1875 person were a resident of that state or jurisdiction, without

1876 regard to whether the person otherwise meets the criteria for
1877 registration as a sexual offender;

1878 c. Establishes or maintains a residence in this state who
1879 is in the custody or control of, or under the supervision of,
1880 any other state or jurisdiction as a result of a conviction for
1881 committing, or attempting, soliciting, or conspiring to commit,
1882 any of the criminal offenses proscribed in the following
1883 statutes or similar offense in another jurisdiction: s.
1884 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
1885 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),
1886 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding
1887 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;
1888 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
1889 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
1890 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court
1891 makes a written finding that the racketeering activity involved
1892 at least one sexual offense listed in this sub-subparagraph or
1893 at least one offense listed in this sub-subparagraph with sexual
1894 intent or motive; s. 916.1075(2); or s. 985.701(1); or any
1895 similar offense committed in this state which has been
1896 redesignated from a former statute number to one of those listed
1897 in this sub-subparagraph; or

1898 d. On or after July 1, 2007, has been adjudicated
1899 delinquent for committing, or attempting, soliciting, or
1900 conspiring to commit, any of the criminal offenses proscribed in

1901 the following statutes in this state or similar offenses in
 1902 another jurisdiction when the juvenile was 14 years of age or
 1903 older at the time of the offense:

1904 (I) Section 794.011, excluding s. 794.011(10);

1905 (II) Section 800.04(4)(a)2. where the victim is under 12
 1906 years of age or where the court finds sexual activity by the use
 1907 of force or coercion;

1908 (III) Section 800.04(5)(c)1. where the court finds
 1909 molestation involving unclothed genitals;

1910 (IV) Section 800.04(5)(d) where the court finds the use of
 1911 force or coercion and unclothed genitals; or

1912 (V) Any similar offense committed in this state which has
 1913 been redesignated from a former statute number to one of those
 1914 listed in this sub-subparagraph.

1915 2. For all qualifying offenses listed in sub-subparagraph
 1916 1.d., the court shall make a written finding of the age of the
 1917 offender at the time of the offense.

1918
 1919 For each violation of a qualifying offense listed in this
 1920 subsection, except for a violation of s. 794.011, the court
 1921 shall make a written finding of the age of the victim at the
 1922 time of the offense. For a violation of s. 800.04(4), the court
 1923 shall also make a written finding indicating whether the offense
 1924 involved sexual activity and indicating whether the offense
 1925 involved force or coercion. For a violation of s. 800.04(5), the

1926 | court shall also make a written finding that the offense did or
 1927 | did not involve unclothed genitals or genital area and that the
 1928 | offense did or did not involve the use of force or coercion.

1929 | Section 42. Paragraph (a) of subsection (1) and subsection
 1930 | (3) of section 943.04354, Florida Statutes, are amended to read:

1931 | 943.04354 Removal of the requirement to register as a
 1932 | sexual offender or sexual predator in special circumstances.—

1933 | (1) For purposes of this section, a person shall be
 1934 | considered for removal of the requirement to register as a
 1935 | sexual offender or sexual predator only if the person:

1936 | (a) Was convicted, regardless of adjudication, or
 1937 | adjudicated delinquent of a violation of s. 800.04, former s.
 1938 | 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
 1939 | a similar offense in another jurisdiction and if the person does
 1940 | not have any other conviction, regardless of adjudication, or
 1941 | adjudication of delinquency for a violation of s. 794.011, s.
 1942 | 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 1943 | 847.0137(2) or for a similar offense in another jurisdiction;

1944 | (3) If a person provides to the Department of Law
 1945 | Enforcement a certified copy of the court's order removing the
 1946 | requirement that the person register as a sexual offender or
 1947 | sexual predator for the violation of s. 794.011, s. 800.04,
 1948 | former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
 1949 | 847.0137(2) or a similar offense in another jurisdiction, the
 1950 | registration requirement will not apply to the person and the

1951 department shall remove all information about the person from
1952 the public registry of sexual offenders and sexual predators
1953 maintained by the department. However, the removal of this
1954 information from the public registry does not mean that the
1955 public is denied access to information about the person's
1956 criminal history or record that is otherwise available as a
1957 public record.

1958 Section 43. Section 943.0585, Florida Statutes, is amended
1959 to read:

1960 943.0585 Court-ordered expunction of criminal history
1961 records.—The courts of this state have jurisdiction over their
1962 own procedures, including the maintenance, expunction, and
1963 correction of judicial records containing criminal history
1964 information to the extent such procedures are not inconsistent
1965 with the conditions, responsibilities, and duties established by
1966 this section. Any court of competent jurisdiction may order a
1967 criminal justice agency to expunge the criminal history record
1968 of a minor or an adult who complies with the requirements of
1969 this section. The court shall not order a criminal justice
1970 agency to expunge a criminal history record until the person
1971 seeking to expunge a criminal history record has applied for and
1972 received a certificate of eligibility for expunction pursuant to
1973 subsection (2) or subsection (5). A criminal history record that
1974 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1975 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,

1976 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1977 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,
1978 s. 916.1075, a violation enumerated in s. 907.041, or any
1979 violation specified as a predicate offense for registration as a
1980 sexual predator pursuant to s. 775.21, without regard to whether
1981 that offense alone is sufficient to require such registration,
1982 or for registration as a sexual offender pursuant to s.
1983 943.0435, may not be expunged, without regard to whether
1984 adjudication was withheld, if the defendant was found guilty of
1985 or pled guilty or nolo contendere to the offense, or if the
1986 defendant, as a minor, was found to have committed, or pled
1987 guilty or nolo contendere to committing, the offense as a
1988 delinquent act. The court may only order expunction of a
1989 criminal history record pertaining to one arrest or one incident
1990 of alleged criminal activity, except as provided in this
1991 section. The court may, at its sole discretion, order the
1992 expunction of a criminal history record pertaining to more than
1993 one arrest if the additional arrests directly relate to the
1994 original arrest. If the court intends to order the expunction of
1995 records pertaining to such additional arrests, such intent must
1996 be specified in the order. A criminal justice agency may not
1997 expunge any record pertaining to such additional arrests if the
1998 order to expunge does not articulate the intention of the court
1999 to expunge a record pertaining to more than one arrest. This
2000 section does not prevent the court from ordering the expunction

2001 of only a portion of a criminal history record pertaining to one
2002 arrest or one incident of alleged criminal activity.
2003 Notwithstanding any law to the contrary, a criminal justice
2004 agency may comply with laws, court orders, and official requests
2005 of other jurisdictions relating to expunction, correction, or
2006 confidential handling of criminal history records or information
2007 derived therefrom. This section does not confer any right to the
2008 expunction of any criminal history record, and any request for
2009 expunction of a criminal history record may be denied at the
2010 sole discretion of the court.

2011 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
2012 petition to a court to expunge a criminal history record is
2013 complete only when accompanied by:

2014 (a) A valid certificate of eligibility for expunction
2015 issued by the department pursuant to subsection (2).

2016 (b) The petitioner's sworn statement attesting that the
2017 petitioner:

2018 1. Has never, prior to the date on which the petition is
2019 filed, been adjudicated guilty of a criminal offense or
2020 comparable ordinance violation, or been adjudicated delinquent
2021 for committing any felony or a misdemeanor specified in s.
2022 943.051(3)(b).

2023 2. Has not been adjudicated guilty of, or adjudicated
2024 delinquent for committing, any of the acts stemming from the
2025 arrest or alleged criminal activity to which the petition

2026 | pertains.

2027 | 3. Has never secured a prior sealing or expunction of a
 2028 | criminal history record under this section, s. 943.059, former
 2029 | s. 893.14, former s. 901.33, or former s. 943.058, unless
 2030 | expunction is sought of a criminal history record previously
 2031 | sealed for 10 years pursuant to paragraph (2) (h) and the record
 2032 | is otherwise eligible for expunction.

2033 | 4. Is eligible for such an expunction to the best of his
 2034 | or her knowledge or belief and does not have any other petition
 2035 | to expunge or any petition to seal pending before any court.

2036 |
 2037 | Any person who knowingly provides false information on such
 2038 | sworn statement to the court commits a felony of the third
 2039 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2040 | 775.084.

2041 | (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 2042 | petitioning the court to expunge a criminal history record, a
 2043 | person seeking to expunge a criminal history record shall apply
 2044 | to the department for a certificate of eligibility for
 2045 | expunction. The department shall, by rule adopted pursuant to
 2046 | chapter 120, establish procedures pertaining to the application
 2047 | for and issuance of certificates of eligibility for expunction.
 2048 | A certificate of eligibility for expunction is valid for 12
 2049 | months after the date stamped on the certificate when issued by
 2050 | the department. After that time, the petitioner must reapply to

2051 the department for a new certificate of eligibility. Eligibility
 2052 for a renewed certification of eligibility must be based on the
 2053 status of the applicant and the law in effect at the time of the
 2054 renewal application. The department shall issue a certificate of
 2055 eligibility for expunction to a person who is the subject of a
 2056 criminal history record if that person:

2057 (a) Has obtained, and submitted to the department, a
 2058 written, certified statement from the appropriate state attorney
 2059 or statewide prosecutor which indicates:

2060 1. That an indictment, information, or other charging
 2061 document was not filed or issued in the case.

2062 2. That an indictment, information, or other charging
 2063 document, if filed or issued in the case, was dismissed or nolle
 2064 prosequi by the state attorney or statewide prosecutor, or was
 2065 dismissed by a court of competent jurisdiction, and that none of
 2066 the charges related to the arrest or alleged criminal activity
 2067 to which the petition to expunge pertains resulted in a trial,
 2068 without regard to whether the outcome of the trial was other
 2069 than an adjudication of guilt.

2070 3. That the criminal history record does not relate to a
 2071 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 2072 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
 2073 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
 2074 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,
 2075 a violation enumerated in s. 907.041, or any violation specified

2076 as a predicate offense for registration as a sexual predator
2077 pursuant to s. 775.21, without regard to whether that offense
2078 alone is sufficient to require such registration, or for
2079 registration as a sexual offender pursuant to s. 943.0435, where
2080 the defendant was found guilty of, or pled guilty or nolo
2081 contendere to any such offense, or that the defendant, as a
2082 minor, was found to have committed, or pled guilty or nolo
2083 contendere to committing, such an offense as a delinquent act,
2084 without regard to whether adjudication was withheld.

2085 (b) Remits a \$75 processing fee to the department for
2086 placement in the Department of Law Enforcement Operating Trust
2087 Fund, unless such fee is waived by the executive director.

2088 (c) Has submitted to the department a certified copy of
2089 the disposition of the charge to which the petition to expunge
2090 pertains.

2091 (d) Has never, prior to the date on which the application
2092 for a certificate of eligibility is filed, been adjudicated
2093 guilty of a criminal offense or comparable ordinance violation,
2094 or been adjudicated delinquent for committing any felony or a
2095 misdemeanor specified in s. 943.051(3)(b).

2096 (e) Has not been adjudicated guilty of, or adjudicated
2097 delinquent for committing, any of the acts stemming from the
2098 arrest or alleged criminal activity to which the petition to
2099 expunge pertains.

2100 (f) Has never secured a prior sealing or expunction of a

2101 criminal history record under this section, s. 943.059, former
2102 s. 893.14, former s. 901.33, or former s. 943.058, unless
2103 expunction is sought of a criminal history record previously
2104 sealed for 10 years pursuant to paragraph (h) and the record is
2105 otherwise eligible for expunction.

2106 (g) Is no longer under court supervision applicable to the
2107 disposition of the arrest or alleged criminal activity to which
2108 the petition to expunge pertains.

2109 (h) Has previously obtained a court order sealing the
2110 record under this section, former s. 893.14, former s. 901.33,
2111 or former s. 943.058 for a minimum of 10 years because
2112 adjudication was withheld or because all charges related to the
2113 arrest or alleged criminal activity to which the petition to
2114 expunge pertains were not dismissed prior to trial, without
2115 regard to whether the outcome of the trial was other than an
2116 adjudication of guilt. The requirement for the record to have
2117 previously been sealed for a minimum of 10 years does not apply
2118 when a plea was not entered or all charges related to the arrest
2119 or alleged criminal activity to which the petition to expunge
2120 pertains were dismissed prior to trial.

2121 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2122 (a) In judicial proceedings under this section, a copy of
2123 the completed petition to expunge shall be served upon the
2124 appropriate state attorney or the statewide prosecutor and upon
2125 the arresting agency; however, it is not necessary to make any

2126 agency other than the state a party. The appropriate state
2127 attorney or the statewide prosecutor and the arresting agency
2128 may respond to the court regarding the completed petition to
2129 expunge.

2130 (b) If relief is granted by the court, the clerk of the
2131 court shall certify copies of the order to the appropriate state
2132 attorney or the statewide prosecutor and the arresting agency.
2133 The arresting agency is responsible for forwarding the order to
2134 any other agency to which the arresting agency disseminated the
2135 criminal history record information to which the order pertains.
2136 The department shall forward the order to expunge to the Federal
2137 Bureau of Investigation. The clerk of the court shall certify a
2138 copy of the order to any other agency which the records of the
2139 court reflect has received the criminal history record from the
2140 court.

2141 (c) For an order to expunge entered by a court prior to
2142 July 1, 1992, the department shall notify the appropriate state
2143 attorney or statewide prosecutor of an order to expunge which is
2144 contrary to law because the person who is the subject of the
2145 record has previously been convicted of a crime or comparable
2146 ordinance violation or has had a prior criminal history record
2147 sealed or expunged. Upon receipt of such notice, the appropriate
2148 state attorney or statewide prosecutor shall take action, within
2149 60 days, to correct the record and petition the court to void
2150 the order to expunge. The department shall seal the record until

2151 such time as the order is voided by the court.

2152 (d) On or after July 1, 1992, the department or any other
2153 criminal justice agency is not required to act on an order to
2154 expunge entered by a court when such order does not comply with
2155 the requirements of this section. Upon receipt of such an order,
2156 the department must notify the issuing court, the appropriate
2157 state attorney or statewide prosecutor, the petitioner or the
2158 petitioner's attorney, and the arresting agency of the reason
2159 for noncompliance. The appropriate state attorney or statewide
2160 prosecutor shall take action within 60 days to correct the
2161 record and petition the court to void the order. No cause of
2162 action, including contempt of court, shall arise against any
2163 criminal justice agency for failure to comply with an order to
2164 expunge when the petitioner for such order failed to obtain the
2165 certificate of eligibility as required by this section or such
2166 order does not otherwise comply with the requirements of this
2167 section.

2168 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
2169 criminal history record of a minor or an adult which is ordered
2170 expunged by a court of competent jurisdiction pursuant to this
2171 section must be physically destroyed or obliterated by any
2172 criminal justice agency having custody of such record; except
2173 that any criminal history record in the custody of the
2174 department must be retained in all cases. A criminal history
2175 record ordered expunged that is retained by the department is

2176 confidential and exempt from the provisions of s. 119.07(1) and
2177 s. 24(a), Art. I of the State Constitution and not available to
2178 any person or entity except upon order of a court of competent
2179 jurisdiction. A criminal justice agency may retain a notation
2180 indicating compliance with an order to expunge.

2181 (a) The person who is the subject of a criminal history
2182 record that is expunged under this section or under other
2183 provisions of law, including former s. 893.14, former s. 901.33,
2184 and former s. 943.058, may lawfully deny or fail to acknowledge
2185 the arrests covered by the expunged record, except when the
2186 subject of the record:

- 2187 1. Is a candidate for employment with a criminal justice
2188 agency;
- 2189 2. Is a defendant in a criminal prosecution;
- 2190 3. Concurrently or subsequently petitions for relief under
2191 this section, s. 943.0583, or s. 943.059;
- 2192 4. Is a candidate for admission to The Florida Bar;
- 2193 5. Is seeking to be employed or licensed by or to contract
2194 with the Department of Children and Families, the Division of
2195 Vocational Rehabilitation within the Department of Education,
2196 the Agency for Health Care Administration, the Agency for
2197 Persons with Disabilities, the Department of Health, the
2198 Department of Elderly Affairs, or the Department of Juvenile
2199 Justice or to be employed or used by such contractor or licensee
2200 in a sensitive position having direct contact with children, the

2201 disabled, or the elderly;

2202 6. Is seeking to be employed or licensed by the Department
 2203 of Education, any district school board, any university
 2204 laboratory school, any charter school, any private or parochial
 2205 school, or any local governmental entity that licenses child
 2206 care facilities;

2207 7. Is seeking to be licensed by the Division of Insurance
 2208 Agent and Agency Services within the Department of Financial
 2209 Services; or

2210 8. Is seeking to be appointed as a guardian pursuant to s.
 2211 744.3125.

2212 (b) Subject to the exceptions in paragraph (a), a person
 2213 who has been granted an expunction under this section, former s.
 2214 893.14, former s. 901.33, or former s. 943.058 may not be held
 2215 under any provision of law of this state to commit perjury or to
 2216 be otherwise liable for giving a false statement by reason of
 2217 such person's failure to recite or acknowledge an expunged
 2218 criminal history record.

2219 (c) Information relating to the existence of an expunged
 2220 criminal history record which is provided in accordance with
 2221 paragraph (a) is confidential and exempt from the provisions of
 2222 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 2223 except that the department shall disclose the existence of a
 2224 criminal history record ordered expunged to the entities set
 2225 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their

2226 | respective licensing, access authorization, and employment
2227 | purposes, and to criminal justice agencies for their respective
2228 | criminal justice purposes. It is unlawful for any employee of an
2229 | entity set forth in subparagraph (a)1., subparagraph (a)4.,
2230 | subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
2231 | subparagraph (a)8. to disclose information relating to the
2232 | existence of an expunged criminal history record of a person
2233 | seeking employment, access authorization, or licensure with such
2234 | entity or contractor, except to the person to whom the criminal
2235 | history record relates or to persons having direct
2236 | responsibility for employment, access authorization, or
2237 | licensure decisions. Any person who violates this paragraph
2238 | commits a misdemeanor of the first degree, punishable as
2239 | provided in s. 775.082 or s. 775.083.

2240 | (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
2241 | eligibility requirements prescribed in paragraph (1)(b) and
2242 | subsection (2), the department shall issue a certificate of
2243 | eligibility for expunction under this subsection to a person who
2244 | is the subject of a criminal history record if that person:

2245 | (a) Has obtained, and submitted to the department, on a
2246 | form provided by the department, a written, certified statement
2247 | from the appropriate state attorney or statewide prosecutor
2248 | which states whether an information, indictment, or other
2249 | charging document was not filed or was dismissed by the state
2250 | attorney, or dismissed by the court, because it was found that

2251 the person acted in lawful self-defense pursuant to the
 2252 provisions related to justifiable use of force in chapter 776.

2253 (b) Each petition to a court to expunge a criminal history
 2254 record pursuant to this subsection is complete only when
 2255 accompanied by:

2256 1. A valid certificate of eligibility for expunction
 2257 issued by the department pursuant to this subsection.

2258 2. The petitioner's sworn statement attesting that the
 2259 petitioner is eligible for such an expunction to the best of his
 2260 or her knowledge or belief.

2261
 2262 Any person who knowingly provides false information on such
 2263 sworn statement to the court commits a felony of the third
 2264 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2265 775.084.

2266 (c) This subsection does not confer any right to the
 2267 expunction of a criminal history record, and any request for
 2268 expunction of a criminal history record may be denied at the
 2269 discretion of the court.

2270 (d) Subsections (3) and (4) shall apply to expunction
 2271 ordered under this subsection.

2272 (e) The department shall, by rule adopted pursuant to
 2273 chapter 120, establish procedures pertaining to the application
 2274 for and issuance of certificates of eligibility for expunction
 2275 under this subsection.

2276 (6) STATUTORY REFERENCES.—Any reference to any other
 2277 chapter, section, or subdivision of the Florida Statutes in this
 2278 section constitutes a general reference under the doctrine of
 2279 incorporation by reference.

2280 Section 44. Section 943.059, Florida Statutes, is amended
 2281 to read:

2282 943.059 Court-ordered sealing of criminal history
 2283 records.—The courts of this state shall continue to have
 2284 jurisdiction over their own procedures, including the
 2285 maintenance, sealing, and correction of judicial records
 2286 containing criminal history information to the extent such
 2287 procedures are not inconsistent with the conditions,
 2288 responsibilities, and duties established by this section. Any
 2289 court of competent jurisdiction may order a criminal justice
 2290 agency to seal the criminal history record of a minor or an
 2291 adult who complies with the requirements of this section. The
 2292 court shall not order a criminal justice agency to seal a
 2293 criminal history record until the person seeking to seal a
 2294 criminal history record has applied for and received a
 2295 certificate of eligibility for sealing pursuant to subsection
 2296 (2). A criminal history record that relates to a violation of s.
 2297 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 2298 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
 2299 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
 2300 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation

2301 enumerated in s. 907.041, or any violation specified as a
2302 predicate offense for registration as a sexual predator pursuant
2303 to s. 775.21, without regard to whether that offense alone is
2304 sufficient to require such registration, or for registration as
2305 a sexual offender pursuant to s. 943.0435, may not be sealed,
2306 without regard to whether adjudication was withheld, if the
2307 defendant was found guilty of or pled guilty or nolo contendere
2308 to the offense, or if the defendant, as a minor, was found to
2309 have committed or pled guilty or nolo contendere to committing
2310 the offense as a delinquent act. The court may only order
2311 sealing of a criminal history record pertaining to one arrest or
2312 one incident of alleged criminal activity, except as provided in
2313 this section. The court may, at its sole discretion, order the
2314 sealing of a criminal history record pertaining to more than one
2315 arrest if the additional arrests directly relate to the original
2316 arrest. If the court intends to order the sealing of records
2317 pertaining to such additional arrests, such intent must be
2318 specified in the order. A criminal justice agency may not seal
2319 any record pertaining to such additional arrests if the order to
2320 seal does not articulate the intention of the court to seal
2321 records pertaining to more than one arrest. This section does
2322 not prevent the court from ordering the sealing of only a
2323 portion of a criminal history record pertaining to one arrest or
2324 one incident of alleged criminal activity. Notwithstanding any
2325 law to the contrary, a criminal justice agency may comply with

2326 | laws, court orders, and official requests of other jurisdictions
 2327 | relating to sealing, correction, or confidential handling of
 2328 | criminal history records or information derived therefrom. This
 2329 | section does not confer any right to the sealing of any criminal
 2330 | history record, and any request for sealing a criminal history
 2331 | record may be denied at the sole discretion of the court.

2332 | (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 2333 | petition to a court to seal a criminal history record is
 2334 | complete only when accompanied by:

2335 | (a) A valid certificate of eligibility for sealing issued
 2336 | by the department pursuant to subsection (2).

2337 | (b) The petitioner's sworn statement attesting that the
 2338 | petitioner:

2339 | 1. Has never, prior to the date on which the petition is
 2340 | filed, been adjudicated guilty of a criminal offense or
 2341 | comparable ordinance violation, or been adjudicated delinquent
 2342 | for committing any felony or a misdemeanor specified in s.
 2343 | 943.051(3)(b).

2344 | 2. Has not been adjudicated guilty of or adjudicated
 2345 | delinquent for committing any of the acts stemming from the
 2346 | arrest or alleged criminal activity to which the petition to
 2347 | seal pertains.

2348 | 3. Has never secured a prior sealing or expunction of a
 2349 | criminal history record under this section, s. 943.0585, former
 2350 | s. 893.14, former s. 901.33, or former s. 943.058.

2351 4. Is eligible for such a sealing to the best of his or
2352 her knowledge or belief and does not have any other petition to
2353 seal or any petition to expunge pending before any court.

2354
2355 Any person who knowingly provides false information on such
2356 sworn statement to the court commits a felony of the third
2357 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2358 775.084.

2359 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
2360 petitioning the court to seal a criminal history record, a
2361 person seeking to seal a criminal history record shall apply to
2362 the department for a certificate of eligibility for sealing. The
2363 department shall, by rule adopted pursuant to chapter 120,
2364 establish procedures pertaining to the application for and
2365 issuance of certificates of eligibility for sealing. A
2366 certificate of eligibility for sealing is valid for 12 months
2367 after the date stamped on the certificate when issued by the
2368 department. After that time, the petitioner must reapply to the
2369 department for a new certificate of eligibility. Eligibility for
2370 a renewed certification of eligibility must be based on the
2371 status of the applicant and the law in effect at the time of the
2372 renewal application. The department shall issue a certificate of
2373 eligibility for sealing to a person who is the subject of a
2374 criminal history record provided that such person:

2375 (a) Has submitted to the department a certified copy of

2376 the disposition of the charge to which the petition to seal
2377 pertains.

2378 (b) Remits a \$75 processing fee to the department for
2379 placement in the Department of Law Enforcement Operating Trust
2380 Fund, unless such fee is waived by the executive director.

2381 (c) Has never, prior to the date on which the application
2382 for a certificate of eligibility is filed, been adjudicated
2383 guilty of a criminal offense or comparable ordinance violation,
2384 or been adjudicated delinquent for committing any felony or a
2385 misdemeanor specified in s. 943.051(3)(b).

2386 (d) Has not been adjudicated guilty of or adjudicated
2387 delinquent for committing any of the acts stemming from the
2388 arrest or alleged criminal activity to which the petition to
2389 seal pertains.

2390 (e) Has never secured a prior sealing or expunction of a
2391 criminal history record under this section, s. 943.0585, former
2392 s. 893.14, former s. 901.33, or former s. 943.058.

2393 (f) Is no longer under court supervision applicable to the
2394 disposition of the arrest or alleged criminal activity to which
2395 the petition to seal pertains.

2396 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2397 (a) In judicial proceedings under this section, a copy of
2398 the completed petition to seal shall be served upon the
2399 appropriate state attorney or the statewide prosecutor and upon
2400 the arresting agency; however, it is not necessary to make any

2401 agency other than the state a party. The appropriate state
2402 attorney or the statewide prosecutor and the arresting agency
2403 may respond to the court regarding the completed petition to
2404 seal.

2405 (b) If relief is granted by the court, the clerk of the
2406 court shall certify copies of the order to the appropriate state
2407 attorney or the statewide prosecutor and to the arresting
2408 agency. The arresting agency is responsible for forwarding the
2409 order to any other agency to which the arresting agency
2410 disseminated the criminal history record information to which
2411 the order pertains. The department shall forward the order to
2412 seal to the Federal Bureau of Investigation. The clerk of the
2413 court shall certify a copy of the order to any other agency
2414 which the records of the court reflect has received the criminal
2415 history record from the court.

2416 (c) For an order to seal entered by a court prior to July
2417 1, 1992, the department shall notify the appropriate state
2418 attorney or statewide prosecutor of any order to seal which is
2419 contrary to law because the person who is the subject of the
2420 record has previously been convicted of a crime or comparable
2421 ordinance violation or has had a prior criminal history record
2422 sealed or expunged. Upon receipt of such notice, the appropriate
2423 state attorney or statewide prosecutor shall take action, within
2424 60 days, to correct the record and petition the court to void
2425 the order to seal. The department shall seal the record until

2426 | such time as the order is voided by the court.

2427 | (d) On or after July 1, 1992, the department or any other
2428 | criminal justice agency is not required to act on an order to
2429 | seal entered by a court when such order does not comply with the
2430 | requirements of this section. Upon receipt of such an order, the
2431 | department must notify the issuing court, the appropriate state
2432 | attorney or statewide prosecutor, the petitioner or the
2433 | petitioner's attorney, and the arresting agency of the reason
2434 | for noncompliance. The appropriate state attorney or statewide
2435 | prosecutor shall take action within 60 days to correct the
2436 | record and petition the court to void the order. No cause of
2437 | action, including contempt of court, shall arise against any
2438 | criminal justice agency for failure to comply with an order to
2439 | seal when the petitioner for such order failed to obtain the
2440 | certificate of eligibility as required by this section or when
2441 | such order does not comply with the requirements of this
2442 | section.

2443 | (e) An order sealing a criminal history record pursuant to
2444 | this section does not require that such record be surrendered to
2445 | the court, and such record shall continue to be maintained by
2446 | the department and other criminal justice agencies.

2447 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2448 | history record of a minor or an adult which is ordered sealed by
2449 | a court pursuant to this section is confidential and exempt from
2450 | the provisions of s. 119.07(1) and s. 24(a), Art. I of the State

2451 Constitution and is available only to the person who is the
2452 subject of the record, to the subject's attorney, to criminal
2453 justice agencies for their respective criminal justice purposes,
2454 which include conducting a criminal history background check for
2455 approval of firearms purchases or transfers as authorized by
2456 state or federal law, to judges in the state courts system for
2457 the purpose of assisting them in their case-related
2458 decisionmaking responsibilities, as set forth in s. 943.053(5),
2459 or to those entities set forth in subparagraphs (a)1., 4., 5.,
2460 6., 8., 9., and 10. for their respective licensing, access
2461 authorization, and employment purposes.

2462 (a) The subject of a criminal history record sealed under
2463 this section or under other provisions of law, including former
2464 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
2465 deny or fail to acknowledge the arrests covered by the sealed
2466 record, except when the subject of the record:

- 2467 1. Is a candidate for employment with a criminal justice
2468 agency;
- 2469 2. Is a defendant in a criminal prosecution;
- 2470 3. Concurrently or subsequently petitions for relief under
2471 this section, s. 943.0583, or s. 943.0585;
- 2472 4. Is a candidate for admission to The Florida Bar;
- 2473 5. Is seeking to be employed or licensed by or to contract
2474 with the Department of Children and Families, the Division of
2475 Vocational Rehabilitation within the Department of Education,

2476 the Agency for Health Care Administration, the Agency for
 2477 Persons with Disabilities, the Department of Health, the
 2478 Department of Elderly Affairs, or the Department of Juvenile
 2479 Justice or to be employed or used by such contractor or licensee
 2480 in a sensitive position having direct contact with children, the
 2481 disabled, or the elderly;

2482 6. Is seeking to be employed or licensed by the Department
 2483 of Education, a district school board, a university laboratory
 2484 school, a charter school, a private or parochial school, or a
 2485 local governmental entity that licenses child care facilities;

2486 7. Is attempting to purchase a firearm from a licensed
 2487 importer, licensed manufacturer, or licensed dealer and is
 2488 subject to a criminal history check under state or federal law;

2489 8. Is seeking to be licensed by the Division of Insurance
 2490 Agent and Agency Services within the Department of Financial
 2491 Services;

2492 9. Is seeking to be appointed as a guardian pursuant to s.
 2493 744.3125; or

2494 10. Is seeking to be licensed by the Bureau of License
 2495 Issuance of the Division of Licensing within the Department of
 2496 Agriculture and Consumer Services to carry a concealed weapon or
 2497 concealed firearm. This subparagraph applies only in the
 2498 determination of an applicant's eligibility under s. 790.06.

2499 (b) Subject to the exceptions in paragraph (a), a person
 2500 who has been granted a sealing under this section, former s.

2501 893.14, former s. 901.33, or former s. 943.058 may not be held
2502 under any provision of law of this state to commit perjury or to
2503 be otherwise liable for giving a false statement by reason of
2504 such person's failure to recite or acknowledge a sealed criminal
2505 history record.

2506 (c) Information relating to the existence of a sealed
2507 criminal record provided in accordance with the provisions of
2508 paragraph (a) is confidential and exempt from the provisions of
2509 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2510 except that the department shall disclose the sealed criminal
2511 history record to the entities set forth in subparagraphs (a)1.,
2512 4., 5., 6., 8., 9., and 10. for their respective licensing,
2513 access authorization, and employment purposes. An employee of an
2514 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2515 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2516 subparagraph (a)9., or subparagraph (a)10. may not disclose
2517 information relating to the existence of a sealed criminal
2518 history record of a person seeking employment, access
2519 authorization, or licensure with such entity or contractor,
2520 except to the person to whom the criminal history record relates
2521 or to persons having direct responsibility for employment,
2522 access authorization, or licensure decisions. A person who
2523 violates the provisions of this paragraph commits a misdemeanor
2524 of the first degree, punishable as provided in s. 775.082 or s.
2525 775.083.

2526 (5) STATUTORY REFERENCES.—Any reference to any other
 2527 chapter, section, or subdivision of the Florida Statutes in this
 2528 section constitutes a general reference under the doctrine of
 2529 incorporation by reference.

2530 Section 45. Paragraph (f) of subsection (1) of section
 2531 944.606, Florida Statutes, is amended to read:

2532 944.606 Sexual offenders; notification upon release.—

2533 (1) As used in this section, the term:

2534 (f) "Sexual offender" means a person who has been
 2535 convicted of committing, or attempting, soliciting, or
 2536 conspiring to commit, any of the criminal offenses proscribed in
 2537 the following statutes in this state or similar offenses in
 2538 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2539 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
 2540 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2541 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2542 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 2543 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2544 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
 2545 if the court makes a written finding that the racketeering
 2546 activity involved at least one sexual offense listed in this
 2547 paragraph or at least one offense listed in this paragraph with
 2548 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or
 2549 any similar offense committed in this state which has been
 2550 redesignated from a former statute number to one of those listed

2551 in this subsection, when the department has received verified
2552 information regarding such conviction; an offender's
2553 computerized criminal history record is not, in and of itself,
2554 verified information.

2555 Section 46. Paragraph (f) of subsection (1) of section
2556 944.607, Florida Statutes, is amended to read:

2557 944.607 Notification to Department of Law Enforcement of
2558 information on sexual offenders.—

2559 (1) As used in this section, the term:

2560 (f) "Sexual offender" means a person who is in the custody
2561 or control of, or under the supervision of, the department or is
2562 in the custody of a private correctional facility:

2563 1. On or after October 1, 1997, as a result of a
2564 conviction for committing, or attempting, soliciting, or
2565 conspiring to commit, any of the criminal offenses proscribed in
2566 the following statutes in this state or similar offenses in
2567 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
2568 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.
2569 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
2570 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
2571 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
2572 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
2573 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,
2574 if the court makes a written finding that the racketeering
2575 activity involved at least one sexual offense listed in this

2576 subparagraph or at least one offense listed in this subparagraph
 2577 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);
 2578 or any similar offense committed in this state which has been
 2579 redesignated from a former statute number to one of those listed
 2580 in this paragraph; or

2581 2. Who establishes or maintains a residence in this state
 2582 and who has not been designated as a sexual predator by a court
 2583 of this state but who has been designated as a sexual predator,
 2584 as a sexually violent predator, or by another sexual offender
 2585 designation in another state or jurisdiction and was, as a
 2586 result of such designation, subjected to registration or
 2587 community or public notification, or both, or would be if the
 2588 person were a resident of that state or jurisdiction, without
 2589 regard as to whether the person otherwise meets the criteria for
 2590 registration as a sexual offender.

2591 Section 47. Subsections (7), (10), and (14) of section
 2592 947.1405, Florida Statutes, are amended, and subsection (15) is
 2593 added to that section, to read:

2594 947.1405 Conditional release program.—

2595 (7)(a) Any inmate who is convicted of a crime committed on
 2596 or after October 1, 1995, or who has been previously convicted
 2597 of a crime committed on or after October 1, 1995, in violation
 2598 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
 2599 s. 847.0145, and is subject to conditional release supervision,
 2600 shall have, in addition to any other conditions imposed, the

2601 following special conditions imposed by the commission:

2602 1. A mandatory curfew from 10 p.m. to 6 a.m. The
2603 commission may designate another 8-hour period if the offender's
2604 employment precludes the above specified time, and such
2605 alternative is recommended by the Department of Corrections. If
2606 the commission determines that imposing a curfew would endanger
2607 the victim, the commission may consider alternative sanctions.

2608 2. If the victim was under the age of 18, a prohibition on
2609 living within 1,000 feet of a school, child care facility, park,
2610 playground, designated public school bus stop, or other place
2611 where children regularly congregate. A releasee who is subject
2612 to this subparagraph may not relocate to a residence that is
2613 within 1,000 feet of a public school bus stop. Beginning October
2614 1, 2004, the commission or the department may not approve a
2615 residence that is located within 1,000 feet of a school, child
2616 care facility, park, playground, designated school bus stop, or
2617 other place where children regularly congregate for any releasee
2618 who is subject to this subparagraph. On October 1, 2004, the
2619 department shall notify each affected school district of the
2620 location of the residence of a releasee 30 days prior to release
2621 and thereafter, if the releasee relocates to a new residence,
2622 shall notify any affected school district of the residence of
2623 the releasee within 30 days after relocation. If, on October 1,
2624 2004, any public school bus stop is located within 1,000 feet of
2625 the existing residence of such releasee, the district school

2626 board shall relocate that school bus stop. Beginning October 1,
2627 2004, a district school board may not establish or relocate a
2628 public school bus stop within 1,000 feet of the residence of a
2629 releasee who is subject to this subparagraph. The failure of the
2630 district school board to comply with this subparagraph shall not
2631 result in a violation of conditional release supervision. A
2632 releasee who is subject to this subparagraph may not be forced
2633 to relocate and does not violate his or her conditional release
2634 supervision if he or she is living in a residence that meets the
2635 requirements of this subparagraph and a school, child care
2636 facility, park, playground, designated public school bus stop,
2637 or other place where children regularly congregate is
2638 subsequently established within 1,000 feet of his or her
2639 residence.

2640 3. Active participation in and successful completion of a
2641 sex offender treatment program with qualified practitioners
2642 specifically trained to treat sex offenders, at the releasee's
2643 own expense. If a qualified practitioner is not available within
2644 a 50-mile radius of the releasee's residence, the offender shall
2645 participate in other appropriate therapy.

2646 4. A prohibition on any contact with the victim, directly
2647 or indirectly, including through a third person, unless approved
2648 by the victim, a qualified practitioner in the sexual offender
2649 treatment program, and the sentencing court.

2650 5. If the victim was under the age of 18, a prohibition

2651 against contact with children under the age of 18 without review
2652 and approval by the commission. The commission may approve
2653 supervised contact with a child under the age of 18 if the
2654 approval is based upon a recommendation for contact issued by a
2655 qualified practitioner who is basing the recommendation on a
2656 risk assessment. Further, the sex offender must be currently
2657 enrolled in or have successfully completed a sex offender
2658 therapy program. The commission may not grant supervised contact
2659 with a child if the contact is not recommended by a qualified
2660 practitioner and may deny supervised contact with a child at any
2661 time. When considering whether to approve supervised contact
2662 with a child, the commission must review and consider the
2663 following:

2664 a. A risk assessment completed by a qualified
2665 practitioner. The qualified practitioner must prepare a written
2666 report that must include the findings of the assessment and
2667 address each of the following components:

2668 (I) The sex offender's current legal status;

2669 (II) The sex offender's history of adult charges with
2670 apparent sexual motivation;

2671 (III) The sex offender's history of adult charges without
2672 apparent sexual motivation;

2673 (IV) The sex offender's history of juvenile charges,
2674 whenever available;

2675 (V) The sex offender's offender treatment history,

2676 | including a consultation from the sex offender's treating, or
 2677 | most recent treating, therapist;
 2678 | (VI) The sex offender's current mental status;
 2679 | (VII) The sex offender's mental health and substance abuse
 2680 | history as provided by the Department of Corrections;
 2681 | (VIII) The sex offender's personal, social, educational,
 2682 | and work history;
 2683 | (IX) The results of current psychological testing of the
 2684 | sex offender if determined necessary by the qualified
 2685 | practitioner;
 2686 | (X) A description of the proposed contact, including the
 2687 | location, frequency, duration, and supervisory arrangement;
 2688 | (XI) The child's preference and relative comfort level
 2689 | with the proposed contact, when age-appropriate;
 2690 | (XII) The parent's or legal guardian's preference
 2691 | regarding the proposed contact; and
 2692 | (XIII) The qualified practitioner's opinion, along with
 2693 | the basis for that opinion, as to whether the proposed contact
 2694 | would likely pose significant risk of emotional or physical harm
 2695 | to the child.
 2696 |
 2697 | The written report of the assessment must be given to the
 2698 | commission.
 2699 | b. A recommendation made as a part of the risk-assessment
 2700 | report as to whether supervised contact with the child should be

2701 approved;

2702 c. A written consent signed by the child's parent or legal
 2703 guardian, if the parent or legal guardian is not the sex
 2704 offender, agreeing to the sex offender having supervised contact
 2705 with the child after receiving full disclosure of the sex
 2706 offender's present legal status, past criminal history, and the
 2707 results of the risk assessment. The commission may not approve
 2708 contact with the child if the parent or legal guardian refuses
 2709 to give written consent for supervised contact;

2710 d. A safety plan prepared by the qualified practitioner,
 2711 who provides treatment to the offender, in collaboration with
 2712 the sex offender, the child's parent or legal guardian, and the
 2713 child, when age appropriate, which details the acceptable
 2714 conditions of contact between the sex offender and the child.
 2715 The safety plan must be reviewed and approved by the Department
 2716 of Corrections before being submitted to the commission; and

2717 e. Evidence that the child's parent or legal guardian, if
 2718 the parent or legal guardian is not the sex offender,
 2719 understands the need for and agrees to the safety plan and has
 2720 agreed to provide, or to designate another adult to provide,
 2721 constant supervision any time the child is in contact with the
 2722 offender.

2723
 2724 The commission may not appoint a person to conduct a risk
 2725 assessment and may not accept a risk assessment from a person

2726 | who has not demonstrated to the commission that he or she has
2727 | met the requirements of a qualified practitioner as defined in
2728 | this section.

2729 | 6. If the victim was under age 18, a prohibition on
2730 | working for pay or as a volunteer at any school, child care
2731 | facility, park, playground, or other place where children
2732 | regularly congregate, as prescribed by the commission.

2733 | 7. Unless otherwise indicated in the treatment plan
2734 | provided by a qualified practitioner in the sexual offender
2735 | treatment program, a prohibition on viewing, owning, or
2736 | possessing any obscene, pornographic, or sexually stimulating
2737 | visual or auditory material, including telephone, electronic
2738 | media, computer programs, or computer services that are relevant
2739 | to the offender's deviant behavior pattern.

2740 | 8. Effective for a releasee whose crime is committed on or
2741 | after July 1, 2005, a prohibition on accessing the Internet or
2742 | other computer services until a qualified practitioner in the
2743 | offender's sex offender treatment program, after a risk
2744 | assessment is completed, approves and implements a safety plan
2745 | for the offender's accessing or using the Internet or other
2746 | computer services.

2747 | 9. A requirement that the releasee must submit two
2748 | specimens of blood to the Department of Law Enforcement to be
2749 | registered with the DNA database.

2750 | 10. A requirement that the releasee make restitution to

2751 the victim, as determined by the sentencing court or the
2752 commission, for all necessary medical and related professional
2753 services relating to physical, psychiatric, and psychological
2754 care.

2755 11. Submission to a warrantless search by the community
2756 control or probation officer of the probationer's or community
2757 controllee's person, residence, or vehicle.

2758 (b) For a releasee whose crime was committed on or after
2759 October 1, 1997, in violation of chapter 794, s. 800.04, former
2760 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2761 to conditional release supervision, in addition to any other
2762 provision of this subsection, the commission shall impose the
2763 following additional conditions of conditional release
2764 supervision:

2765 1. As part of a treatment program, participation in a
2766 minimum of one annual polygraph examination to obtain
2767 information necessary for risk management and treatment and to
2768 reduce the sex offender's denial mechanisms. The polygraph
2769 examination must be conducted by a polygrapher who is a member
2770 of a national or state polygraph association and who is
2771 certified as a postconviction sex offender polygrapher, where
2772 available, and at the expense of the releasee. The results of
2773 the examination shall be provided to the releasee's probation
2774 officer and qualified practitioner and may not be used as
2775 evidence in a hearing to prove that a violation of supervision

2776 has occurred.

2777 2. Maintenance of a driving log and a prohibition against
2778 driving a motor vehicle alone without the prior approval of the
2779 supervising officer.

2780 3. A prohibition against obtaining or using a post office
2781 box without the prior approval of the supervising officer.

2782 4. If there was sexual contact, a submission to, at the
2783 releasee's expense, an HIV test with the results to be released
2784 to the victim or the victim's parent or guardian.

2785 5. Electronic monitoring of any form when ordered by the
2786 commission. Any person who has been placed under supervision and
2787 is electronically monitored by the department must pay the
2788 department for the cost of the electronic monitoring service at
2789 a rate that may not exceed the full cost of the monitoring
2790 service. Funds collected under this subparagraph shall be
2791 deposited into the General Revenue Fund. The department may
2792 exempt a person from the payment of all or any part of the
2793 electronic monitoring service cost if the department finds that
2794 any of the factors listed in s. 948.09(3) exist.

2795 (10) Effective for a releasee whose crime was committed on
2796 or after September 1, 2005, in violation of chapter 794, s.
2797 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2798 the unlawful activity involved a victim who was 15 years of age
2799 or younger and the offender is 18 years of age or older or for a
2800 releasee who is designated as a sexual predator pursuant to s.

2801 775.21, in addition to any other provision of this section, the
2802 commission must order electronic monitoring for the duration of
2803 the releasee's supervision.

2804 (14) Effective for a releasee whose crime was committed on
2805 or after October 1, 2014, in violation of chapter 794, s.
2806 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2807 addition to any other provision of this section, the commission
2808 must impose a condition prohibiting the releasee from viewing,
2809 accessing, owning, or possessing any obscene, pornographic, or
2810 sexually stimulating visual or auditory material unless
2811 otherwise indicated in the treatment plan provided by a
2812 qualified practitioner in the sexual offender treatment program.
2813 Visual or auditory material includes, but is not limited to,
2814 telephone, electronic media, computer programs, and computer
2815 services.

2816 (15) Effective for a releasee whose crime was committed on
2817 or after October 1, 2018, in violation of s. 847.003 or s.
2818 847.0137(2), in addition to any other provision of this section,
2819 the commission must impose the conditions specified in
2820 subsections (7), (10), (12), and (14).

2821 Section 48. Subsection (2) of section 948.03, Florida
2822 Statutes, is amended to read:

2823 948.03 Terms and conditions of probation.—

2824 (2) The enumeration of specific kinds of terms and
2825 conditions does not prevent the court from adding thereto such

2826 other or others as it considers proper. However, the sentencing
2827 court may only impose a condition of supervision allowing an
2828 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
2829 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 to
2830 reside in another state if the order stipulates that it is
2831 contingent upon the approval of the receiving state interstate
2832 compact authority. The court may rescind or modify at any time
2833 the terms and conditions theretofore imposed by it upon the
2834 probationer. However, if the court withholds adjudication of
2835 guilt or imposes a period of incarceration as a condition of
2836 probation, the period may not exceed 364 days, and incarceration
2837 shall be restricted to either a county facility, or a probation
2838 and restitution center under the jurisdiction of the Department
2839 of Corrections.

2840 Section 49. Subsection (1) of section 948.04, Florida
2841 Statutes, is amended to read:

2842 948.04 Period of probation; duty of probationer; early
2843 termination.—

2844 (1) Defendants found guilty of felonies who are placed on
2845 probation shall be under supervision not to exceed 2 years
2846 unless otherwise specified by the court. No defendant placed on
2847 probation pursuant to s. 948.012(1) is subject to the probation
2848 limitations of this subsection. A defendant who is placed on
2849 probation or community control for a violation of chapter 794,
2850 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the

2851 maximum level of supervision provided by the supervising agency,
2852 and that supervision shall continue through the full term of the
2853 court-imposed probation or community control.

2854 Section 50. Subsection (4) and paragraph (c) of subsection
2855 (8) of section 948.06, Florida Statutes, are amended to read:

2856 948.06 Violation of probation or community control;
2857 revocation; modification; continuance; failure to pay
2858 restitution or cost of supervision.—

2859 (4) Notwithstanding any other provision of this section, a
2860 felony probationer or an offender in community control who is
2861 arrested for violating his or her probation or community control
2862 in a material respect may be taken before the court in the
2863 county or circuit in which the probationer or offender was
2864 arrested. That court shall advise him or her of the charge of a
2865 violation and, if such charge is admitted, shall cause him or
2866 her to be brought before the court that granted the probation or
2867 community control. If the violation is not admitted by the
2868 probationer or offender, the court may commit him or her or
2869 release him or her with or without bail to await further
2870 hearing. However, if the probationer or offender is under
2871 supervision for any criminal offense proscribed in chapter 794,
2872 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2873 a registered sexual predator or a registered sexual offender, or
2874 is under supervision for a criminal offense for which he or she
2875 would meet the registration criteria in s. 775.21, s. 943.0435,

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

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

2914 (a) A violent felony offender of special concern, as
2915 defined in this section;

2916 (b) A person who is on felony probation or community
2917 control for any offense committed on or after the effective date
2918 of this act and who is arrested for a qualifying offense as
2919 defined in this section; or

2920 (c) A person who is on felony probation or community
2921 control and has previously been found by a court to be a
2922 habitual violent felony offender as defined in s. 775.084(1)(b),
2923 a three-time violent felony offender as defined in s.
2924 775.084(1)(c), or a sexual predator under s. 775.21, and who is
2925 arrested for committing a qualifying offense as defined in this

2926 | section on or after the effective date of this act.
 2927 | (8)
 2928 | (c) For purposes of this section, the term "qualifying
 2929 | offense" means any of the following:
 2930 | 1. Kidnapping or attempted kidnapping under s. 787.01,
 2931 | false imprisonment of a child under the age of 13 under s.
 2932 | 787.02(3), or luring or enticing a child under s. 787.025(2) (b)
 2933 | or (c).
 2934 | 2. Murder or attempted murder under s. 782.04, attempted
 2935 | felony murder under s. 782.051, or manslaughter under s. 782.07.
 2936 | 3. Aggravated battery or attempted aggravated battery
 2937 | under s. 784.045.
 2938 | 4. Sexual battery or attempted sexual battery under s.
 2939 | 794.011(2), (3), (4), or (8) (b) or (c).
 2940 | 5. Lewd or lascivious battery or attempted lewd or
 2941 | lascivious battery under s. 800.04(4), lewd or lascivious
 2942 | molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious
 2943 | conduct under s. 800.04(6) (b), or lewd or lascivious exhibition
 2944 | under s. 800.04(7) (b), ~~or lewd or lascivious exhibition on~~
 2945 | ~~computer under s. 847.0135(5) (b).~~
 2946 | 6. Robbery or attempted robbery under s. 812.13,
 2947 | carjacking or attempted carjacking under s. 812.133, or home
 2948 | invasion robbery or attempted home invasion robbery under s.
 2949 | 812.135.
 2950 | 7. Lewd or lascivious offense upon or in the presence of

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

2954 8. Sexual performance by a child or attempted sexual
 2955 performance by a child under former s. 827.071 or s. 847.003.

2956 9. Computer pornography or child exploitation under s.
 2957 847.0135 ~~847.0135(2) or (3)~~, ~~transmission of~~ child pornography
 2958 under s. 847.0137, or selling or buying of minors under s.
 2959 847.0145.

2960 10. Poisoning food or water under s. 859.01.

2961 11. Abuse of a dead human body under s. 872.06.

2962 12. Any burglary offense or attempted burglary offense
 2963 that is either a first degree felony or second degree felony
 2964 under s. 810.02(2) or (3).

2965 13. Arson or attempted arson under s. 806.01(1).

2966 14. Aggravated assault under s. 784.021.

2967 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2968 (7).

2969 16. Aircraft piracy under s. 860.16.

2970 17. Unlawful throwing, placing, or discharging of a
 2971 destructive device or bomb under s. 790.161(2), (3), or (4).

2972 18. Treason under s. 876.32.

2973 19. Any offense committed in another jurisdiction which
 2974 would be an offense listed in this paragraph if that offense had
 2975 been committed in this state.

2976 Section 51. Paragraph (c) of subsection (1) of section
 2977 948.062, Florida Statutes, is amended to read:

2978 948.062 Reviewing and reporting serious offenses committed
 2979 by offenders placed on probation or community control.—

2980 (1) The department shall review the circumstances related
 2981 to an offender placed on probation or community control who has
 2982 been arrested while on supervision for the following offenses:

2983 (c) Any sexual performance by a child as provided in
 2984 former s. 827.071 or s. 847.003;

2985 Section 52. Subsection (2) of section 948.101, Florida
 2986 Statutes, is amended to read:

2987 948.101 Terms and conditions of community control.—

2988 (2) The enumeration of specific kinds of terms and
 2989 conditions does not prevent the court from adding any other
 2990 terms or conditions that the court considers proper. However,
 2991 the sentencing court may only impose a condition of supervision
 2992 allowing an offender convicted of s. 794.011, s. 800.04, former
 2993 s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.
 2994 847.0145 to reside in another state if the order stipulates that
 2995 it is contingent upon the approval of the receiving state
 2996 interstate compact authority. The court may rescind or modify at
 2997 any time the terms and conditions theretofore imposed by it upon
 2998 the offender in community control. However, if the court
 2999 withholds adjudication of guilt or imposes a period of
 3000 incarceration as a condition of community control, the period

3001 may not exceed 364 days, and incarceration shall be restricted
3002 to a county facility, a probation and restitution center under
3003 the jurisdiction of the Department of Corrections, or a
3004 residential treatment facility owned or operated by any entity
3005 providing such services.

3006 Section 53. Subsections (1) and (2), paragraphs (a) and
3007 (c) of subsection (3), and subsection (5) of section 948.30,
3008 Florida Statutes, are amended, and subsection (6) is added to
3009 that section, to read:

3010 948.30 Additional terms and conditions of probation or
3011 community control for certain sex offenses.—Conditions imposed
3012 pursuant to this section do not require oral pronouncement at
3013 the time of sentencing and shall be considered standard
3014 conditions of probation or community control for offenders
3015 specified in this section.

3016 (1) Effective for probationers or community controllees
3017 whose crime was committed on or after October 1, 1995, and who
3018 are placed under supervision for violation of chapter 794, s.
3019 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
3020 court must impose the following conditions in addition to all
3021 other standard and special conditions imposed:

3022 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
3023 may designate another 8-hour period if the offender's employment
3024 precludes the above specified time, and the alternative is
3025 recommended by the Department of Corrections. If the court

3026 determines that imposing a curfew would endanger the victim, the
3027 court may consider alternative sanctions.

3028 (b) If the victim was under the age of 18, a prohibition
3029 on living within 1,000 feet of a school, child care facility,
3030 park, playground, or other place where children regularly
3031 congregate, as prescribed by the court. The 1,000-foot distance
3032 shall be measured in a straight line from the offender's place
3033 of residence to the nearest boundary line of the school, child
3034 care facility, park, playground, or other place where children
3035 congregate. The distance may not be measured by a pedestrian
3036 route or automobile route. A probationer or community controllee
3037 who is subject to this paragraph may not be forced to relocate
3038 and does not violate his or her probation or community control
3039 if he or she is living in a residence that meets the
3040 requirements of this paragraph and a school, child care
3041 facility, park, playground, or other place where children
3042 regularly congregate is subsequently established within 1,000
3043 feet of his or her residence.

3044 (c) Active participation in and successful completion of a
3045 sex offender treatment program with qualified practitioners
3046 specifically trained to treat sex offenders, at the
3047 probationer's or community controllee's own expense. If a
3048 qualified practitioner is not available within a 50-mile radius
3049 of the probationer's or community controllee's residence, the
3050 offender shall participate in other appropriate therapy.

3051 (d) A prohibition on any contact with the victim, directly
3052 or indirectly, including through a third person, unless approved
3053 by the victim, a qualified practitioner in the sexual offender
3054 treatment program, and the sentencing court.

3055 (e) If the victim was under the age of 18, a prohibition
3056 on contact with a child under the age of 18 except as provided
3057 in this paragraph. The court may approve supervised contact with
3058 a child under the age of 18 if the approval is based upon a
3059 recommendation for contact issued by a qualified practitioner
3060 who is basing the recommendation on a risk assessment. Further,
3061 the sex offender must be currently enrolled in or have
3062 successfully completed a sex offender therapy program. The court
3063 may not grant supervised contact with a child if the contact is
3064 not recommended by a qualified practitioner and may deny
3065 supervised contact with a child at any time. When considering
3066 whether to approve supervised contact with a child, the court
3067 must review and consider the following:

3068 1. A risk assessment completed by a qualified
3069 practitioner. The qualified practitioner must prepare a written
3070 report that must include the findings of the assessment and
3071 address each of the following components:

- 3072 a. The sex offender's current legal status;
3073 b. The sex offender's history of adult charges with
3074 apparent sexual motivation;
3075 c. The sex offender's history of adult charges without

3076 | apparent sexual motivation;

3077 | d. The sex offender's history of juvenile charges,

3078 | whenever available;

3079 | e. The sex offender's offender treatment history,

3080 | including consultations with the sex offender's treating, or

3081 | most recent treating, therapist;

3082 | f. The sex offender's current mental status;

3083 | g. The sex offender's mental health and substance abuse

3084 | treatment history as provided by the Department of Corrections;

3085 | h. The sex offender's personal, social, educational, and

3086 | work history;

3087 | i. The results of current psychological testing of the sex

3088 | offender if determined necessary by the qualified practitioner;

3089 | j. A description of the proposed contact, including the

3090 | location, frequency, duration, and supervisory arrangement;

3091 | k. The child's preference and relative comfort level with

3092 | the proposed contact, when age appropriate;

3093 | l. The parent's or legal guardian's preference regarding

3094 | the proposed contact; and

3095 | m. The qualified practitioner's opinion, along with the

3096 | basis for that opinion, as to whether the proposed contact would

3097 | likely pose significant risk of emotional or physical harm to

3098 | the child.

3099 |

3100 | The written report of the assessment must be given to the court;

3101 2. A recommendation made as a part of the risk assessment
3102 report as to whether supervised contact with the child should be
3103 approved;

3104 3. A written consent signed by the child's parent or legal
3105 guardian, if the parent or legal guardian is not the sex
3106 offender, agreeing to the sex offender having supervised contact
3107 with the child after receiving full disclosure of the sex
3108 offender's present legal status, past criminal history, and the
3109 results of the risk assessment. The court may not approve
3110 contact with the child if the parent or legal guardian refuses
3111 to give written consent for supervised contact;

3112 4. A safety plan prepared by the qualified practitioner,
3113 who provides treatment to the offender, in collaboration with
3114 the sex offender, the child's parent or legal guardian, if the
3115 parent or legal guardian is not the sex offender, and the child,
3116 when age appropriate, which details the acceptable conditions of
3117 contact between the sex offender and the child. The safety plan
3118 must be reviewed and approved by the court; and

3119 5. Evidence that the child's parent or legal guardian
3120 understands the need for and agrees to the safety plan and has
3121 agreed to provide, or to designate another adult to provide,
3122 constant supervision any time the child is in contact with the
3123 offender.

3124
3125 The court may not appoint a person to conduct a risk assessment

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

3130 | (f) If the victim was under age 18, a prohibition on
3131 | working for pay or as a volunteer at any place where children
3132 | regularly congregate, including, but not limited to, schools,
3133 | child care facilities, parks, playgrounds, pet stores,
3134 | libraries, zoos, theme parks, and malls.

3135 | (g) Unless otherwise indicated in the treatment plan
3136 | provided by a qualified practitioner in the sexual offender
3137 | treatment program, a prohibition on viewing, accessing, owning,
3138 | or possessing any obscene, pornographic, or sexually stimulating
3139 | visual or auditory material, including telephone, electronic
3140 | media, computer programs, or computer services that are relevant
3141 | to the offender's deviant behavior pattern.

3142 | (h) Effective for probationers and community controllees
3143 | whose crime is committed on or after July 1, 2005, a prohibition
3144 | on accessing the Internet or other computer services until a
3145 | qualified practitioner in the offender's sex offender treatment
3146 | program, after a risk assessment is completed, approves and
3147 | implements a safety plan for the offender's accessing or using
3148 | the Internet or other computer services.

3149 | (i) A requirement that the probationer or community
3150 | controllee must submit a specimen of blood or other approved

3151 biological specimen to the Department of Law Enforcement to be
3152 registered with the DNA data bank.

3153 (j) A requirement that the probationer or community
3154 controllee make restitution to the victim, as ordered by the
3155 court under s. 775.089, for all necessary medical and related
3156 professional services relating to physical, psychiatric, and
3157 psychological care.

3158 (k) Submission to a warrantless search by the community
3159 control or probation officer of the probationer's or community
3160 controllee's person, residence, or vehicle.

3161 (2) Effective for a probationer or community controllee
3162 whose crime was committed on or after October 1, 1997, and who
3163 is placed on community control or sex offender probation for a
3164 violation of chapter 794, s. 800.04, former s. 827.071, s.
3165 847.0135(5), or s. 847.0145, in addition to any other provision
3166 of this section, the court must impose the following conditions
3167 of probation or community control:

3168 (a) As part of a treatment program, participation at least
3169 annually in polygraph examinations to obtain information
3170 necessary for risk management and treatment and to reduce the
3171 sex offender's denial mechanisms. A polygraph examination must
3172 be conducted by a polygrapher who is a member of a national or
3173 state polygraph association and who is certified as a
3174 postconviction sex offender polygrapher, where available, and
3175 shall be paid for by the probationer or community controllee.

3176 The results of the polygraph examination shall be provided to
3177 the probationer's or community controllee's probation officer
3178 and qualified practitioner and shall not be used as evidence in
3179 court to prove that a violation of community supervision has
3180 occurred.

3181 (b) Maintenance of a driving log and a prohibition against
3182 driving a motor vehicle alone without the prior approval of the
3183 supervising officer.

3184 (c) A prohibition against obtaining or using a post office
3185 box without the prior approval of the supervising officer.

3186 (d) If there was sexual contact, a submission to, at the
3187 probationer's or community controllee's expense, an HIV test
3188 with the results to be released to the victim or the victim's
3189 parent or guardian.

3190 (e) Electronic monitoring when deemed necessary by the
3191 community control or probation officer and his or her
3192 supervisor, and ordered by the court at the recommendation of
3193 the Department of Corrections.

3194 (3) Effective for a probationer or community controllee
3195 whose crime was committed on or after September 1, 2005, and
3196 who:

3197 (a) Is placed on probation or community control for a
3198 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
3199 827.071, or s. 847.0145 and the unlawful sexual activity
3200 involved a victim 15 years of age or younger and the offender is

3201 18 years of age or older;

3202 (c) Has previously been convicted of a violation of
3203 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
3204 847.0145 and the unlawful sexual activity involved a victim 15
3205 years of age or younger and the offender is 18 years of age or
3206 older,

3207
3208 the court must order, in addition to any other provision of this
3209 section, mandatory electronic monitoring as a condition of the
3210 probation or community control supervision.

3211 (5) Effective for a probationer or community controllee
3212 whose crime was committed on or after October 1, 2014, and who
3213 is placed on probation or community control for a violation of
3214 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
3215 847.0145, in addition to all other conditions imposed, the court
3216 must impose a condition prohibiting the probationer or community
3217 controllee from viewing, accessing, owning, or possessing any
3218 obscene, pornographic, or sexually stimulating visual or
3219 auditory material unless otherwise indicated in the treatment
3220 plan provided by a qualified practitioner in the sexual offender
3221 treatment program. Visual or auditory material includes, but is
3222 not limited to, telephone, electronic media, computer programs,
3223 and computer services.

3224 (6) Effective for a probationer or community controllee
3225 whose crime was committed on or after October 1, 2018, and who

3226 | is placed under supervision for violation of s. 847.003 or s.
 3227 | 847.0137(2), the court must impose the conditions specified in
 3228 | subsections (1)-(5) in addition to all other standard and
 3229 | special conditions imposed.

3230 | Section 54. Subsection (1) of section 948.32, Florida
 3231 | Statutes, is amended to read:

3232 | 948.32 Requirements of law enforcement agency upon arrest
 3233 | of persons for certain sex offenses.—

3234 | (1) When any state or local law enforcement agency
 3235 | investigates or arrests a person for committing, or attempting,
 3236 | soliciting, or conspiring to commit, a violation of s.
 3237 | 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 3238 | s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 3239 | 847.0135, 847.0137(2), or s. 847.0145, the law enforcement
 3240 | agency shall contact the Department of Corrections to verify
 3241 | whether the person under investigation or under arrest is on
 3242 | probation, community control, parole, conditional release, or
 3243 | control release.

3244 | Section 55. Paragraph (e) of subsection (3) and subsection
 3245 | (10) of section 960.03, Florida Statutes, are amended to read:

3246 | 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 3247 | 960.01-960.28, unless the context otherwise requires, the term:

3248 | (3) "Crime" means:

3249 | (e) A violation of former s. 827.071, s. 847.003, s.
 3250 | 847.0135, s. 847.0137, or s. 847.0138, related to online sexual

3251 exploitation and child pornography.

3252 (10) "Identified victim of child pornography" means any
3253 person who, while under the age of 18, is depicted in any visual
3254 depiction ~~image or movie~~ of child pornography, as defined in s.
3255 847.0137, and who is identified through a report generated by a
3256 law enforcement agency and provided to the National Center for
3257 Missing and Exploited Children's Child Victim Identification
3258 Program.

3259 Section 56. Section 960.197, Florida Statutes, is amended
3260 to read:

3261 960.197 Assistance to victims of online sexual
3262 exploitation and child pornography.—

3263 (1) Notwithstanding the criteria set forth in s. 960.13
3264 for crime victim compensation awards, the department may award
3265 compensation for counseling and other mental health services to
3266 treat psychological injury or trauma to:

3267 (a) A child younger than 18 years of age who suffers
3268 psychiatric or psychological injury as a direct result of online
3269 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
3270 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does
3271 not otherwise sustain a personal injury or death; or

3272 (b) Any person who, while younger than age 18, was
3273 depicted in any visual depiction ~~image or movie~~, ~~regardless of~~
3274 ~~length~~, of child pornography as defined in s. 847.0137 ~~847.001~~,
3275 who has been identified by a law enforcement agency or the

3276 National Center for Missing and Exploited Children as an
 3277 identified victim of child pornography, who suffers psychiatric
 3278 or psychological injury as a direct result of the crime, and who
 3279 does not otherwise sustain a personal injury or death.

3280 (2) Compensation under this section is not contingent upon
 3281 pursuit of a criminal investigation or prosecution.

3282 Section 57. Paragraph (d) of subsection (4) of section
 3283 985.04, Florida Statutes, is amended to read:

3284 985.04 Oaths; records; confidential information.—

3285 (4)

3286 (d) The department shall disclose to the school
 3287 superintendent the presence of any child in the care and custody
 3288 or under the jurisdiction or supervision of the department who
 3289 has a known history of criminal sexual behavior with other
 3290 juveniles; is alleged to have committed juvenile sexual abuse as
 3291 defined in s. 39.01; or has pled guilty or nolo contendere to,
 3292 or has been found to have committed, a violation of chapter 794,
 3293 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 3294 847.0133, s. 847.0135(5), or s. 847.0137, regardless of
 3295 adjudication. Any employee of a district school board who
 3296 knowingly and willfully discloses such information to an
 3297 unauthorized person commits a misdemeanor of the second degree,
 3298 punishable as provided in s. 775.082 or s. 775.083.

3299 Section 58. Paragraph (a) of subsection (1) of section
 3300 985.475, Florida Statutes, is amended to read:

3301 985.475 Juvenile sexual offenders.—

3302 (1) CRITERIA.—A "juvenile sexual offender" means:

3303 (a) A juvenile who has been found by the court under s.
 3304 985.35 to have committed a violation of chapter 794, chapter
 3305 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 3306 or s. 847.0137(2);

3307 Section 59. Paragraphs (mm) and (oo) of subsection (1) of
 3308 section 1012.315, Florida Statutes, are amended to read:

3309 1012.315 Disqualification from employment.—A person is
 3310 ineligible for educator certification, and instructional
 3311 personnel and school administrators, as defined in s. 1012.01,
 3312 are ineligible for employment in any position that requires
 3313 direct contact with students in a district school system,
 3314 charter school, or private school that accepts scholarship
 3315 students under s. 1002.39 or s. 1002.395, if the person,
 3316 instructional personnel, or school administrator has been
 3317 convicted of:

3318 (1) Any felony offense prohibited under any of the
 3319 following statutes:

3320 (mm) Former s. Section 827.071, relating to sexual
 3321 performance by a child.

3322 (oo) Chapter 847, relating to obscenity and child
 3323 exploitation.

3324 Section 60. Paragraphs (e), (f), and (h) of subsection (3)
 3325 of section 921.0022, Florida Statutes, are amended to read:

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3326 921.0022 Criminal Punishment Code; offense severity
 3327 ranking chart.—

3328 (3) OFFENSE SEVERITY RANKING CHART

3329 (e) LEVEL 5

3330

Florida	Felony	
Statute	Degree	Description

3331

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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3332

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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3333

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
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3334

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

3335

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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3336

379.365 (2) (c) 1. 3rd Violation of rules relating to:
 willful molestation of stone
 crab traps, lines, or buoys;
 illegal bartering, trading, or
 sale, conspiring or aiding in
 such barter, trade, or sale, or
 supplying, agreeing to supply,
 aiding in supplying, or giving
 away stone crab trap tags or
 certificates; making, altering,
 forging, counterfeiting, or
 reproducing stone crab trap
 tags; possession of forged,
 counterfeit, or imitation stone
 crab trap tags; and engaging in
 the commercial harvest of stone
 crabs while license is
 suspended or revoked.

3337

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

3338

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

			undersized spiny lobsters.
3339	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3340	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3341	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3342	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3343	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3344	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.

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3345	790.01 (2)	3rd	Carrying a concealed firearm.
3346	790.162	2nd	Threat to throw or discharge destructive device.
3347	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3348	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3349	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3350	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3351	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.

3352

3353	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3354	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3355	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3356	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3357	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3358	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3359	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

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3360	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3361	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3362	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3363	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.
	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14

			counterfeit credit cards or related documents.
3364	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3365	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3366	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
3367	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3368	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.
3369	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3370	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3371	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3372	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3373	<u>847.0137 (3)</u> 847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3374	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by

3375	874.05 (1) (b)	2nd	electronic device or equipment. Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3376	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3377	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).
3378	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

3379	893.13(1)(d)1.	1st	state, county, or municipal park or publicly owned recreational facility or community center. 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.
3380	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.
3381	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s.

3382			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.
3383	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3384	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3385	(f) LEVEL 6		
3386	Florida	Felony	
3387	Statute	Degree	Description
3388	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3389	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.

3390	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3391	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3392	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3393	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3394	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3395	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.

3396	784.041	3rd	Felony battery; domestic battery by strangulation.
3397	784.048 (3)	3rd	Aggravated stalking; credible threat.
3398	784.048 (5)	3rd	Aggravated stalking of person under 16.
3399	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3400	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3401	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3402	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3403	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other

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			detainee.
3404	784.083 (2)	2nd	Aggravated assault on code inspector.
3405	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3406	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3407	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3408	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.
3409	790.19	2nd	Shooting or throwing deadly

			missiles into dwellings, vessels, or vehicles.
3410	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3411	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3412	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.
3413	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3414	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3415	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.

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3416	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3417	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3418	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3419	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3420	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3421	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3422	817.4821 (5)	2nd	Possess cloning paraphernalia

			with intent to create cloned cellular telephones.
3423	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3424	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3425	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3426	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3427	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3428	827.03 (2) (c)	3rd	Abuse of a child.
3429	827.03 (2) (d)	3rd	Neglect of a child.
3430	827.071 (2) & (3)	2nd	Use or induce a child in a

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3431			sexual performance, or promote or direct such performance.
3432	836.05	2nd	Threats; extortion.
3433	836.10	2nd	Written threats to kill or do bodily injury.
3434	843.12	3rd	Aids or assists person to escape.
3435	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3436	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3437	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135(2)	3rd	Facilitates sexual conduct of

			or with a minor or the visual depiction of such conduct.
3438	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3439	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.
3440	944.40	2nd	Escapes.
3441	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3442	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3443	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county

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3444			facility.
3445	(h)	LEVEL 8	
3446			
	Florida	Felony	
	Statute	Degree	Description
3447			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
3448			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3449			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3450			
	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
3451			
	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
3452			
	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or

3453	560.125 (5) (b)	2nd	<p>exceeding \$20,000, but less than \$100,000 by money transmitter.</p> <p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
3454	655.50 (10) (b) 2.	2nd	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
3455	777.03 (2) (a)	1st	<p>Accessory after the fact, capital felony.</p>
3456	782.04 (4)	2nd	<p>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</p>

			with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3457	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
3458	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
3459	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
3460	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
3461	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3462	787.06(3)(c)2.	1st	Human trafficking using

3463	787.06(3)(e)1.	1st	coercion for labor and services of an unauthorized alien adult.
3464	787.06(3)(f)2.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
3465	790.161(3)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
3466	794.011(5)(a)	1st	Discharging a destructive device which results in bodily harm or property damage.
			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

3467	794.011 (5) (b)	2nd	to cause serious injury. Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
3468	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3469	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.
3470	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.

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3471	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3472	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3473	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3474	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3475	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3476	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3477	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft

			in 1st degree.
3478	812.13 (2) (b)	1st	Robbery with a weapon.
3479	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3480	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
3481	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3482	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3483	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3484			

3485	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3486	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3487	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3488	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3489	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

3490	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3491	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3492	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
3493	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3494	860.16	1st	Aircraft piracy.
3495	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) .
3496	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
3497	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
3498	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3499	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3500	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3501	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

3502	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3503	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
3504	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
3505	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
3506	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
3507	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
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3509	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3510	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3511	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3512	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
3513	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

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3514	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3515	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3516	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3517	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3518	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.

3519
 3520 Section 61. The Division of Law Revision and Information
 3521 is directed to rename chapter 847, Florida Statutes, as
 3522 "Obscenity; Child Exploitation."

3523 Section 62. For the purpose of incorporating the amendment
 3524 made by this act to section 39.0139, Florida Statutes, in a
 3525 reference thereto, paragraph (a) of subsection (9) of section
 3526 39.402, Florida Statutes, is reenacted to read:

3527 39.402 Placement in a shelter.—

3528 (9)(a) At any shelter hearing, the department shall
 3529 provide to the court a recommendation for scheduled contact
 3530 between the child and parents, if appropriate. The court shall
 3531 determine visitation rights absent a clear and convincing
 3532 showing that visitation is not in the best interest of the
 3533 child. Any order for visitation or other contact must conform to
 3534 s. 39.0139. If visitation is ordered but will not commence
 3535 within 72 hours of the shelter hearing, the department shall
 3536 provide justification to the court.

3537 Section 63. For the purpose of incorporating the amendment
 3538 made by this act to section 39.0139, Florida Statutes, in a
 3539 reference thereto, subsection (6) of section 39.506, Florida
 3540 Statutes, is reenacted to read:

3541 39.506 Arraignment hearings.—

3542 (6) At any arraignment hearing, if the child is in an out-
 3543 of-home placement, the court shall order visitation rights

3544 absent a clear and convincing showing that visitation is not in
3545 the best interest of the child. Any order for visitation or
3546 other contact must conform to the provisions of s. 39.0139.

3547 Section 64. For the purpose of incorporating the amendment
3548 made by this act to section 775.21, Florida Statutes, in a
3549 reference thereto, paragraph (b) of subsection (6) of section
3550 39.509, Florida Statutes, is reenacted to read:

3551 39.509 Grandparents rights.—Notwithstanding any other
3552 provision of law, a maternal or paternal grandparent as well as
3553 a stepgrandparent is entitled to reasonable visitation with his
3554 or her grandchild who has been adjudicated a dependent child and
3555 taken from the physical custody of the parent unless the court
3556 finds that such visitation is not in the best interest of the
3557 child or that such visitation would interfere with the goals of
3558 the case plan. Reasonable visitation may be unsupervised and,
3559 where appropriate and feasible, may be frequent and continuing.
3560 Any order for visitation or other contact must conform to the
3561 provisions of s. 39.0139.

3562 (6) In determining whether grandparental visitation is not
3563 in the child's best interest, consideration may be given to the
3564 following:

3565 (b) The designation by a court as a sexual predator as
3566 defined in s. 775.21 or a substantially similar designation
3567 under laws of another jurisdiction.

3568 Section 65. For the purpose of incorporating the amendment

3569 made by this act to section 39.0139, Florida Statutes, in a
3570 reference thereto, paragraph (d) of subsection (3) of section
3571 39.521, Florida Statutes, is reenacted to read:

3572 39.521 Disposition hearings; powers of disposition.—

3573 (3) When any child is adjudicated by a court to be
3574 dependent, the court shall determine the appropriate placement
3575 for the child as follows:

3576 (d) If the child cannot be safely placed in a nonlicensed
3577 placement, the court shall commit the child to the temporary
3578 legal custody of the department. Such commitment invests in the
3579 department all rights and responsibilities of a legal custodian.
3580 The department shall not return any child to the physical care
3581 and custody of the person from whom the child was removed,
3582 except for court-approved visitation periods, without the
3583 approval of the court. Any order for visitation or other contact
3584 must conform to the provisions of s. 39.0139. The term of such
3585 commitment continues until terminated by the court or until the
3586 child reaches the age of 18. After the child is committed to the
3587 temporary legal custody of the department, all further
3588 proceedings under this section are governed by this chapter.

3589
3590 Protective supervision continues until the court terminates it
3591 or until the child reaches the age of 18, whichever date is
3592 first. Protective supervision shall be terminated by the court
3593 whenever the court determines that permanency has been achieved

3594 for the child, whether with a parent, another relative, or a
 3595 legal custodian, and that protective supervision is no longer
 3596 needed. The termination of supervision may be with or without
 3597 retaining jurisdiction, at the court's discretion, and shall in
 3598 either case be considered a permanency option for the child. The
 3599 order terminating supervision by the department shall set forth
 3600 the powers of the custodian of the child and shall include the
 3601 powers ordinarily granted to a guardian of the person of a minor
 3602 unless otherwise specified. Upon the court's termination of
 3603 supervision by the department, no further judicial reviews are
 3604 required, so long as permanency has been established for the
 3605 child.

3606 Section 66. For the purpose of incorporating the amendment
 3607 made by this act to section 775.21, Florida Statutes, in
 3608 references thereto, paragraphs (d) and (n) of subsection (1) of
 3609 section 39.806, Florida Statutes, are reenacted to read:

3610 39.806 Grounds for termination of parental rights.—

3611 (1) Grounds for the termination of parental rights may be
 3612 established under any of the following circumstances:

3613 (d) When the parent of a child is incarcerated and either:

3614 1. The period of time for which the parent is expected to
 3615 be incarcerated will constitute a significant portion of the
 3616 child's minority. When determining whether the period of time is
 3617 significant, the court shall consider the child's age and the
 3618 child's need for a permanent and stable home. The period of time

3619 | begins on the date that the parent enters into incarceration;
3620 | 2. The incarcerated parent has been determined by the
3621 | court to be a violent career criminal as defined in s. 775.084,
3622 | a habitual violent felony offender as defined in s. 775.084, or
3623 | a sexual predator as defined in s. 775.21; has been convicted of
3624 | first degree or second degree murder in violation of s. 782.04
3625 | or a sexual battery that constitutes a capital, life, or first
3626 | degree felony violation of s. 794.011; or has been convicted of
3627 | an offense in another jurisdiction which is substantially
3628 | similar to one of the offenses listed in this paragraph. As used
3629 | in this section, the term "substantially similar offense" means
3630 | any offense that is substantially similar in elements and
3631 | penalties to one of those listed in this subparagraph, and that
3632 | is in violation of a law of any other jurisdiction, whether that
3633 | of another state, the District of Columbia, the United States or
3634 | any possession or territory thereof, or any foreign
3635 | jurisdiction; or
3636 | 3. The court determines by clear and convincing evidence
3637 | that continuing the parental relationship with the incarcerated
3638 | parent would be harmful to the child and, for this reason, that
3639 | termination of the parental rights of the incarcerated parent is
3640 | in the best interest of the child. When determining harm, the
3641 | court shall consider the following factors:
3642 | a. The age of the child.
3643 | b. The relationship between the child and the parent.

3644 c. The nature of the parent's current and past provision
3645 for the child's developmental, cognitive, psychological, and
3646 physical needs.

3647 d. The parent's history of criminal behavior, which may
3648 include the frequency of incarceration and the unavailability of
3649 the parent to the child due to incarceration.

3650 e. Any other factor the court deems relevant.

3651 (n) The parent is convicted of an offense that requires
3652 the parent to register as a sexual predator under s. 775.21.

3653 Section 67. For the purpose of incorporating the amendment
3654 made by this act to section 775.21, Florida Statutes, in a
3655 reference thereto, paragraph (b) of subsection (4) of section
3656 63.089, Florida Statutes, is reenacted to read:

3657 63.089 Proceeding to terminate parental rights pending
3658 adoption; hearing; grounds; dismissal of petition; judgment.—

3659 (4) FINDING OF ABANDONMENT.—A finding of abandonment
3660 resulting in a termination of parental rights must be based upon
3661 clear and convincing evidence that a parent or person having
3662 legal custody has abandoned the child in accordance with the
3663 definition contained in s. 63.032. A finding of abandonment may
3664 also be based upon emotional abuse or a refusal to provide
3665 reasonable financial support, when able, to a birth mother
3666 during her pregnancy or on whether the person alleged to have
3667 abandoned the child, while being able, failed to establish
3668 contact with the child or accept responsibility for the child's

3669 welfare.

3670 (b) The child has been abandoned when the parent of a
3671 child is incarcerated on or after October 1, 2001, in a federal,
3672 state, or county correctional institution and:

3673 1. The period of time for which the parent has been or is
3674 expected to be incarcerated will constitute a significant
3675 portion of the child's minority. In determining whether the
3676 period of time is significant, the court shall consider the
3677 child's age and the child's need for a permanent and stable
3678 home. The period of time begins on the date that the parent
3679 enters into incarceration;

3680 2. The incarcerated parent has been determined by a court
3681 of competent jurisdiction to be a violent career criminal as
3682 defined in s. 775.084, a habitual violent felony offender as
3683 defined in s. 775.084, convicted of child abuse as defined in s.
3684 827.03, or a sexual predator as defined in s. 775.21; has been
3685 convicted of first degree or second degree murder in violation
3686 of s. 782.04 or a sexual battery that constitutes a capital,
3687 life, or first degree felony violation of s. 794.011; or has
3688 been convicted of a substantially similar offense in another
3689 jurisdiction. As used in this section, the term "substantially
3690 similar offense" means any offense that is substantially similar
3691 in elements and penalties to one of those listed in this
3692 subparagraph, and that is in violation of a law of any other
3693 jurisdiction, whether that of another state, the District of

3694 Columbia, the United States or any possession or territory
 3695 thereof, or any foreign jurisdiction; or

3696 3. The court determines by clear and convincing evidence
 3697 that continuing the parental relationship with the incarcerated
 3698 parent would be harmful to the child and, for this reason,
 3699 termination of the parental rights of the incarcerated parent is
 3700 in the best interests of the child.

3701 Section 68. For the purpose of incorporating the amendment
 3702 made by this act to section 775.21, Florida Statutes, in a
 3703 reference thereto, subsection (3) of section 63.092, Florida
 3704 Statutes, is reenacted to read:

3705 63.092 Report to the court of intended placement by an
 3706 adoption entity; at-risk placement; preliminary study.—

3707 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
 3708 the intended adoptive home, a preliminary home study must be
 3709 performed by a licensed child-placing agency, a child-caring
 3710 agency registered under s. 409.176, a licensed professional, or
 3711 an agency described in s. 61.20(2), unless the adoptee is an
 3712 adult or the petitioner is a stepparent or a relative. If the
 3713 adoptee is an adult or the petitioner is a stepparent or a
 3714 relative, a preliminary home study may be required by the court
 3715 for good cause shown. The department is required to perform the
 3716 preliminary home study only if there is no licensed child-
 3717 placing agency, child-caring agency registered under s. 409.176,
 3718 licensed professional, or agency described in s. 61.20(2), in

3719 | the county where the prospective adoptive parents reside. The
3720 | preliminary home study must be made to determine the suitability
3721 | of the intended adoptive parents and may be completed prior to
3722 | identification of a prospective adoptive minor. A favorable
3723 | preliminary home study is valid for 1 year after the date of its
3724 | completion. Upon its completion, a signed copy of the home study
3725 | must be provided to the intended adoptive parents who were the
3726 | subject of the home study. A minor may not be placed in an
3727 | intended adoptive home before a favorable preliminary home study
3728 | is completed unless the adoptive home is also a licensed foster
3729 | home under s. 409.175. The preliminary home study must include,
3730 | at a minimum:

- 3731 | (a) An interview with the intended adoptive parents;
3732 | (b) Records checks of the department's central abuse
3733 | registry and criminal records correspondence checks under s.
3734 | 39.0138 through the Department of Law Enforcement on the
3735 | intended adoptive parents;
3736 | (c) An assessment of the physical environment of the home;
3737 | (d) A determination of the financial security of the
3738 | intended adoptive parents;
3739 | (e) Documentation of counseling and education of the
3740 | intended adoptive parents on adoptive parenting;
3741 | (f) Documentation that information on adoption and the
3742 | adoption process has been provided to the intended adoptive
3743 | parents;

3744 (g) Documentation that information on support services
3745 available in the community has been provided to the intended
3746 adoptive parents; and

3747 (h) A copy of each signed acknowledgment of receipt of
3748 disclosure required by s. 63.085.

3749

3750 If the preliminary home study is favorable, a minor may be
3751 placed in the home pending entry of the judgment of adoption. A
3752 minor may not be placed in the home if the preliminary home
3753 study is unfavorable. If the preliminary home study is
3754 unfavorable, the adoption entity may, within 20 days after
3755 receipt of a copy of the written recommendation, petition the
3756 court to determine the suitability of the intended adoptive
3757 home. A determination as to suitability under this subsection
3758 does not act as a presumption of suitability at the final
3759 hearing. In determining the suitability of the intended adoptive
3760 home, the court must consider the totality of the circumstances
3761 in the home. A minor may not be placed in a home in which there
3762 resides any person determined by the court to be a sexual
3763 predator as defined in s. 775.21 or to have been convicted of an
3764 offense listed in s. 63.089(4)(b)2.

3765 Section 69. For the purpose of incorporating the
3766 amendments made by this act to sections 775.21 and 943.0435,
3767 Florida Statutes, in references thereto, paragraph (i) of
3768 subsection (3) and subsection (6) of section 68.07, Florida

3769 Statutes, are reenacted to read:

3770 68.07 Change of name.—

3771 (3) Each petition shall be verified and show:

3772 (i) Whether the petitioner has ever been required to
3773 register as a sexual predator under s. 775.21 or as a sexual
3774 offender under s. 943.0435.

3775 (6) The clerk of the court must, within 5 business days
3776 after the filing of the final judgment, send a report of the
3777 judgment to the Department of Law Enforcement on a form to be
3778 furnished by that department. If the petitioner is required to
3779 register as a sexual predator or a sexual offender pursuant to
3780 s. 775.21 or s. 943.0435, the clerk of court shall
3781 electronically notify the Department of Law Enforcement of the
3782 name change, in a manner prescribed by that department, within 2
3783 business days after the filing of the final judgment. The
3784 Department of Law Enforcement must send a copy of the report to
3785 the Department of Highway Safety and Motor Vehicles, which may
3786 be delivered by electronic transmission. The report must contain
3787 sufficient information to identify the petitioner, including the
3788 results of the criminal history records check if applicable, the
3789 new name of the petitioner, and the file number of the judgment.
3790 The Department of Highway Safety and Motor Vehicles shall
3791 monitor the records of any sexual predator or sexual offender
3792 whose name has been provided to it by the Department of Law
3793 Enforcement. If the sexual predator or sexual offender does not

3794 obtain a replacement driver license or identification card
3795 within the required time as specified in s. 775.21 or s.
3796 943.0435, the Department of Highway Safety and Motor Vehicles
3797 shall notify the Department of Law Enforcement. The Department
3798 of Law Enforcement shall notify applicable law enforcement
3799 agencies of the predator's or offender's failure to comply with
3800 registration requirements. Any information retained by the
3801 Department of Law Enforcement and the Department of Highway
3802 Safety and Motor Vehicles may be revised or supplemented by said
3803 departments to reflect changes made by the final judgment. With
3804 respect to a person convicted of a felony in another state or of
3805 a federal offense, the Department of Law Enforcement must send
3806 the report to the respective state's office of law enforcement
3807 records or to the office of the Federal Bureau of Investigation.
3808 The Department of Law Enforcement may forward the report to any
3809 other law enforcement agency it believes may retain information
3810 related to the petitioner.

3811 Section 70. For the purpose of incorporating the
3812 amendments made by this act to sections 775.21 and 943.0435,
3813 Florida Statutes, in references thereto, paragraph (b) of
3814 subsection (1) of section 92.55, Florida Statutes, is reenacted
3815 to read:

3816 92.55 Judicial or other proceedings involving victim or
3817 witness under the age of 18, a person who has an intellectual
3818 disability, or a sexual offense victim or witness; special

3819 | protections; use of therapy animals or facility dogs.—

3820 | (1) For purposes of this section, the term:

3821 | (b) "Sexual offense" means any offense specified in s.
3822 | 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3823 | Section 71. For the purpose of incorporating the amendment
3824 | made by this act to section 16.56, Florida Statutes, in a
3825 | reference thereto, paragraph (b) of subsection (1) of section
3826 | 92.605, Florida Statutes, is reenacted to read:

3827 | 92.605 Production of certain records by Florida businesses
3828 | and out-of-state corporations.—

3829 | (1) For the purposes of this section, the term:

3830 | (b) "Applicant" means a law enforcement officer who is
3831 | seeking a court order or subpoena under s. 16.56, s. 27.04, s.
3832 | 905.185, or s. 914.04 or who is issued a search warrant under s.
3833 | 933.01, or anyone who is authorized to issue a subpoena under
3834 | the Florida Rules of Criminal Procedure.

3835 | Section 72. For the purpose of incorporating the
3836 | amendments made by this act to sections 775.21, 943.0435, and
3837 | 944.607, Florida Statutes, in references thereto, subsection (3)
3838 | of section 322.141, Florida Statutes, is reenacted to read:

3839 | 322.141 Color or markings of certain licenses or
3840 | identification cards.—

3841 | (3) All licenses for the operation of motor vehicles or
3842 | identification cards originally issued or reissued by the
3843 | department to persons who are designated as sexual predators

3844 under s. 775.21 or subject to registration as sexual offenders
3845 under s. 943.0435 or s. 944.607, or who have a similar
3846 designation or are subject to a similar registration under the
3847 laws of another jurisdiction, shall have on the front of the
3848 license or identification card the following:

3849 (a) For a person designated as a sexual predator under s.
3850 775.21 or who has a similar designation under the laws of
3851 another jurisdiction, the marking "SEXUAL PREDATOR."

3852 (b) For a person subject to registration as a sexual
3853 offender under s. 943.0435 or s. 944.607, or subject to a
3854 similar registration under the laws of another jurisdiction, the
3855 marking "943.0435, F.S."

3856 Section 73. For the purpose of incorporating the amendment
3857 made by this act to section 775.0877, Florida Statutes, in a
3858 reference thereto, paragraph (h) of subsection (2) of section
3859 381.004, Florida Statutes, is reenacted to read:

3860 381.004 HIV testing.—

3861 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
3862 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3863 (h) Paragraph (a) does not apply:

3864 1. When testing for sexually transmissible diseases is
3865 required by state or federal law, or by rule, including the
3866 following situations:

3867 a. HIV testing pursuant to s. 796.08 of persons convicted
3868 of prostitution or of procuring another to commit prostitution.

3869 b. HIV testing of inmates pursuant to s. 945.355 before
3870 their release from prison by reason of parole, accumulation of
3871 gain-time credits, or expiration of sentence.

3872 c. Testing for HIV by a medical examiner in accordance
3873 with s. 406.11.

3874 d. HIV testing of pregnant women pursuant to s. 384.31.

3875 2. To those exceptions provided for blood, plasma, organs,
3876 skin, semen, or other human tissue pursuant to s. 381.0041.

3877 3. For the performance of an HIV-related test by licensed
3878 medical personnel in bona fide medical emergencies if the test
3879 results are necessary for medical diagnostic purposes to provide
3880 appropriate emergency care or treatment to the person being
3881 tested and the patient is unable to consent, as supported by
3882 documentation in the medical record. Notification of test
3883 results in accordance with paragraph (c) is required.

3884 4. For the performance of an HIV-related test by licensed
3885 medical personnel for medical diagnosis of acute illness where,
3886 in the opinion of the attending physician, providing
3887 notification would be detrimental to the patient, as supported
3888 by documentation in the medical record, and the test results are
3889 necessary for medical diagnostic purposes to provide appropriate
3890 care or treatment to the person being tested. Notification of
3891 test results in accordance with paragraph (c) is required if it
3892 would not be detrimental to the patient. This subparagraph does
3893 not authorize the routine testing of patients for HIV infection

3894 without notification.

3895 5. If HIV testing is performed as part of an autopsy for
3896 which consent was obtained pursuant to s. 872.04.

3897 6. For the performance of an HIV test upon a defendant
3898 pursuant to the victim's request in a prosecution for any type
3899 of sexual battery where a blood sample is taken from the
3900 defendant voluntarily, pursuant to court order for any purpose,
3901 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,
3902 the results of an HIV test performed shall be disclosed solely
3903 to the victim and the defendant, except as provided in ss.
3904 775.0877, 951.27, and 960.003.

3905 7. If an HIV test is mandated by court order.

3906 8. For epidemiological research pursuant to s. 381.0031,
3907 for research consistent with institutional review boards created
3908 by 45 C.F.R. part 46, or for the performance of an HIV-related
3909 test for the purpose of research, if the testing is performed in
3910 a manner by which the identity of the test subject is not known
3911 and may not be retrieved by the researcher.

3912 9. If human tissue is collected lawfully without the
3913 consent of the donor for corneal removal as authorized by s.
3914 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3915 10. For the performance of an HIV test upon an individual
3916 who comes into contact with medical personnel in such a way that
3917 a significant exposure has occurred during the course of
3918 employment, within the scope of practice, or during the course

3919 of providing emergency medical assistance to the individual. The
3920 term "medical personnel" includes a licensed or certified health
3921 care professional; an employee of a health care professional or
3922 health care facility; employees of a laboratory licensed under
3923 chapter 483; personnel of a blood bank or plasma center; a
3924 medical student or other student who is receiving training as a
3925 health care professional at a health care facility; and a
3926 paramedic or emergency medical technician certified by the
3927 department to perform life-support procedures under s. 401.23.

3928 a. The occurrence of a significant exposure shall be
3929 documented by medical personnel under the supervision of a
3930 licensed physician and recorded only in the personnel record of
3931 the medical personnel.

3932 b. Costs of an HIV test shall be borne by the medical
3933 personnel or the employer of the medical personnel. However,
3934 costs of testing or treatment not directly related to the
3935 initial HIV tests or costs of subsequent testing or treatment
3936 may not be borne by the medical personnel or the employer of the
3937 medical personnel.

3938 c. In order to use the provisions of this subparagraph,
3939 the medical personnel must be tested for HIV pursuant to this
3940 section or provide the results of an HIV test taken within 6
3941 months before the significant exposure if such test results are
3942 negative.

3943 d. A person who receives the results of an HIV test

3944 pursuant to this subparagraph shall maintain the confidentiality
3945 of the information received and of the persons tested. Such
3946 confidential information is exempt from s. 119.07(1).

3947 e. If the source of the exposure is not available and will
3948 not voluntarily present himself or herself to a health facility
3949 to be tested for HIV, the medical personnel or the employer of
3950 such person acting on behalf of the employee may seek a court
3951 order directing the source of the exposure to submit to HIV
3952 testing. A sworn statement by a physician licensed under chapter
3953 458 or chapter 459 that a significant exposure has occurred and
3954 that, in the physician's medical judgment, testing is medically
3955 necessary to determine the course of treatment constitutes
3956 probable cause for the issuance of an order by the court. The
3957 results of the test shall be released to the source of the
3958 exposure and to the person who experienced the exposure.

3959 11. For the performance of an HIV test upon an individual
3960 who comes into contact with nonmedical personnel in such a way
3961 that a significant exposure has occurred while the nonmedical
3962 personnel provides emergency medical assistance during a medical
3963 emergency. For the purposes of this subparagraph, a medical
3964 emergency means an emergency medical condition outside of a
3965 hospital or health care facility that provides physician care.
3966 The test may be performed only during the course of treatment
3967 for the medical emergency.

3968 a. The occurrence of a significant exposure shall be

3969 | documented by medical personnel under the supervision of a
3970 | licensed physician and recorded in the medical record of the
3971 | nonmedical personnel.

3972 | b. Costs of any HIV test shall be borne by the nonmedical
3973 | personnel or the employer of the nonmedical personnel. However,
3974 | costs of testing or treatment not directly related to the
3975 | initial HIV tests or costs of subsequent testing or treatment
3976 | may not be borne by the nonmedical personnel or the employer of
3977 | the nonmedical personnel.

3978 | c. In order to use the provisions of this subparagraph,
3979 | the nonmedical personnel shall be tested for HIV pursuant to
3980 | this section or shall provide the results of an HIV test taken
3981 | within 6 months before the significant exposure if such test
3982 | results are negative.

3983 | d. A person who receives the results of an HIV test
3984 | pursuant to this subparagraph shall maintain the confidentiality
3985 | of the information received and of the persons tested. Such
3986 | confidential information is exempt from s. 119.07(1).

3987 | e. If the source of the exposure is not available and will
3988 | not voluntarily present himself or herself to a health facility
3989 | to be tested for HIV, the nonmedical personnel or the employer
3990 | of the nonmedical personnel acting on behalf of the employee may
3991 | seek a court order directing the source of the exposure to
3992 | submit to HIV testing. A sworn statement by a physician licensed
3993 | under chapter 458 or chapter 459 that a significant exposure has

3994 occurred and that, in the physician's medical judgment, testing
3995 is medically necessary to determine the course of treatment
3996 constitutes probable cause for the issuance of an order by the
3997 court. The results of the test shall be released to the source
3998 of the exposure and to the person who experienced the exposure.

3999 12. For the performance of an HIV test by the medical
4000 examiner or attending physician upon an individual who expired
4001 or could not be resuscitated while receiving emergency medical
4002 assistance or care and who was the source of a significant
4003 exposure to medical or nonmedical personnel providing such
4004 assistance or care.

4005 a. HIV testing may be conducted only after appropriate
4006 medical personnel under the supervision of a licensed physician
4007 documents in the medical record of the medical personnel or
4008 nonmedical personnel that there has been a significant exposure
4009 and that, in accordance with the written protocols based on the
4010 National Centers for Disease Control and Prevention guidelines
4011 on HIV postexposure prophylaxis and in the physician's medical
4012 judgment, the information is medically necessary to determine
4013 the course of treatment for the medical personnel or nonmedical
4014 personnel.

4015 b. Costs of an HIV test performed under this subparagraph
4016 may not be charged to the deceased or to the family of the
4017 deceased person.

4018 c. For this subparagraph to be applicable, the medical

4019 personnel or nonmedical personnel must be tested for HIV under
4020 this section or must provide the results of an HIV test taken
4021 within 6 months before the significant exposure if such test
4022 results are negative.

4023 d. A person who receives the results of an HIV test
4024 pursuant to this subparagraph shall comply with paragraph (e).

4025 13. For the performance of an HIV-related test medically
4026 indicated by licensed medical personnel for medical diagnosis of
4027 a hospitalized infant as necessary to provide appropriate care
4028 and treatment of the infant if, after a reasonable attempt, a
4029 parent cannot be contacted to provide consent. The medical
4030 records of the infant must reflect the reason consent of the
4031 parent was not initially obtained. Test results shall be
4032 provided to the parent when the parent is located.

4033 14. For the performance of HIV testing conducted to
4034 monitor the clinical progress of a patient previously diagnosed
4035 to be HIV positive.

4036 15. For the performance of repeated HIV testing conducted
4037 to monitor possible conversion from a significant exposure.

4038 Section 74. For the purpose of incorporating the amendment
4039 made by this act to section 775.0877, Florida Statutes, in
4040 references thereto, paragraph (c) of subsection (1) and
4041 subsection (3) of section 384.29, Florida Statutes, are
4042 reenacted to read:

4043 384.29 Confidentiality.—

4044 (1) All information and records held by the department or
4045 its authorized representatives relating to known or suspected
4046 cases of sexually transmissible diseases are strictly
4047 confidential and exempt from the provisions of s. 119.07(1).
4048 Such information shall not be released or made public by the
4049 department or its authorized representatives, or by a court or
4050 parties to a lawsuit upon revelation by subpoena, except under
4051 the following circumstances:

4052 (c) When made to medical personnel, appropriate state
4053 agencies, public health agencies, or courts of appropriate
4054 jurisdiction, to enforce the provisions of this chapter or s.
4055 775.0877 and related rules;

4056 (3) No employee of the department or its authorized
4057 representatives shall be examined in a civil, criminal, special,
4058 or other proceeding as to the existence or contents of pertinent
4059 records of a person examined or treated for a sexually
4060 transmissible disease by the department or its authorized
4061 representatives, or of the existence or contents of such reports
4062 received from a private physician or private health facility,
4063 without the consent of the person examined and treated for such
4064 diseases, except in proceedings under ss. 384.27 and 384.28 or
4065 involving offenders pursuant to s. 775.0877.

4066 Section 75. For the purpose of incorporating the amendment
4067 made by this act to section 39.01, Florida Statutes, in
4068 references thereto, paragraphs (b) and (e) of subsection (2) of

4069 section 390.01114, Florida Statutes, are reenacted to read:
 4070 390.01114 Parental Notice of Abortion Act.—
 4071 (2) DEFINITIONS.—As used in this section, the term:
 4072 (b) "Child abuse" means abandonment, abuse, harm, mental
 4073 injury, neglect, physical injury, or sexual abuse of a child as
 4074 those terms are defined in ss. 39.01, 827.04, and 984.03.
 4075 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.
 4076 Section 76. For the purpose of incorporating the amendment
 4077 made by this act to section 39.01, Florida Statutes, in
 4078 references thereto, paragraph (h) of subsection (4) and
 4079 subsections (7) and (9) of section 393.067, Florida Statutes,
 4080 are reenacted to read:
 4081 393.067 Facility licensure.—
 4082 (4) The application shall be under oath and shall contain
 4083 the following:
 4084 (h) Certification that the staff of the facility or
 4085 program will receive training to detect, report, and prevent
 4086 sexual abuse, abuse, neglect, exploitation, and abandonment, as
 4087 defined in ss. 39.01 and 415.102, of residents and clients.
 4088 (7) The agency shall adopt rules establishing minimum
 4089 standards for facilities and programs licensed under this
 4090 section, including rules requiring facilities and programs to
 4091 train staff to detect, report, and prevent sexual abuse, abuse,
 4092 neglect, exploitation, and abandonment, as defined in ss. 39.01
 4093 and 415.102, of residents and clients, minimum standards of

4094 quality and adequacy of client care, incident reporting
4095 requirements, and uniform firesafety standards established by
4096 the State Fire Marshal which are appropriate to the size of the
4097 facility or of the component centers or units of the program.

4098 (9) The agency may conduct unannounced inspections to
4099 determine compliance by foster care facilities, group home
4100 facilities, residential habilitation centers, and comprehensive
4101 transitional education programs with the applicable provisions
4102 of this chapter and the rules adopted pursuant hereto, including
4103 the rules adopted for training staff of a facility or a program
4104 to detect, report, and prevent sexual abuse, abuse, neglect,
4105 exploitation, and abandonment, as defined in ss. 39.01 and
4106 415.102, of residents and clients. The facility or program shall
4107 make copies of inspection reports available to the public upon
4108 request.

4109 Section 77. For the purpose of incorporating the amendment
4110 made by this act to section 39.01, Florida Statutes, in a
4111 reference thereto, paragraph (p) of subsection (4) of section
4112 394.495, Florida Statutes, is reenacted to read:

4113 394.495 Child and adolescent mental health system of care;
4114 programs and services.—

4115 (4) The array of services may include, but is not limited
4116 to:

4117 (p) Trauma-informed services for children who have
4118 suffered sexual exploitation as defined in s. 39.01(71)(g).

4119 Section 78. For the purpose of incorporating the amendment
 4120 made by this act to section 943.0435, Florida Statutes, in a
 4121 reference thereto, paragraph (a) of subsection (2) of section
 4122 394.9125, Florida Statutes, is reenacted to read:

4123 394.9125 State attorney; authority to refer a person for
 4124 civil commitment.—

4125 (2) A state attorney may refer a person to the department
 4126 for civil commitment proceedings if the person:

4127 (a) Is required to register as a sexual offender pursuant
 4128 to s. 943.0435;

4129 Section 79. For the purpose of incorporating the
 4130 amendments made by this act to sections 775.21, 943.0435, and
 4131 943.04354, Florida Statutes, in references thereto, paragraphs
 4132 (a) and (c) of subsection (2) of section 397.4872, Florida
 4133 Statutes, are reenacted to read:

4134 397.4872 Exemption from disqualification; publication.—

4135 (2) The department may exempt a person from ss. 397.487(6)
 4136 and 397.4871(5) if it has been at least 3 years since the person
 4137 has completed or been lawfully released from confinement,
 4138 supervision, or sanction for the disqualifying offense. An
 4139 exemption from the disqualifying offenses may not be given under
 4140 any circumstances for any person who is a:

4141 (a) Sexual predator pursuant to s. 775.21;

4142 (c) Sexual offender pursuant to s. 943.0435, unless the
 4143 requirement to register as a sexual offender has been removed

4144 pursuant to s. 943.04354.

4145 Section 80. For the purpose of incorporating the
 4146 amendments made by this act to sections 775.21, 943.0435, and
 4147 943.04354, Florida Statutes, in references thereto, paragraph
 4148 (b) of subsection (4) of section 435.07, Florida Statutes, is
 4149 reenacted to read:

4150 435.07 Exemptions from disqualification.—Unless otherwise
 4151 provided by law, the provisions of this section apply to
 4152 exemptions from disqualification for disqualifying offenses
 4153 revealed pursuant to background screenings required under this
 4154 chapter, regardless of whether those disqualifying offenses are
 4155 listed in this chapter or other laws.

4156 (4)

4157 (b) Disqualification from employment under this chapter
 4158 may not be removed from, nor may an exemption be granted to, any
 4159 person who is a:

- 4160 1. Sexual predator as designated pursuant to s. 775.21;
- 4161 2. Career offender pursuant to s. 775.261; or
- 4162 3. Sexual offender pursuant to s. 943.0435, unless the
 4163 requirement to register as a sexual offender has been removed
 4164 pursuant to s. 943.04354.

4165 Section 81. For the purpose of incorporating the amendment
 4166 made by this act to section 775.21, Florida Statutes, in a
 4167 reference thereto, subsection (9) of section 507.07, Florida
 4168 Statutes, is reenacted to read:

4169 507.07 Violations.—It is a violation of this chapter:

4170 (9) For a mover or a moving broker to knowingly refuse or
4171 fail to disclose in writing to a customer before a household
4172 move that the mover, or an employee or subcontractor of the
4173 mover or moving broker, who has access to the dwelling or
4174 property of the customer, including access to give a quote for
4175 the move, has been convicted of a felony listed in s.
4176 775.21(4)(a)1. or convicted of a similar offense of another
4177 jurisdiction, regardless of when such felony offense was
4178 committed.

4179 Section 82. For the purpose of incorporating the amendment
4180 made by this act to section 895.02, Florida Statutes, in a
4181 reference thereto, paragraph (g) of subsection (3) of section
4182 655.50, Florida Statutes, is reenacted to read:

4183 655.50 Florida Control of Money Laundering and Terrorist
4184 Financing in Financial Institutions Act.—

4185 (3) As used in this section, the term:

4186 (g) "Specified unlawful activity" means "racketeering
4187 activity" as defined in s. 895.02.

4188 Section 83. For the purpose of incorporating the amendment
4189 made by this act to section 784.046, Florida Statutes, in a
4190 reference thereto, paragraph (e) of subsection (1) of section
4191 741.313, Florida Statutes, is reenacted to read:

4192 741.313 Unlawful action against employees seeking
4193 protection.—

4194 (1) As used in this section, the term:

4195 (e) "Sexual violence" means sexual violence, as defined in
 4196 s. 784.046, or any crime the underlying factual basis of which
 4197 has been found by a court to include an act of sexual violence.

4198 Section 84. For the purpose of incorporating the amendment
 4199 made by this act to section 947.1405, Florida Statutes, in a
 4200 reference thereto, paragraph (j) of subsection (4) of section
 4201 775.084, Florida Statutes, is reenacted to read:

4202 775.084 Violent career criminals; habitual felony
 4203 offenders and habitual violent felony offenders; three-time
 4204 violent felony offenders; definitions; procedure; enhanced
 4205 penalties or mandatory minimum prison terms.—

4206 (4)

4207 (j) The provisions of s. 947.1405 shall apply to persons
 4208 sentenced as habitual felony offenders and persons sentenced as
 4209 habitual violent felony offenders.

4210 Section 85. For the purpose of incorporating the amendment
 4211 made by this act to section 943.0435, Florida Statutes, in a
 4212 reference thereto, subsection (2) of section 775.0862, Florida
 4213 Statutes, is reenacted to read:

4214 775.0862 Sexual offenses against students by authority
 4215 figures; reclassification.—

4216 (2) The felony degree of a violation of an offense listed
 4217 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
 4218 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified

4219 as provided in this section if the offense is committed by an
 4220 authority figure of a school against a student of the school.

4221 Section 86. For the purpose of incorporating the
 4222 amendments made by this act to sections 775.21, 943.0435, and
 4223 944.607, Florida Statutes, in references thereto, paragraphs (e)
 4224 and (f) of subsection (4) of section 775.13, Florida Statutes,
 4225 are reenacted to read:

4226 775.13 Registration of convicted felons, exemptions;
 4227 penalties.—

4228 (4) This section does not apply to an offender:

4229 (e) Who is a sexual predator and has registered as
 4230 required under s. 775.21;

4231 (f) Who is a sexual offender and has registered as
 4232 required in s. 943.0435 or s. 944.607; or

4233 Section 87. For the purpose of incorporating the
 4234 amendments made by this act to sections 943.0435, 944.607,
 4235 947.1405, and 948.30, Florida Statutes, in references thereto,
 4236 paragraph (b) of subsection (3), paragraph (d) of subsection
 4237 (5), paragraph (f) of subsection (6), and paragraph (c) of
 4238 subsection (10) of section 775.21, Florida Statutes, are
 4239 reenacted to read:

4240 775.21 The Florida Sexual Predators Act.—

4241 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4242 (b) The high level of threat that a sexual predator
 4243 presents to the public safety, and the long-term effects

4244 suffered by victims of sex offenses, provide the state with
4245 sufficient justification to implement a strategy that includes:
4246 1. Incarcerating sexual predators and maintaining adequate
4247 facilities to ensure that decisions to release sexual predators
4248 into the community are not made on the basis of inadequate
4249 space.
4250 2. Providing for specialized supervision of sexual
4251 predators who are in the community by specially trained
4252 probation officers with low caseloads, as described in ss.
4253 947.1405(7) and 948.30. The sexual predator is subject to
4254 specified terms and conditions implemented at sentencing or at
4255 the time of release from incarceration, with a requirement that
4256 those who are financially able must pay all or part of the costs
4257 of supervision.
4258 3. Requiring the registration of sexual predators, with a
4259 requirement that complete and accurate information be maintained
4260 and accessible for use by law enforcement authorities,
4261 communities, and the public.
4262 4. Providing for community and public notification
4263 concerning the presence of sexual predators.
4264 5. Prohibiting sexual predators from working with
4265 children, either for compensation or as a volunteer.
4266 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4267 as a sexual predator as follows:
4268 (d) A person who establishes or maintains a residence in

4269 | this state and who has not been designated as a sexual predator
4270 | by a court of this state but who has been designated as a sexual
4271 | predator, as a sexually violent predator, or by another sexual
4272 | offender designation in another state or jurisdiction and was,
4273 | as a result of such designation, subjected to registration or
4274 | community or public notification, or both, or would be if the
4275 | person was a resident of that state or jurisdiction, without
4276 | regard to whether the person otherwise meets the criteria for
4277 | registration as a sexual offender, shall register in the manner
4278 | provided in s. 943.0435 or s. 944.607 and shall be subject to
4279 | community and public notification as provided in s. 943.0435 or
4280 | s. 944.607. A person who meets the criteria of this section is
4281 | subject to the requirements and penalty provisions of s.
4282 | 943.0435 or s. 944.607 until the person provides the department
4283 | with an order issued by the court that designated the person as
4284 | a sexual predator, as a sexually violent predator, or by another
4285 | sexual offender designation in the state or jurisdiction in
4286 | which the order was issued which states that such designation
4287 | has been removed or demonstrates to the department that such
4288 | designation, if not imposed by a court, has been removed by
4289 | operation of law or court order in the state or jurisdiction in
4290 | which the designation was made, and provided such person no
4291 | longer meets the criteria for registration as a sexual offender
4292 | under the laws of this state.

4293 | (6) REGISTRATION.—

4294 (f) Within 48 hours after the registration required under
4295 paragraph (a) or paragraph (e), a sexual predator who is not
4296 incarcerated and who resides in the community, including a
4297 sexual predator under the supervision of the Department of
4298 Corrections, shall register in person at a driver license office
4299 of the Department of Highway Safety and Motor Vehicles and shall
4300 present proof of registration unless a driver license or an
4301 identification card that complies with the requirements of s.
4302 322.141(3) was previously secured or updated under s. 944.607.
4303 At the driver license office the sexual predator shall:
4304 1. If otherwise qualified, secure a Florida driver
4305 license, renew a Florida driver license, or secure an
4306 identification card. The sexual predator shall identify himself
4307 or herself as a sexual predator who is required to comply with
4308 this section, provide his or her place of permanent, temporary,
4309 or transient residence, including a rural route address and a
4310 post office box, and submit to the taking of a photograph for
4311 use in issuing a driver license, a renewed license, or an
4312 identification card, and for use by the department in
4313 maintaining current records of sexual predators. A post office
4314 box may not be provided in lieu of a physical residential
4315 address. If the sexual predator's place of residence is a motor
4316 vehicle, trailer, mobile home, or manufactured home, as defined
4317 in chapter 320, the sexual predator shall also provide to the
4318 Department of Highway Safety and Motor Vehicles the vehicle

4319 identification number; the license tag number; the registration
 4320 number; and a description, including color scheme, of the motor
 4321 vehicle, trailer, mobile home, or manufactured home. If a sexual
 4322 predator's place of residence is a vessel, live-aboard vessel,
 4323 or houseboat, as defined in chapter 327, the sexual predator
 4324 shall also provide to the Department of Highway Safety and Motor
 4325 Vehicles the hull identification number; the manufacturer's
 4326 serial number; the name of the vessel, live-aboard vessel, or
 4327 houseboat; the registration number; and a description, including
 4328 color scheme, of the vessel, live-aboard vessel, or houseboat.

4329 2. Pay the costs assessed by the Department of Highway
 4330 Safety and Motor Vehicles for issuing or renewing a driver
 4331 license or an identification card as required by this section.
 4332 The driver license or identification card issued to the sexual
 4333 predator must comply with s. 322.141(3).

4334 3. Provide, upon request, any additional information
 4335 necessary to confirm the identity of the sexual predator,
 4336 including a set of fingerprints.

4337 (10) PENALTIES.—

4338 (c) Any person who misuses public records information
 4339 relating to a sexual predator, as defined in this section, or a
 4340 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4341 secure a payment from such a predator or offender; who knowingly
 4342 distributes or publishes false information relating to such a
 4343 predator or offender which the person misrepresents as being

4344 public records information; or who materially alters public
4345 records information with the intent to misrepresent the
4346 information, including documents, summaries of public records
4347 information provided by law enforcement agencies, or public
4348 records information displayed by law enforcement agencies on
4349 websites or provided through other means of communication,
4350 commits a misdemeanor of the first degree, punishable as
4351 provided in s. 775.082 or s. 775.083.

4352 Section 88. For the purpose of incorporating the
4353 amendments made by this act to section 943.0435, 944.606, and
4354 944.607, Florida Statutes, in references thereto, subsection (2)
4355 of section 775.24, Florida Statutes, is reenacted to read:

4356 775.24 Duty of the court to uphold laws governing sexual
4357 predators and sexual offenders.—

4358 (2) If a person meets the criteria in this chapter for
4359 designation as a sexual predator or meets the criteria in s.
4360 943.0435, s. 944.606, s. 944.607, or any other law for
4361 classification as a sexual offender, the court may not enter an
4362 order, for the purpose of approving a plea agreement or for any
4363 other reason, which:

4364 (a) Exempts a person who meets the criteria for
4365 designation as a sexual predator or classification as a sexual
4366 offender from such designation or classification, or exempts
4367 such person from the requirements for registration or community
4368 and public notification imposed upon sexual predators and sexual

4369 offenders;

4370 (b) Restricts the compiling, reporting, or release of
4371 public records information that relates to sexual predators or
4372 sexual offenders; or

4373 (c) Prevents any person or entity from performing its
4374 duties or operating within its statutorily conferred authority
4375 as such duty or authority relates to sexual predators or sexual
4376 offenders.

4377 Section 89. For the purpose of incorporating the
4378 amendments made by this act to sections 775.21, 943.0435,
4379 944.606, and 944.607, Florida Statutes, in references thereto,
4380 section 775.25, Florida Statutes, is reenacted to read:

4381 775.25 Prosecutions for acts or omissions.—A sexual
4382 predator or sexual offender who commits any act or omission in
4383 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4384 944.607, or former s. 947.177 may be prosecuted for the act or
4385 omission in the county in which the act or omission was
4386 committed, in the county of the last registered address of the
4387 sexual predator or sexual offender, in the county in which the
4388 conviction occurred for the offense or offenses that meet the
4389 criteria for designating a person as a sexual predator or sexual
4390 offender, in the county where the sexual predator or sexual
4391 offender was released from incarceration, or in the county of
4392 the intended address of the sexual predator or sexual offender
4393 as reported by the predator or offender prior to his or her

4394 release from incarceration. In addition, a sexual predator may
 4395 be prosecuted for any such act or omission in the county in
 4396 which he or she was designated a sexual predator.

4397 Section 90. For the purpose of incorporating the
 4398 amendments made by this act to sections 775.21, 943.0435, and
 4399 944.607, Florida Statutes, in references thereto, paragraph (b)
 4400 of subsection (3) of section 775.261, Florida Statutes, is
 4401 reenacted to read:

4402 775.261 The Florida Career Offender Registration Act.—

4403 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4404 (b) This section does not apply to any person who has been
 4405 designated as a sexual predator and required to register under
 4406 s. 775.21 or who is required to register as a sexual offender
 4407 under s. 943.0435 or s. 944.607. However, if a person is no
 4408 longer required to register as a sexual predator under s. 775.21
 4409 or as a sexual offender under s. 943.0435 or s. 944.607, the
 4410 person must register as a career offender under this section if
 4411 the person is otherwise designated as a career offender as
 4412 provided in this section.

4413 Section 91. For the purpose of incorporating the amendment
 4414 made by this act to section 847.001, Florida Statutes, in a
 4415 reference thereto, paragraph (d) of subsection (2) of section
 4416 784.049, Florida Statutes, is reenacted to read:

4417 784.049 Sexual cyberharassment.—

4418 (2) As used in this section, the term:

4419 (d) "Sexually explicit image" means any image depicting
4420 nudity, as defined in s. 847.001, or depicting a person engaging
4421 in sexual conduct, as defined in s. 847.001.

4422 Section 92. For the purpose of incorporating the amendment
4423 made by this act to section 794.0115, Florida Statutes, in
4424 references thereto, paragraph (a) of subsection (2) and
4425 subsections (3), (4), and (5) of section 794.011, Florida
4426 Statutes, are reenacted to read:

4427 794.011 Sexual battery.—

4428 (2)(a) A person 18 years of age or older who commits
4429 sexual battery upon, or in an attempt to commit sexual battery
4430 injures the sexual organs of, a person less than 12 years of age
4431 commits a capital felony, punishable as provided in ss. 775.082
4432 and 921.141.

4433 (3) A person who commits sexual battery upon a person 12
4434 years of age or older, without that person's consent, and in the
4435 process thereof uses or threatens to use a deadly weapon or uses
4436 actual physical force likely to cause serious personal injury
4437 commits a life felony, punishable as provided in s. 775.082, s.
4438 775.083, s. 775.084, or s. 794.0115.

4439 (4)(a) A person 18 years of age or older who commits
4440 sexual battery upon a person 12 years of age or older but
4441 younger than 18 years of age without that person's consent,
4442 under any of the circumstances listed in paragraph (e), commits
4443 a felony of the first degree, punishable by a term of years not

4444 exceeding life or as provided in s. 775.082, s. 775.083, s.
4445 775.084, or s. 794.0115.

4446 (b) A person 18 years of age or older who commits sexual
4447 battery upon a person 18 years of age or older without that
4448 person's consent, under any of the circumstances listed in
4449 paragraph (e), commits a felony of the first degree, punishable
4450 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4451 794.0115.

4452 (c) A person younger than 18 years of age who commits
4453 sexual battery upon a person 12 years of age or older without
4454 that person's consent, under any of the circumstances listed in
4455 paragraph (e), commits a felony of the first degree, punishable
4456 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4457 794.0115.

4458 (d) A person commits a felony of the first degree,
4459 punishable by a term of years not exceeding life or as provided
4460 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4461 person commits sexual battery upon a person 12 years of age or
4462 older without that person's consent, under any of the
4463 circumstances listed in paragraph (e), and such person was
4464 previously convicted of a violation of:

4465 1. Section 787.01(2) or s. 787.02(2) when the violation
4466 involved a victim who was a minor and, in the course of
4467 committing that violation, the defendant committed against the
4468 minor a sexual battery under this chapter or a lewd act under s.

4469 800.04 or s. 847.0135(5);
 4470 2. Section 787.01(3)(a)2. or 3.;
 4471 3. Section 787.02(3)(a)2. or 3.;
 4472 4. Section 800.04;
 4473 5. Section 825.1025;
 4474 6. Section 847.0135(5); or
 4475 7. This chapter, excluding subsection (10) of this
 4476 section.
 4477 (e) The following circumstances apply to paragraphs (a)-
 4478 (d):
 4479 1. The victim is physically helpless to resist.
 4480 2. The offender coerces the victim to submit by
 4481 threatening to use force or violence likely to cause serious
 4482 personal injury on the victim, and the victim reasonably
 4483 believes that the offender has the present ability to execute
 4484 the threat.
 4485 3. The offender coerces the victim to submit by
 4486 threatening to retaliate against the victim, or any other
 4487 person, and the victim reasonably believes that the offender has
 4488 the ability to execute the threat in the future.
 4489 4. The offender, without the prior knowledge or consent of
 4490 the victim, administers or has knowledge of someone else
 4491 administering to the victim any narcotic, anesthetic, or other
 4492 intoxicating substance that mentally or physically incapacitates
 4493 the victim.

4494 5. The victim is mentally defective, and the offender has
4495 reason to believe this or has actual knowledge of this fact.

4496 6. The victim is physically incapacitated.

4497 7. The offender is a law enforcement officer, correctional
4498 officer, or correctional probation officer as defined in s.
4499 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
4500 under s. 943.1395 or is an elected official exempt from such
4501 certification by virtue of s. 943.253, or any other person in a
4502 position of control or authority in a probation, community
4503 control, controlled release, detention, custodial, or similar
4504 setting, and such officer, official, or person is acting in such
4505 a manner as to lead the victim to reasonably believe that the
4506 offender is in a position of control or authority as an agent or
4507 employee of government.

4508 (5) (a) A person 18 years of age or older who commits
4509 sexual battery upon a person 12 years of age or older but
4510 younger than 18 years of age, without that person's consent, and
4511 in the process does not use physical force and violence likely
4512 to cause serious personal injury commits a felony of the first
4513 degree, punishable as provided in s. 775.082, s. 775.083, s.
4514 775.084, or s. 794.0115.

4515 (b) A person 18 years of age or older who commits sexual
4516 battery upon a person 18 years of age or older, without that
4517 person's consent, and in the process does not use physical force
4518 and violence likely to cause serious personal injury commits a

4519 felony of the second degree, punishable as provided in s.
4520 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4521 (c) A person younger than 18 years of age who commits
4522 sexual battery upon a person 12 years of age or older, without
4523 that person's consent, and in the process does not use physical
4524 force and violence likely to cause serious personal injury
4525 commits a felony of the second degree, punishable as provided in
4526 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4527 (d) A person commits a felony of the first degree,
4528 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4529 s. 794.0115 if the person commits sexual battery upon a person
4530 12 years of age or older, without that person's consent, and in
4531 the process does not use physical force and violence likely to
4532 cause serious personal injury and the person was previously
4533 convicted of a violation of:

4534 1. Section 787.01(2) or s. 787.02(2) when the violation
4535 involved a victim who was a minor and, in the course of
4536 committing that violation, the defendant committed against the
4537 minor a sexual battery under this chapter or a lewd act under s.
4538 800.04 or s. 847.0135(5);

4539 2. Section 787.01(3)(a)2. or 3.;

4540 3. Section 787.02(3)(a)2. or 3.;

4541 4. Section 800.04;

4542 5. Section 825.1025;

4543 6. Section 847.0135(5); or

4544 7. This chapter, excluding subsection (10) of this
4545 section.

4546 Section 93. For the purpose of incorporating the amendment
4547 made by this act to section 92.56, Florida Statutes, in a
4548 reference thereto, section 794.03, Florida Statutes, is
4549 reenacted to read:

4550 794.03 Unlawful to publish or broadcast information
4551 identifying sexual offense victim.—No person shall print,
4552 publish, or broadcast, or cause or allow to be printed,
4553 published, or broadcast, in any instrument of mass communication
4554 the name, address, or other identifying fact or information of
4555 the victim of any sexual offense within this chapter, except as
4556 provided in s. 119.071(2)(h) or unless the court determines that
4557 such information is no longer confidential and exempt pursuant
4558 to s. 92.56. An offense under this section shall constitute a
4559 misdemeanor of the second degree, punishable as provided in s.
4560 775.082 or s. 775.083.

4561 Section 94. For the purpose of incorporating the amendment
4562 made by this act to section 775.21, Florida Statutes, in a
4563 reference thereto, subsection (1) of section 794.075, Florida
4564 Statutes, is reenacted to read:

4565 794.075 Sexual predators; erectile dysfunction drugs.—

4566 (1) A person may not possess a prescription drug, as
4567 defined in s. 499.003(40), for the purpose of treating erectile
4568 dysfunction if the person is designated as a sexual predator

4569 | under s. 775.21.

4570 | Section 95. For the purpose of incorporating the amendment
4571 | made by this act to section 960.03, Florida Statutes, in
4572 | references thereto, paragraph (b) of subsection (1) and
4573 | subsections (2) and (3) of section 847.002, Florida Statutes,
4574 | are reenacted to read:

4575 | 847.002 Child pornography prosecutions.—

4576 | (1) Any law enforcement officer who, pursuant to a
4577 | criminal investigation, recovers images or movies of child
4578 | pornography shall:

4579 | (b) Request the law enforcement agency contact information
4580 | from the Child Victim Identification Program for any images or
4581 | movies recovered which contain an identified victim of child
4582 | pornography as defined in s. 960.03.

4583 | (2) Any law enforcement officer submitting a case for
4584 | prosecution which involves the production, promotion, or
4585 | possession of child pornography shall submit to the designated
4586 | prosecutor the law enforcement agency contact information
4587 | provided by the Child Victim Identification Program at the
4588 | National Center for Missing and Exploited Children, for any
4589 | images or movies involved in the case which contain the
4590 | depiction of an identified victim of child pornography as
4591 | defined in s. 960.03.

4592 | (3) In every filed case involving an identified victim of
4593 | child pornography, as defined in s. 960.03, the prosecuting

4594 agency shall enter the following information into the Victims in
 4595 Child Pornography Tracking Repeat Exploitation database
 4596 maintained by the Office of the Attorney General:

- 4597 (a) The case number and agency file number.
- 4598 (b) The named defendant.
- 4599 (c) The circuit court division and county.
- 4600 (d) Current court dates and the status of the case.
- 4601 (e) Contact information for the prosecutor assigned.
- 4602 (f) Verification that the prosecutor is or is not in
 4603 possession of a victim impact statement and will use the
 4604 statement in sentencing.

4605 Section 96. For the purpose of incorporating the amendment
 4606 made by this act to section 847.001, Florida Statutes, in a
 4607 reference thereto, paragraph (b) of subsection (3) of section
 4608 847.012, Florida Statutes, is reenacted to read:

4609 847.012 Harmful materials; sale or distribution to minors
 4610 or using minors in production prohibited; penalty.—

4611 (3) A person may not knowingly sell, rent, or loan for
 4612 monetary consideration to a minor:

4613 (b) Any book, pamphlet, magazine, printed matter however
 4614 reproduced, or sound recording that contains any matter defined
 4615 in s. 847.001, explicit and detailed verbal descriptions or
 4616 narrative accounts of sexual excitement, or sexual conduct and
 4617 that is harmful to minors.

4618 Section 97. For the purpose of incorporating the amendment

4619 | made by this act to section 92.56, Florida Statutes, in a
 4620 | reference thereto, subsection (3) of section 847.01357, Florida
 4621 | Statutes, is reenacted to read:

4622 | 847.01357 Exploited children's civil remedy.—

4623 | (3) Any victim who has a bona fide claim under this
 4624 | section shall, upon request, be provided a pseudonym, pursuant
 4625 | to s. 92.56(3), which shall be issued and maintained by the
 4626 | Department of Legal Affairs for use in all legal pleadings. This
 4627 | identifier shall be fully recognized in all courts in this state
 4628 | as a valid legal identity.

4629 | Section 98. For the purpose of incorporating the amendment
 4630 | made by this act to section 847.001, Florida Statutes, in a
 4631 | reference thereto, subsections (2) and (3) of section 847.0138,
 4632 | Florida Statutes, are reenacted to read:

4633 | 847.0138 Transmission of material harmful to minors to a
 4634 | minor by electronic device or equipment prohibited; penalties.—

4635 | (2) Notwithstanding ss. 847.012 and 847.0133, any person
 4636 | who knew or believed that he or she was transmitting an image,
 4637 | information, or data that is harmful to minors, as defined in s.
 4638 | 847.001, to a specific individual known by the defendant to be a
 4639 | minor commits a felony of the third degree, punishable as
 4640 | provided in s. 775.082, s. 775.083, or s. 775.084.

4641 | (3) Notwithstanding ss. 847.012 and 847.0133, any person
 4642 | in any jurisdiction other than this state who knew or believed
 4643 | that he or she was transmitting an image, information, or data

4644 that is harmful to minors, as defined in s. 847.001, to a
 4645 specific individual known by the defendant to be a minor commits
 4646 a felony of the third degree, punishable as provided in s.
 4647 775.082, s. 775.083, or s. 775.084.

4648
 4649 The provisions of this section do not apply to subscription-
 4650 based transmissions such as list servers.

4651 Section 99. For the purpose of incorporating the
 4652 amendments made by this act to sections 16.56 and 895.02,
 4653 Florida Statutes, in references thereto, paragraph (h) of
 4654 subsection (2) and subsection (10) of section 896.101, Florida
 4655 Statutes, are reenacted to read:

4656 896.101 Florida Money Laundering Act; definitions;
 4657 penalties; injunctions; seizure warrants; immunity.-

4658 (2) As used in this section, the term:

4659 (h) "Specified unlawful activity" means any "racketeering
 4660 activity" as defined in s. 895.02.

4661 (10) Any financial institution, licensed money services
 4662 business, or other person served with and complying with the
 4663 terms of a warrant, temporary injunction, or other court order,
 4664 including any subpoena issued under s. 16.56 or s. 27.04,
 4665 obtained in furtherance of an investigation of any crime in this
 4666 section, including any crime listed as specified unlawful
 4667 activity under this section or any felony violation of chapter
 4668 560, has immunity from criminal liability and is not liable to

4669 any person for any lawful action taken in complying with the
4670 warrant, temporary injunction, or other court order, including
4671 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
4672 issued under s. 16.56 or s. 27.04 contains a nondisclosure
4673 provision, any financial institution, licensed money services
4674 business, employee or officer of a financial institution or
4675 licensed money services business, or any other person may not
4676 notify, directly or indirectly, any customer of that financial
4677 institution or money services business whose records are being
4678 sought by the subpoena, or any other person named in the
4679 subpoena, about the existence or the contents of that subpoena
4680 or about information that has been furnished to the state
4681 attorney or statewide prosecutor who issued the subpoena or
4682 other law enforcement officer named in the subpoena in response
4683 to the subpoena.

4684 Section 100. For the purpose of incorporating the
4685 amendments made by this act to sections 775.21 and 948.06,
4686 Florida Statutes, in references thereto, paragraphs (b) and (c)
4687 of subsection (1) of section 903.0351, Florida Statutes, are
4688 reenacted to read:

4689 903.0351 Restrictions on pretrial release pending
4690 probation-violation hearing or community-control-violation
4691 hearing.—

4692 (1) In the instance of an alleged violation of felony
4693 probation or community control, bail or any other form of

4694 pretrial release shall not be granted prior to the resolution of
4695 the probation-violation hearing or the community-control-
4696 violation hearing to:

4697 (b) A person who is on felony probation or community
4698 control for any offense committed on or after the effective date
4699 of this act and who is arrested for a qualifying offense as
4700 defined in s. 948.06(8)(c); or

4701 (c) A person who is on felony probation or community
4702 control and has previously been found by a court to be a
4703 habitual violent felony offender as defined in s. 775.084(1)(b),
4704 a three-time violent felony offender as defined in s.
4705 775.084(1)(c), or a sexual predator under s. 775.21, and who is
4706 arrested for committing a qualifying offense as defined in s.
4707 948.06(8)(c) on or after the effective date of this act.

4708 Section 101. For the purpose of incorporating the
4709 amendments made by this act to sections 775.21 and 943.0435,
4710 Florida Statutes, in references thereto, paragraph (m) of
4711 subsection (2) of section 903.046, Florida Statutes, is
4712 reenacted to read:

4713 903.046 Purpose of and criteria for bail determination.—

4714 (2) When determining whether to release a defendant on
4715 bail or other conditions, and what that bail or those conditions
4716 may be, the court shall consider:

4717 (m) Whether the defendant, other than a defendant whose
4718 only criminal charge is a misdemeanor offense under chapter 316,

4719 is required to register as a sexual offender under s. 943.0435
 4720 or a sexual predator under s. 775.21; and, if so, he or she is
 4721 not eligible for release on bail or surety bond until the first
 4722 appearance on the case in order to ensure the full participation
 4723 of the prosecutor and the protection of the public.

4724 Section 102. For the purpose of incorporating the
 4725 amendment made by this act to section 895.02, Florida Statutes,
 4726 in a reference thereto, subsection (3) of section 905.34,
 4727 Florida Statutes, is reenacted to read:

4728 905.34 Powers and duties; law applicable.—The jurisdiction
 4729 of a statewide grand jury impaneled under this chapter shall
 4730 extend throughout the state. The subject matter jurisdiction of
 4731 the statewide grand jury shall be limited to the offenses of:

4732 (3) Any violation of the provisions of the Florida RICO
 4733 (Racketeer Influenced and Corrupt Organization) Act, including
 4734 any offense listed in the definition of racketeering activity in
 4735 s. 895.02(8)(a), providing such listed offense is investigated
 4736 in connection with a violation of s. 895.03 and is charged in a
 4737 separate count of an information or indictment containing a
 4738 count charging a violation of s. 895.03, the prosecution of
 4739 which listed offense may continue independently if the
 4740 prosecution of the violation of s. 895.03 is terminated for any
 4741 reason;

4742
 4743 or any attempt, solicitation, or conspiracy to commit any

4744 violation of the crimes specifically enumerated above, when any
 4745 such offense is occurring, or has occurred, in two or more
 4746 judicial circuits as part of a related transaction or when any
 4747 such offense is connected with an organized criminal conspiracy
 4748 affecting two or more judicial circuits. The statewide grand
 4749 jury may return indictments and presentments irrespective of the
 4750 county or judicial circuit where the offense is committed or
 4751 triable. If an indictment is returned, it shall be certified and
 4752 transferred for trial to the county where the offense was
 4753 committed. The powers and duties of, and law applicable to,
 4754 county grand juries shall apply to a statewide grand jury except
 4755 when such powers, duties, and law are inconsistent with the
 4756 provisions of ss. 905.31-905.40.

4757 Section 103. For the purpose of incorporating the
 4758 amendments made by this act to sections 775.21 and 847.0135,
 4759 Florida Statutes, in references thereto, paragraph (g) of
 4760 subsection (3) of section 921.0022, Florida Statutes, is
 4761 reenacted to read:

4762 921.0022 Criminal Punishment Code; offense severity
 4763 ranking chart.—

4764 (3) OFFENSE SEVERITY RANKING CHART

4765 (g) LEVEL 7

4766

Florida	Felony	
Statute	Degree	Description

4767	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
4768	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
4769	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.
4770	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
4771	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
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4773	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4774	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4775	456.065 (2)	3rd	Practicing a health care profession without a license.
4776	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4777	458.327 (1)	3rd	Practicing medicine without a license.
4778	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4779	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine

			without a license.
4780	462.17	3rd	Practicing naturopathy without a license.
4781	463.015 (1)	3rd	Practicing optometry without a license.
4782	464.016 (1)	3rd	Practicing nursing without a license.
4783	465.015 (2)	3rd	Practicing pharmacy without a license.
4784	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4785	467.201	3rd	Practicing midwifery without a license.
4786	468.366	3rd	Delivering respiratory care services without a license.
4787	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a

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4788			license.
	483.901 (7)	3rd	Practicing medical physics without a license.
4789			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4790			
	484.053	3rd	Dispensing hearing aids without a license.
4791			
	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.
4792			
	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.
4793			
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency

			or payment instruments exceeding \$300 but less than \$20,000.
4794	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
4795	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
4796	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
4797	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4798	782.051(3)	2nd	Attempted felony murder of a person by a person other than

4799	782.07(1)	2nd	the perpetrator or the perpetrator of an attempted felony.
4800	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4801	782.072	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4802	784.045(1)(a)1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4803	784.045(1)(a)2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
			Aggravated battery; using

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			deadly weapon.
4804	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4805	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4806	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4807	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4808	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4809	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4810	784.081 (1)	1st	Aggravated battery on specified official or employee.
4811	784.082 (1)	1st	Aggravated battery by detained

			person on visitor or other detainee.
4812	784.083 (1)	1st	Aggravated battery on code inspector.
4813	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4814	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.
4815	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
4816	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
4817	790.165 (2)	2nd	Manufacture, sell, possess, or

4818			deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4819			
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4820			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
4821			
	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
4822			
	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.
4823	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4824	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4825	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4826	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.
4827	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older;

			prior conviction for specified sex offense.
4828	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
4829	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4830	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4831	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4832	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4833	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.
4834	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4835	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4836	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4837	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4838	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4839	812.131 (2) (a)	2nd	Robbery by sudden snatching.
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4841	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4842	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4843	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4844	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
4845	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4846	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

4847	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
4848	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
4849	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4850	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4851	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4852	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

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4853	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4854	838.015	2nd	Bribery.
4855	838.016	2nd	Unlawful compensation or reward for official behavior.
4856	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4857	838.22	2nd	Bid tampering.
4858	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4859	843.0855 (3)	3rd	Unlawful simulation of legal process.
4860	843.0855 (4)	3rd	Intimidation of a public officer or employee.
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an

4861			unlawful sex act.
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4862			
	872.06	2nd	Abuse of a dead human body.
4863			
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4864			
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
4865			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal

4866	893.13(1)(e)1.	1st	park or publicly owned recreational facility or community center.
4867	893.13(4)(a)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
4868	893.135(1)(a)1.	1st	Use or hire of minor; deliver to minor other controlled substance.
4869	893.135 (1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. Trafficking in cocaine, more than 28 grams, less than 200 grams.
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4871	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4872	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4873	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4874	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4875	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4876	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in phencyclidine,

4877	(1) (d) 1.a.		28 grams or more, less than 200 grams.
4878	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
4879	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
4880	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4881	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4882	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

4883	(1) (k) 2.a.		10 grams or more, less than 200 grams.
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
4884			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
4885			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or more, less than 100 grams.
4886			
	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4887			
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4888			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration

4889	943.0435(4)(c)	2nd	requirements, financial transactions exceeding \$300 but less than \$20,000.
4890	943.0435(8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
4891	943.0435(9)(a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4892	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
4893	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure

4894	944.607(9)	3rd	to respond to address verification; providing false registration information.
4895	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
4896	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4897	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4898	985.4815(10)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
			Sexual offender; failure to submit to the taking of a

digitized photograph.

4899

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

4900

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4901

4902 Section 104. For the purpose of incorporating the
 4903 amendment made by this act to section 775.21, Florida Statutes,
 4904 in a reference thereto, paragraph (o) of subsection (6) of
 4905 section 921.141, Florida Statutes, is reenacted to read:

4906 921.141 Sentence of death or life imprisonment for capital
 4907 felonies; further proceedings to determine sentence.—

4908 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
 4909 limited to the following:

4910 (o) The capital felony was committed by a person
 4911 designated as a sexual predator pursuant to s. 775.21 or a
 4912 person previously designated as a sexual predator who had the
 4913 sexual predator designation removed.

4914 Section 105. For the purpose of incorporating the
4915 amendments made by this act to sections 775.21, 944.606, and
4916 944.607, Florida Statutes, in references thereto, subsection
4917 (3), paragraph (a) of subsection (4), and subsection (5) of
4918 section 943.0435, Florida Statutes, are reenacted to read:

4919 943.0435 Sexual offenders required to register with the
4920 department; penalty.—

4921 (3) Within 48 hours after the report required under
4922 subsection (2), a sexual offender shall report in person at a
4923 driver license office of the Department of Highway Safety and
4924 Motor Vehicles, unless a driver license or identification card
4925 that complies with the requirements of s. 322.141(3) was
4926 previously secured or updated under s. 944.607. At the driver
4927 license office the sexual offender shall:

4928 (a) If otherwise qualified, secure a Florida driver
4929 license, renew a Florida driver license, or secure an
4930 identification card. The sexual offender shall identify himself
4931 or herself as a sexual offender who is required to comply with
4932 this section and shall provide proof that the sexual offender
4933 reported as required in subsection (2). The sexual offender
4934 shall provide any of the information specified in subsection
4935 (2), if requested. The sexual offender shall submit to the
4936 taking of a photograph for use in issuing a driver license,
4937 renewed license, or identification card, and for use by the
4938 department in maintaining current records of sexual offenders.

4939 (b) Pay the costs assessed by the Department of Highway
 4940 Safety and Motor Vehicles for issuing or renewing a driver
 4941 license or identification card as required by this section. The
 4942 driver license or identification card issued must be in
 4943 compliance with s. 322.141(3).

4944 (c) Provide, upon request, any additional information
 4945 necessary to confirm the identity of the sexual offender,
 4946 including a set of fingerprints.

4947 (4) (a) Each time a sexual offender's driver license or
 4948 identification card is subject to renewal, and, without regard
 4949 to the status of the offender's driver license or identification
 4950 card, within 48 hours after any change in the offender's
 4951 permanent, temporary, or transient residence or change in the
 4952 offender's name by reason of marriage or other legal process,
 4953 the offender shall report in person to a driver license office,
 4954 and is subject to the requirements specified in subsection (3).
 4955 The Department of Highway Safety and Motor Vehicles shall
 4956 forward to the department all photographs and information
 4957 provided by sexual offenders. Notwithstanding the restrictions
 4958 set forth in s. 322.142, the Department of Highway Safety and
 4959 Motor Vehicles may release a reproduction of a color-photograph
 4960 or digital-image license to the Department of Law Enforcement
 4961 for purposes of public notification of sexual offenders as
 4962 provided in this section and ss. 943.043 and 944.606. A sexual
 4963 offender who is unable to secure or update a driver license or

4964 an identification card with the Department of Highway Safety and
4965 Motor Vehicles as provided in subsection (3) and this subsection
4966 shall also report any change in the sexual offender's permanent,
4967 temporary, or transient residence or change in the offender's
4968 name by reason of marriage or other legal process within 48
4969 hours after the change to the sheriff's office in the county
4970 where the offender resides or is located and provide
4971 confirmation that he or she reported such information to the
4972 Department of Highway Safety and Motor Vehicles. The reporting
4973 requirements under this paragraph do not negate the requirement
4974 for a sexual offender to obtain a Florida driver license or an
4975 identification card as required in this section.

4976 (5) This section does not apply to a sexual offender who
4977 is also a sexual predator, as defined in s. 775.21. A sexual
4978 predator must register as required under s. 775.21.

4979 Section 106. For the purpose of incorporating the
4980 amendments made by this act to sections 943.0435, 944.606, and
4981 944.607, Florida Statutes, in references thereto, subsection (2)
4982 of section 943.0436, Florida Statutes, is reenacted to read:

4983 943.0436 Duty of the court to uphold laws governing sexual
4984 predators and sexual offenders.—

4985 (2) If a person meets the criteria in chapter 775 for
4986 designation as a sexual predator or meets the criteria in s.
4987 943.0435, s. 944.606, s. 944.607, or any other law for
4988 classification as a sexual offender, the court may not enter an

4989 order, for the purpose of approving a plea agreement or for any
 4990 other reason, which:

4991 (a) Exempts a person who meets the criteria for
 4992 designation as a sexual predator or classification as a sexual
 4993 offender from such designation or classification, or exempts
 4994 such person from the requirements for registration or community
 4995 and public notification imposed upon sexual predators and sexual
 4996 offenders;

4997 (b) Restricts the compiling, reporting, or release of
 4998 public records information that relates to sexual predators or
 4999 sexual offenders; or

5000 (c) Prevents any person or entity from performing its
 5001 duties or operating within its statutorily conferred authority
 5002 as such duty or authority relates to sexual predators or sexual
 5003 offenders.

5004 Section 107. For the purpose of incorporating the
 5005 amendment made by this act to section 847.0135, Florida
 5006 Statutes, in a reference thereto, paragraph (g) of subsection
 5007 (2) of section 943.325, Florida Statutes, is reenacted to read:

5008 943.325 DNA database.—

5009 (2) DEFINITIONS.—As used in this section, the term:

5010 (g) "Qualifying offender" means any person, including
 5011 juveniles and adults, who is:

5012 1.a. Committed to a county jail;

5013 b. Committed to or under the supervision of the Department

5014 of Corrections, including persons incarcerated in a private
 5015 correctional institution operated under contract pursuant to s.
 5016 944.105;

5017 c. Committed to or under the supervision of the Department
 5018 of Juvenile Justice;

5019 d. Transferred to this state under the Interstate Compact
 5020 on Juveniles, part XIII of chapter 985; or

5021 e. Accepted under Article IV of the Interstate Corrections
 5022 Compact, part III of chapter 941; and who is:

5023 2.a. Convicted of any felony offense or attempted felony
 5024 offense in this state or of a similar offense in another
 5025 jurisdiction;

5026 b. Convicted of a misdemeanor violation of s. 784.048, s.
 5027 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an
 5028 offense that was found, pursuant to s. 874.04, to have been
 5029 committed for the purpose of benefiting, promoting, or
 5030 furthering the interests of a criminal gang as defined in s.
 5031 874.03; or

5032 c. Arrested for any felony offense or attempted felony
 5033 offense in this state.

5034 Section 108. For the purpose of incorporating the
 5035 amendment made by this act to section 847.001, Florida Statutes,
 5036 in a reference thereto, subsection (2) of section 944.11,
 5037 Florida Statutes, is reenacted to read:

5038 944.11 Department to regulate admission of books.—

5039 (2) The department shall have the authority to prohibit
 5040 admission of reading materials or publications with content
 5041 which depicts sexual conduct as defined by s. 847.001 or
 5042 presents nudity in such a way as to create the appearance that
 5043 sexual conduct is imminent. The department shall have the
 5044 authority to prohibit admission of such materials at a
 5045 particular state correctional facility upon a determination by
 5046 the department that such material or publications would be
 5047 detrimental to the safety, security, order or rehabilitative
 5048 interests of a particular state correctional facility or would
 5049 create a risk of disorder at a particular state correctional
 5050 facility.

5051 Section 109. For the purpose of incorporating the
 5052 amendments made by this act to sections 775.21 and 943.0435,
 5053 Florida Statutes, in references thereto, paragraph (a) of
 5054 subsection (4) and subsection (9) of section 944.607, Florida
 5055 Statutes, are reenacted to read:

5056 944.607 Notification to Department of Law Enforcement of
 5057 information on sexual offenders.—

5058 (4) A sexual offender, as described in this section, who
 5059 is under the supervision of the Department of Corrections but is
 5060 not incarcerated shall register with the Department of
 5061 Corrections within 3 business days after sentencing for a
 5062 registrable offense and otherwise provide information as
 5063 required by this subsection.

5064 (a) The sexual offender shall provide his or her name;
5065 date of birth; social security number; race; sex; height;
5066 weight; hair and eye color; tattoos or other identifying marks;
5067 all electronic mail addresses and Internet identifiers required
5068 to be provided pursuant to s. 943.0435(4)(e); employment
5069 information required to be provided pursuant to s.
5070 943.0435(4)(e); all home telephone numbers and cellular
5071 telephone numbers required to be provided pursuant to s.
5072 943.0435(4)(e); the make, model, color, vehicle identification
5073 number (VIN), and license tag number of all vehicles owned;
5074 permanent or legal residence and address of temporary residence
5075 within the state or out of state while the sexual offender is
5076 under supervision in this state, including any rural route
5077 address or post office box; if no permanent or temporary
5078 address, any transient residence within the state; and address,
5079 location or description, and dates of any current or known
5080 future temporary residence within the state or out of state. The
5081 sexual offender shall also produce his or her passport, if he or
5082 she has a passport, and, if he or she is an alien, shall produce
5083 or provide information about documents establishing his or her
5084 immigration status. The sexual offender shall also provide
5085 information about any professional licenses he or she has. The
5086 Department of Corrections shall verify the address of each
5087 sexual offender in the manner described in ss. 775.21 and
5088 943.0435. The department shall report to the Department of Law

5089 Enforcement any failure by a sexual predator or sexual offender
 5090 to comply with registration requirements.

5091 (9) A sexual offender, as described in this section, who
 5092 is under the supervision of the Department of Corrections but
 5093 who is not incarcerated shall, in addition to the registration
 5094 requirements provided in subsection (4), register and obtain a
 5095 distinctive driver license or identification card in the manner
 5096 provided in s. 943.0435(3), (4), and (5), unless the sexual
 5097 offender is a sexual predator, in which case he or she shall
 5098 register and obtain a distinctive driver license or
 5099 identification card as required under s. 775.21. A sexual
 5100 offender who fails to comply with the requirements of s.
 5101 943.0435 is subject to the penalties provided in s. 943.0435(9).

5102 Section 110. For the purpose of incorporating the
 5103 amendments made by this act to sections 775.21 and 944.607,
 5104 Florida Statutes, in references thereto, subsection (7) of
 5105 section 944.608, Florida Statutes, is reenacted to read:

5106 944.608 Notification to Department of Law Enforcement of
 5107 information on career offenders.—

5108 (7) A career offender who is under the supervision of the
 5109 department but who is not incarcerated shall, in addition to the
 5110 registration requirements provided in subsection (3), register
 5111 in the manner provided in s. 775.261(4)(c), unless the career
 5112 offender is a sexual predator, in which case he or she shall
 5113 register as required under s. 775.21, or is a sexual offender,

5114 in which case he or she shall register as required in s.
5115 944.607. A career offender who fails to comply with the
5116 requirements of s. 775.261(4) is subject to the penalties
5117 provided in s. 775.261(8).

5118 Section 111. For the purpose of incorporating the
5119 amendment made by this act to section 775.21, Florida Statutes,
5120 in a reference thereto, subsection (4) of section 944.609,
5121 Florida Statutes, is reenacted to read:

5122 944.609 Career offenders; notification upon release.—

5123 (4) The department or any law enforcement agency may
5124 notify the community and the public of a career offender's
5125 presence in the community. However, with respect to a career
5126 offender who has been found to be a sexual predator under s.
5127 775.21, the Department of Law Enforcement or any other law
5128 enforcement agency must inform the community and the public of
5129 the career offender's presence in the community, as provided in
5130 s. 775.21.

5131 Section 112. For the purpose of incorporating the
5132 amendment made by this act to section 947.1405, Florida
5133 Statutes, in a reference thereto, subsection (1) of section
5134 944.70, Florida Statutes, is reenacted to read:

5135 944.70 Conditions for release from incarceration.—

5136 (1) (a) A person who is convicted of a crime committed on
5137 or after October 1, 1983, but before January 1, 1994, may be
5138 released from incarceration only:

- 5139 1. Upon expiration of the person's sentence;
 5140 2. Upon expiration of the person's sentence as reduced by
 5141 accumulated gain-time;
 5142 3. As directed by an executive order granting clemency;
 5143 4. Upon attaining the provisional release date;
 5144 5. Upon placement in a conditional release program
 5145 pursuant to s. 947.1405; or
 5146 6. Upon the granting of control release pursuant to s.
 5147 947.146.

5148 (b) A person who is convicted of a crime committed on or
 5149 after January 1, 1994, may be released from incarceration only:

- 5150 1. Upon expiration of the person's sentence;
 5151 2. Upon expiration of the person's sentence as reduced by
 5152 accumulated meritorious or incentive gain-time;
 5153 3. As directed by an executive order granting clemency;
 5154 4. Upon placement in a conditional release program
 5155 pursuant to s. 947.1405 or a conditional medical release program
 5156 pursuant to s. 947.149; or
 5157 5. Upon the granting of control release, including
 5158 emergency control release, pursuant to s. 947.146.

5159 Section 113. For the purpose of incorporating the
 5160 amendment made by this act to section 947.1405, Florida
 5161 Statutes, in a reference thereto, paragraph (f) of subsection
 5162 (1) of section 947.13, Florida Statutes, is reenacted to read:
 5163 947.13 Powers and duties of commission.—

5164 (1) The commission shall have the powers and perform the
 5165 duties of:

5166 (f) Establishing the terms and conditions of persons
 5167 released on conditional release under s. 947.1405, and
 5168 determining subsequent ineligibility for conditional release due
 5169 to a violation of the terms or conditions of conditional release
 5170 and taking action with respect to such a violation.

5171 Section 114. For the purpose of incorporating the
 5172 amendments made by this act to sections 775.21, 943.0435, and
 5173 943.4354, Florida Statutes, in references thereto, paragraph (c)
 5174 of subsection (2) and subsection (12) of section 947.1405,
 5175 Florida Statutes, are reenacted to read:

5176 947.1405 Conditional release program.—

5177 (2) Any inmate who:

5178 (c) Is found to be a sexual predator under s. 775.21 or
 5179 former s. 775.23,

5180
 5181 shall, upon reaching the tentative release date or provisional
 5182 release date, whichever is earlier, as established by the
 5183 Department of Corrections, be released under supervision subject
 5184 to specified terms and conditions, including payment of the cost
 5185 of supervision pursuant to s. 948.09. Such supervision shall be
 5186 applicable to all sentences within the overall term of sentences
 5187 if an inmate's overall term of sentences includes one or more
 5188 sentences that are eligible for conditional release supervision

5189 as provided herein. Effective July 1, 1994, and applicable for
5190 offenses committed on or after that date, the commission may
5191 require, as a condition of conditional release, that the
5192 releasee make payment of the debt due and owing to a county or
5193 municipal detention facility under s. 951.032 for medical care,
5194 treatment, hospitalization, or transportation received by the
5195 releasee while in that detention facility. The commission, in
5196 determining whether to order such repayment and the amount of
5197 such repayment, shall consider the amount of the debt, whether
5198 there was any fault of the institution for the medical expenses
5199 incurred, the financial resources of the releasee, the present
5200 and potential future financial needs and earning ability of the
5201 releasee, and dependents, and other appropriate factors. If any
5202 inmate placed on conditional release supervision is also subject
5203 to probation or community control, resulting from a probationary
5204 or community control split sentence within the overall term of
5205 sentences, the Department of Corrections shall supervise such
5206 person according to the conditions imposed by the court and the
5207 commission shall defer to such supervision. If the court revokes
5208 probation or community control and resentsences the offender to a
5209 term of incarceration, such revocation also constitutes a
5210 sufficient basis for the revocation of the conditional release
5211 supervision on any nonprobationary or noncommunity control
5212 sentence without further hearing by the commission. If any such
5213 supervision on any nonprobationary or noncommunity control

5214 sentence is revoked, such revocation may result in a forfeiture
5215 of all gain-time, and the commission may revoke the resulting
5216 deferred conditional release supervision or take other action it
5217 considers appropriate. If the term of conditional release
5218 supervision exceeds that of the probation or community control,
5219 then, upon expiration of the probation or community control,
5220 authority for the supervision shall revert to the commission and
5221 the supervision shall be subject to the conditions imposed by
5222 the commission. A panel of no fewer than two commissioners shall
5223 establish the terms and conditions of any such release. If the
5224 offense was a controlled substance violation, the conditions
5225 shall include a requirement that the offender submit to random
5226 substance abuse testing intermittently throughout the term of
5227 conditional release supervision, upon the direction of the
5228 correctional probation officer as defined in s. 943.10(3). The
5229 commission shall also determine whether the terms and conditions
5230 of such release have been violated and whether such violation
5231 warrants revocation of the conditional release.

5232 (12) In addition to all other conditions imposed, for a
5233 releasee who is subject to conditional release for a crime that
5234 was committed on or after May 26, 2010, and who has been
5235 convicted at any time of committing, or attempting, soliciting,
5236 or conspiring to commit, any of the criminal offenses listed in
5237 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5238 jurisdiction against a victim who was under 18 years of age at

5239 the time of the offense, if the releasee has not received a
5240 pardon for any felony or similar law of another jurisdiction
5241 necessary for the operation of this subsection, if a conviction
5242 of a felony or similar law of another jurisdiction necessary for
5243 the operation of this subsection has not been set aside in any
5244 postconviction proceeding, or if the releasee has not been
5245 removed from the requirement to register as a sexual offender or
5246 sexual predator pursuant to s. 943.04354, the commission must
5247 impose the following conditions:

5248 (a) A prohibition on visiting schools, child care
5249 facilities, parks, and playgrounds without prior approval from
5250 the releasee's supervising officer. The commission may also
5251 designate additional prohibited locations to protect a victim.
5252 The prohibition ordered under this paragraph does not prohibit
5253 the releasee from visiting a school, child care facility, park,
5254 or playground for the sole purpose of attending a religious
5255 service as defined in s. 775.0861 or picking up or dropping off
5256 the releasee's child or grandchild at a child care facility or
5257 school.

5258 (b) A prohibition on distributing candy or other items to
5259 children on Halloween; wearing a Santa Claus costume, or other
5260 costume to appeal to children, on or preceding Christmas;
5261 wearing an Easter Bunny costume, or other costume to appeal to
5262 children, on or preceding Easter; entertaining at children's
5263 parties; or wearing a clown costume without prior approval from

5264 the commission.

5265

5266 Section 115. For the purpose of incorporating the
5267 amendment made by this act to section 947.1405, Florida
5268 Statutes, in references thereto, subsections (1), (2), and (7)
5269 of section 947.141, Florida Statutes, are reenacted to read:

5270 947.141 Violations of conditional release, control
5271 release, or conditional medical release or addiction-recovery
5272 supervision.—

5273 (1) If a member of the commission or a duly authorized
5274 representative of the commission has reasonable grounds to
5275 believe that an offender who is on release supervision under s.
5276 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5277 the terms and conditions of the release in a material respect,
5278 such member or representative may cause a warrant to be issued
5279 for the arrest of the releasee; if the offender was found to be
5280 a sexual predator, the warrant must be issued.

5281 (2) Upon the arrest on a felony charge of an offender who
5282 is on release supervision under s. 947.1405, s. 947.146, s.
5283 947.149, or s. 944.4731, the offender must be detained without
5284 bond until the initial appearance of the offender at which a
5285 judicial determination of probable cause is made. If the trial
5286 court judge determines that there was no probable cause for the
5287 arrest, the offender may be released. If the trial court judge
5288 determines that there was probable cause for the arrest, such

5289 determination also constitutes reasonable grounds to believe
5290 that the offender violated the conditions of the release. Within
5291 24 hours after the trial court judge's finding of probable
5292 cause, the detention facility administrator or designee shall
5293 notify the commission and the department of the finding and
5294 transmit to each a facsimile copy of the probable cause
5295 affidavit or the sworn offense report upon which the trial court
5296 judge's probable cause determination is based. The offender must
5297 continue to be detained without bond for a period not exceeding
5298 72 hours excluding weekends and holidays after the date of the
5299 probable cause determination, pending a decision by the
5300 commission whether to issue a warrant charging the offender with
5301 violation of the conditions of release. Upon the issuance of the
5302 commission's warrant, the offender must continue to be held in
5303 custody pending a revocation hearing held in accordance with
5304 this section.

5305 (7) If a law enforcement officer has probable cause to
5306 believe that an offender who is on release supervision under s.
5307 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5308 the terms and conditions of his or her release by committing a
5309 felony offense, the officer shall arrest the offender without a
5310 warrant, and a warrant need not be issued in the case.

5311 Section 116. For the purpose of incorporating the
5312 amendments made by this act to ss. 775.21 and 943.0435, Florida
5313 Statutes, in references thereto, paragraph (b) of subsection (2)

5314 of section 948.013, Florida Statutes, is reenacted to read:

5315 948.013 Administrative probation.—

5316 (2)

5317 (b) Effective for an offense committed on or after October
 5318 1, 2017, a person is ineligible for placement on administrative
 5319 probation if the person is sentenced to or is serving a term of
 5320 probation or community control, regardless of the conviction or
 5321 adjudication, for committing, or attempting, conspiring, or
 5322 soliciting to commit, any of the felony offenses described in s.
 5323 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

5324 Section 117. For the purpose of incorporating the
 5325 amendment made by this act to section 775.21, Florida Statutes,
 5326 in references thereto, paragraphs (b) and (d) of subsection (8)
 5327 of section 948.06, Florida Statutes, are reenacted to read:

5328 948.06 Violation of probation or community control;
 5329 revocation; modification; continuance; failure to pay
 5330 restitution or cost of supervision.—

5331 (8)

5332 (b) For purposes of this section and ss. 903.0351,
 5333 948.064, and 921.0024, the term "violent felony offender of
 5334 special concern" means a person who is on:

5335 1. Felony probation or community control related to the
 5336 commission of a qualifying offense committed on or after the
 5337 effective date of this act;

5338 2. Felony probation or community control for any offense

5339 committed on or after the effective date of this act, and has
 5340 previously been convicted of a qualifying offense;

5341 3. Felony probation or community control for any offense
 5342 committed on or after the effective date of this act, and is
 5343 found to have violated that probation or community control by
 5344 committing a qualifying offense;

5345 4. Felony probation or community control and has
 5346 previously been found by a court to be a habitual violent felony
 5347 offender as defined in s. 775.084(1)(b) and has committed a
 5348 qualifying offense on or after the effective date of this act;

5349 5. Felony probation or community control and has
 5350 previously been found by a court to be a three-time violent
 5351 felony offender as defined in s. 775.084(1)(c) and has committed
 5352 a qualifying offense on or after the effective date of this act;
 5353 or

5354 6. Felony probation or community control and has
 5355 previously been found by a court to be a sexual predator under
 5356 s. 775.21 and has committed a qualifying offense on or after the
 5357 effective date of this act.

5358 (d) In the case of an alleged violation of probation or
 5359 community control other than a failure to pay costs, fines, or
 5360 restitution, the following individuals shall remain in custody
 5361 pending the resolution of the probation or community control
 5362 violation:

5363 1. A violent felony offender of special concern, as

5364 defined in this section;

5365 2. A person who is on felony probation or community
 5366 control for any offense committed on or after the effective date
 5367 of this act and who is arrested for a qualifying offense as
 5368 defined in this section; or

5369 3. A person who is on felony probation or community
 5370 control and has previously been found by a court to be a
 5371 habitual violent felony offender as defined in s. 775.084(1)(b),
 5372 a three-time violent felony offender as defined in s.
 5373 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 5374 arrested for committing a qualifying offense as defined in this
 5375 section on or after the effective date of this act.

5376
 5377 The court shall not dismiss the probation or community control
 5378 violation warrant pending against an offender enumerated in this
 5379 paragraph without holding a recorded violation-of-probation
 5380 hearing at which both the state and the offender are
 5381 represented.

5382 Section 118. For the purpose of incorporating the
 5383 amendments made by this act to sections 775.21, 943.0435, and
 5384 944.607, Florida Statutes, in references thereto, section
 5385 948.063, Florida Statutes, is reenacted to read:

5386 948.063 Violations of probation or community control by
 5387 designated sexual offenders and sexual predators.—

5388 (1) If probation or community control for any felony

5389 offense is revoked by the court pursuant to s. 948.06(2)(e) and
5390 the offender is designated as a sexual offender pursuant to s.
5391 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
5392 775.21 for unlawful sexual activity involving a victim 15 years
5393 of age or younger and the offender is 18 years of age or older,
5394 and if the court imposes a subsequent term of supervision
5395 following the revocation of probation or community control, the
5396 court must order electronic monitoring as a condition of the
5397 subsequent term of probation or community control.

5398 (2) If the probationer or offender is required to register
5399 as a sexual predator under s. 775.21 or as a sexual offender
5400 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5401 involving a victim 15 years of age or younger and the
5402 probationer or offender is 18 years of age or older and has
5403 violated the conditions of his or her probation or community
5404 control, but the court does not revoke the probation or
5405 community control, the court shall nevertheless modify the
5406 probation or community control to include electronic monitoring
5407 for any probationer or offender not then subject to electronic
5408 monitoring.

5409 Section 119. For the purpose of incorporating the
5410 amendment made by this act to section 775.21, Florida Statutes,
5411 in a reference thereto, subsection (4) of section 948.064,
5412 Florida Statutes, is reenacted to read:

5413 948.064 Notification of status as a violent felony

5414 offender of special concern.—

5415 (4) The state attorney, or the statewide prosecutor if
5416 applicable, shall advise the court at each critical stage in the
5417 judicial process, at which the state attorney or statewide
5418 prosecutor is represented, whether an alleged or convicted
5419 offender is a violent felony offender of special concern; a
5420 person who is on felony probation or community control for any
5421 offense committed on or after the effective date of this act and
5422 who is arrested for a qualifying offense; or a person who is on
5423 felony probation or community control and has previously been
5424 found by a court to be a habitual violent felony offender as
5425 defined in s. 775.084(1)(b), a three-time violent felony
5426 offender as defined in s. 775.084(1)(c), or a sexual predator
5427 under s. 775.21, and who is arrested for committing a qualifying
5428 offense on or after the effective date of this act.

5429 Section 120. For the purpose of incorporating the
5430 amendment made by this act to section 948.06, Florida Statutes,
5431 in a reference thereto, paragraph (a) of subsection (7) of
5432 section 948.08, Florida Statutes, is reenacted to read:

5433 948.08 Pretrial intervention program.—

5434 (7) (a) Notwithstanding any provision of this section, a
5435 person who is charged with a felony, other than a felony listed
5436 in s. 948.06(8)(c), and identified as a veteran, as defined in
5437 s. 1.01, including a veteran who is discharged or released under
5438 a general discharge, or servicemember, as defined in s. 250.01,

5439 | who suffers from a military service-related mental illness,
5440 | traumatic brain injury, substance abuse disorder, or
5441 | psychological problem, is eligible for voluntary admission into
5442 | a pretrial veterans' treatment intervention program approved by
5443 | the chief judge of the circuit, upon motion of either party or
5444 | the court's own motion, except:

5445 | 1. If a defendant was previously offered admission to a
5446 | pretrial veterans' treatment intervention program at any time
5447 | before trial and the defendant rejected that offer on the
5448 | record, the court may deny the defendant's admission to such a
5449 | program.

5450 | 2. If a defendant previously entered a court-ordered
5451 | veterans' treatment program, the court may deny the defendant's
5452 | admission into the pretrial veterans' treatment program.

5453 | Section 121. For the purpose of incorporating the
5454 | amendment made by this act to section 775.21, Florida Statutes,
5455 | in a reference thereto, subsection (3) of section 948.12,
5456 | Florida Statutes, is reenacted to read:

5457 | 948.12 Intensive supervision for postprison release of
5458 | violent offenders.—It is the finding of the Legislature that the
5459 | population of violent offenders released from state prison into
5460 | the community poses the greatest threat to the public safety of
5461 | the groups of offenders under community supervision. Therefore,
5462 | for the purpose of enhanced public safety, any offender released
5463 | from state prison who:

5464 (3) Has been found to be a sexual predator pursuant to s.
 5465 775.21,
 5466
 5467 and who has a term of probation to follow the period of
 5468 incarceration shall be provided intensive supervision by
 5469 experienced correctional probation officers. Subject to specific
 5470 appropriation by the Legislature, caseloads may be restricted to
 5471 a maximum of 40 offenders per officer to provide for enhanced
 5472 public safety as well as to effectively monitor conditions of
 5473 electronic monitoring or curfews, if such was ordered by the
 5474 court.

5475 Section 122. For the purpose of incorporating the
 5476 amendments made by this act to sections 775.21 and 943.0435,
 5477 Florida Statutes, in references thereto, subsections (3) and (4)
 5478 of section 948.30, Florida Statutes, are reenacted to read:

5479 948.30 Additional terms and conditions of probation or
 5480 community control for certain sex offenses.—Conditions imposed
 5481 pursuant to this section do not require oral pronouncement at
 5482 the time of sentencing and shall be considered standard
 5483 conditions of probation or community control for offenders
 5484 specified in this section.

5485 (3) Effective for a probationer or community controllee
 5486 whose crime was committed on or after September 1, 2005, and
 5487 who:

5488 (a) Is placed on probation or community control for a

5489 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
5490 or s. 847.0145 and the unlawful sexual activity involved a
5491 victim 15 years of age or younger and the offender is 18 years
5492 of age or older;

5493 (b) Is designated a sexual predator pursuant to s. 775.21;
5494 or

5495 (c) Has previously been convicted of a violation of
5496 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
5497 847.0145 and the unlawful sexual activity involved a victim 15
5498 years of age or younger and the offender is 18 years of age or
5499 older,

5500

5501 the court must order, in addition to any other provision of this
5502 section, mandatory electronic monitoring as a condition of the
5503 probation or community control supervision.

5504 (4) In addition to all other conditions imposed, for a
5505 probationer or community controllee who is subject to
5506 supervision for a crime that was committed on or after May 26,
5507 2010, and who has been convicted at any time of committing, or
5508 attempting, soliciting, or conspiring to commit, any of the
5509 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5510 similar offense in another jurisdiction, against a victim who
5511 was under the age of 18 at the time of the offense; if the
5512 offender has not received a pardon for any felony or similar law
5513 of another jurisdiction necessary for the operation of this

5514 subsection, if a conviction of a felony or similar law of
5515 another jurisdiction necessary for the operation of this
5516 subsection has not been set aside in any postconviction
5517 proceeding, or if the offender has not been removed from the
5518 requirement to register as a sexual offender or sexual predator
5519 pursuant to s. 943.04354, the court must impose the following
5520 conditions:

5521 (a) A prohibition on visiting schools, child care
5522 facilities, parks, and playgrounds, without prior approval from
5523 the offender's supervising officer. The court may also designate
5524 additional locations to protect a victim. The prohibition
5525 ordered under this paragraph does not prohibit the offender from
5526 visiting a school, child care facility, park, or playground for
5527 the sole purpose of attending a religious service as defined in
5528 s. 775.0861 or picking up or dropping off the offender's
5529 children or grandchildren at a child care facility or school.

5530 (b) A prohibition on distributing candy or other items to
5531 children on Halloween; wearing a Santa Claus costume, or other
5532 costume to appeal to children, on or preceding Christmas;
5533 wearing an Easter Bunny costume, or other costume to appeal to
5534 children, on or preceding Easter; entertaining at children's
5535 parties; or wearing a clown costume; without prior approval from
5536 the court.

5537 Section 123. For the purpose of incorporating the
5538 amendments made by this act to sections 775.21, 943.0435,

5539 944.606, and 944.607, Florida Statutes, in references thereto,
5540 section 948.31, Florida Statutes, is reenacted to read:

5541 948.31 Evaluation and treatment of sexual predators and
5542 offenders on probation or community control.—The court may
5543 require any probationer or community controllee who is required
5544 to register as a sexual predator under s. 775.21 or sexual
5545 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
5546 an evaluation, at the probationer or community controllee's
5547 expense, by a qualified practitioner to determine whether such
5548 probationer or community controllee needs sexual offender
5549 treatment. If the qualified practitioner determines that sexual
5550 offender treatment is needed and recommends treatment, the
5551 probationer or community controllee must successfully complete
5552 and pay for the treatment. Such treatment must be obtained from
5553 a qualified practitioner as defined in s. 948.001. Treatment may
5554 not be administered by a qualified practitioner who has been
5555 convicted or adjudicated delinquent of committing, or
5556 attempting, soliciting, or conspiring to commit, any offense
5557 that is listed in s. 943.0435(1)(h)1.a.(I).

5558 Section 124. For the purpose of incorporating the
5559 amendment made by this act to section 775.0877, Florida
5560 Statutes, in a reference thereto, section 951.27, Florida
5561 Statutes, is reenacted to read:

5562 951.27 Blood tests of inmates.—

5563 (1) Each county and each municipal detention facility

5564 shall have a written procedure developed, in consultation with
5565 the facility medical provider, establishing conditions under
5566 which an inmate will be tested for infectious disease, including
5567 human immunodeficiency virus pursuant to s. 775.0877, which
5568 procedure is consistent with guidelines of the Centers for
5569 Disease Control and Prevention and recommendations of the
5570 Correctional Medical Authority. It is not unlawful for the
5571 person receiving the test results to divulge the test results to
5572 the sheriff or chief correctional officer.

5573 (2) Except as otherwise provided in this subsection,
5574 serologic blood test results obtained pursuant to subsection (1)
5575 are confidential and exempt from the provisions of s. 119.07(1)
5576 and s. 24(a), Art. I of the State Constitution. However, such
5577 results may be provided to employees or officers of the sheriff
5578 or chief correctional officer who are responsible for the
5579 custody and care of the affected inmate and have a need to know
5580 such information, and as provided in ss. 775.0877 and 960.003.
5581 In addition, upon request of the victim or the victim's legal
5582 guardian, or the parent or legal guardian of the victim if the
5583 victim is a minor, the results of any HIV test performed on an
5584 inmate who has been arrested for any sexual offense involving
5585 oral, anal, or vaginal penetration by, or union with, the sexual
5586 organ of another, shall be disclosed to the victim or the
5587 victim's legal guardian, or to the parent or legal guardian of
5588 the victim if the victim is a minor. In such cases, the county

5589 or municipal detention facility shall furnish the test results
5590 to the Department of Health, which is responsible for disclosing
5591 the results to public health agencies as provided in s. 775.0877
5592 and to the victim or the victim's legal guardian, or the parent
5593 or legal guardian of the victim if the victim is a minor, as
5594 provided in s. 960.003(3).

5595 (3) The results of any serologic blood test on an inmate
5596 are a part of that inmate's permanent medical file. Upon
5597 transfer of the inmate to any other correctional facility, such
5598 file is also transferred, and all relevant authorized persons
5599 must be notified of positive HIV test results, as required in s.
5600 775.0877.

5601 Section 125. For the purpose of incorporating the
5602 amendment made by this act to section 775.0877, Florida
5603 Statutes, in references thereto, paragraphs (a) and (b) of
5604 subsection (2) and paragraph (a) of subsection (3) of section
5605 960.003, Florida Statutes, are reenacted to read:

5606 960.003 Hepatitis and HIV testing for persons charged with
5607 or alleged by petition for delinquency to have committed certain
5608 offenses; disclosure of results to victims.—

5609 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5610 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5611 (a) In any case in which a person has been charged by
5612 information or indictment with or alleged by petition for
5613 delinquency to have committed any offense enumerated in s.

5614 775.0877(1)(a)-(n), which involves the transmission of body
5615 fluids from one person to another, upon request of the victim or
5616 the victim's legal guardian, or of the parent or legal guardian
5617 of the victim if the victim is a minor, the court shall order
5618 such person to undergo hepatitis and HIV testing within 48 hours
5619 after the information, indictment, or petition for delinquency
5620 is filed. In the event the victim or, if the victim is a minor,
5621 the victim's parent or legal guardian requests hepatitis and HIV
5622 testing after 48 hours have elapsed from the filing of the
5623 indictment, information, or petition for delinquency, the
5624 testing shall be done within 48 hours after the request.

5625 (b) However, when a victim of any sexual offense
5626 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
5627 the time the offense was committed or when a victim of any
5628 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
5629 825.1025 is a disabled adult or elderly person as defined in s.
5630 825.1025 regardless of whether the offense involves the
5631 transmission of bodily fluids from one person to another, then
5632 upon the request of the victim or the victim's legal guardian,
5633 or of the parent or legal guardian, the court shall order such
5634 person to undergo hepatitis and HIV testing within 48 hours
5635 after the information, indictment, or petition for delinquency
5636 is filed. In the event the victim or, if the victim is a minor,
5637 the victim's parent or legal guardian requests hepatitis and HIV
5638 testing after 48 hours have elapsed from the filing of the

5639 indictment, information, or petition for delinquency, the
5640 testing shall be done within 48 hours after the request. The
5641 testing shall be performed under the direction of the Department
5642 of Health in accordance with s. 381.004. The results of a
5643 hepatitis and HIV test performed on a defendant or juvenile
5644 offender pursuant to this subsection shall not be admissible in
5645 any criminal or juvenile proceeding arising out of the alleged
5646 offense.

5647 (3) DISCLOSURE OF RESULTS.—

5648 (a) The results of the test shall be disclosed no later
5649 than 2 weeks after the court receives such results, under the
5650 direction of the Department of Health, to the person charged
5651 with or alleged by petition for delinquency to have committed or
5652 to the person convicted of or adjudicated delinquent for any
5653 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5654 transmission of body fluids from one person to another, and,
5655 upon request, to the victim or the victim's legal guardian, or
5656 the parent or legal guardian of the victim if the victim is a
5657 minor, and to public health agencies pursuant to s. 775.0877. If
5658 the alleged offender is a juvenile, the test results shall also
5659 be disclosed to the parent or guardian. When the victim is a
5660 victim as described in paragraph (2)(b), the test results must
5661 also be disclosed no later than 2 weeks after the court receives
5662 such results, to the person charged with or alleged by petition
5663 for delinquency to have committed or to the person convicted of

5664 or adjudicated delinquent for any offense enumerated in s.
5665 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the
5666 offense involves the transmission of bodily fluids from one
5667 person to another, and, upon request, to the victim or the
5668 victim's legal guardian, or the parent or legal guardian of the
5669 victim, and to public health agencies pursuant to s. 775.0877.
5670 Otherwise, hepatitis and HIV test results obtained pursuant to
5671 this section are confidential and exempt from the provisions of
5672 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5673 shall not be disclosed to any other person except as expressly
5674 authorized by law or court order.

5675 Section 126. For the purpose of incorporating the
5676 amendment made by this act to section 39.01, Florida Statutes,
5677 in a reference thereto, subsection (5) of section 960.065,
5678 Florida Statutes, is reenacted to read:

5679 960.065 Eligibility for awards.—

5680 (5) A person is not ineligible for an award pursuant to
5681 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
5682 person is a victim of sexual exploitation of a child as defined
5683 in s. 39.01(71)(g).

5684 Section 127. For the purpose of incorporating the
5685 amendment made by this act to section 39.01, Florida Statutes,
5686 in a reference thereto, subsection (2) of section 984.03,
5687 Florida Statutes, is reenacted to read:

5688 984.03 Definitions.—When used in this chapter, the term:

5689 (2) "Abuse" means any willful act that results in any
5690 physical, mental, or sexual injury that causes or is likely to
5691 cause the child's physical, mental, or emotional health to be
5692 significantly impaired. Corporal discipline of a child by a
5693 parent or guardian for disciplinary purposes does not in itself
5694 constitute abuse when it does not result in harm to the child as
5695 defined in s. 39.01.

5696 Section 128. For the purpose of incorporating the
5697 amendment made by this act to section 985.475, Florida Statutes,
5698 in a reference thereto, paragraph (c) of subsection (5) of
5699 section 985.0301, Florida Statutes, is reenacted to read:

5700 985.0301 Jurisdiction.—

5701 (5)

5702 (c) The court shall retain jurisdiction over a juvenile
5703 sexual offender, as defined in s. 985.475, who has been placed
5704 on community-based treatment alternative with supervision or who
5705 has been placed in a program or facility for juvenile sexual
5706 offenders, pursuant to s. 985.48, until the juvenile sexual
5707 offender reaches 21 years of age, specifically for the purpose
5708 of allowing the juvenile to complete the program.

5709 Section 129. For the purpose of incorporating the
5710 amendments made by this act to sections 775.21, 943.0435,
5711 944.606 and 944.607, Florida Statutes, in references thereto,
5712 paragraph (b) of subsection (6) of section 985.04, Florida
5713 Statutes, is reenacted to read:

5714 985.04 Oaths; records; confidential information.—

5715 (6)

5716 (b) Sexual offender and predator registration information
 5717 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
 5718 and 985.4815 is a public record pursuant to s. 119.07(1) and as
 5719 otherwise provided by law.

5720 Section 130. For the purpose of incorporating the
 5721 amendment made by this act to section 985.475, Florida Statutes,
 5722 in a reference thereto, paragraph (c) of subsection (1) of
 5723 section 985.441, Florida Statutes, is reenacted to read:

5724 985.441 Commitment.—

5725 (1) The court that has jurisdiction of an adjudicated
 5726 delinquent child may, by an order stating the facts upon which a
 5727 determination of a sanction and rehabilitative program was made
 5728 at the disposition hearing:

5729 (c) Commit the child to the department for placement in a
 5730 program or facility for juvenile sexual offenders in accordance
 5731 with s. 985.48, subject to specific appropriation for such a
 5732 program or facility.

5733 1. The child may only be committed for such placement
 5734 pursuant to determination that the child is a juvenile sexual
 5735 offender under the criteria specified in s. 985.475.

5736 2. Any commitment of a juvenile sexual offender to a
 5737 program or facility for juvenile sexual offenders must be for an
 5738 indeterminate period of time, but the time may not exceed the

5739 maximum term of imprisonment that an adult may serve for the
5740 same offense.

5741 Section 131. For the purpose of incorporating the
5742 amendments made by this act to sections 775.21 and 943.0435
5743 Florida Statutes, in references thereto, subsection (9) of
5744 section 985.4815, Florida Statutes, is reenacted to read:

5745 985.4815 Notification to Department of Law Enforcement of
5746 information on juvenile sexual offenders.—

5747 (9) A sexual offender, as described in this section, who
5748 is under the care, jurisdiction, or supervision of the
5749 department but who is not incarcerated shall, in addition to the
5750 registration requirements provided in subsection (4), register
5751 in the manner provided in s. 943.0435(3), (4), and (5), unless
5752 the sexual offender is a sexual predator, in which case he or
5753 she shall register as required under s. 775.21. A sexual
5754 offender who fails to comply with the requirements of s.
5755 943.0435 is subject to the penalties provided in s. 943.0435(9).

5756 Section 132. For the purpose of incorporating the
5757 amendment made by this act to section 943.0435, Florida
5758 Statutes, in a reference thereto, paragraph (g) of subsection
5759 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5760 1012.467 Noninstructional contractors who are permitted
5761 access to school grounds when students are present; background
5762 screening requirements.—

5763 (2)

5764 (g) A noninstructional contractor for whom a criminal
 5765 history check is required under this section may not have been
 5766 convicted of any of the following offenses designated in the
 5767 Florida Statutes, any similar offense in another jurisdiction,
 5768 or any similar offense committed in this state which has been
 5769 redesignated from a former provision of the Florida Statutes to
 5770 one of the following offenses:

5771 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 5772 the registration of an individual as a sexual offender.

5773 2. Section 393.135, relating to sexual misconduct with
 5774 certain developmentally disabled clients and the reporting of
 5775 such sexual misconduct.

5776 3. Section 394.4593, relating to sexual misconduct with
 5777 certain mental health patients and the reporting of such sexual
 5778 misconduct.

5779 4. Section 775.30, relating to terrorism.

5780 5. Section 782.04, relating to murder.

5781 6. Section 787.01, relating to kidnapping.

5782 7. Any offense under chapter 800, relating to lewdness and
 5783 indecent exposure.

5784 8. Section 826.04, relating to incest.

5785 9. Section 827.03, relating to child abuse, aggravated
 5786 child abuse, or neglect of a child.

5787 Section 133. The Division of Law Revision and Information
 5788 is directed to capitalize each word of the term "child

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5789 | protection team" wherever it occurs in Florida Statutes.

5790 | Section 134. This act shall take effect October 1, 2018.