



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;



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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 (11) 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



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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.—



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- 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



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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



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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



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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





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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,  
1600 as 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, ~~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, ~~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, ~~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.



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2018

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



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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



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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



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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



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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



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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:



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.
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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



3339	undersized spiny lobsters.		
3340	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3341	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3342	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3343	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3344	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.





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.



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



3364	817.625 (2) (b)	2nd	counterfeit credit cards or related documents.
3365	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3366	<del>827.071 (4)</del>	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3367	<del>827.071 (5)</del>	3rd	<del>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</del>
3368	839.13 (2) (b)	2nd	<del>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</del> Falsifying records of an individual in the care and



3369			custody of a state agency involving great bodily harm or death.
3370	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3371	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3372	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3373	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3374	<u>847.0137 (3)</u> <del>847.0137</del> <del>(2) &amp; (3)</del>	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
	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.
3380	893.13(1)(e)2.	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) within 1,000 feet of university.
3381	893.13(1)(f)1.	1st	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.
			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.
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3383			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3384			
3385	(f) LEVEL 6		
3386			
	Florida	Felony	
	Statute	Degree	Description
3387			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3388			
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
3389			





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



			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.



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	<del>827.071 (2) &amp; (3)</del>	2nd	<del>Use or induce a child in a</del>



3431			<del>sexual performance, or promote or direct such performance.</del>
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



3438	914.23	2nd	or with a minor or the visual depiction of such conduct.
3439	944.35 (3) (a) 2.	3rd	Retaliation against a witness, victim, or informant, with bodily injury.
3440	944.40	2nd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3441	944.46	3rd	Escapes.
3442	944.47 (1) (a) 5.	2nd	Harboring, concealing, aiding escaped prisoners.
3443	951.22 (1)	3rd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
			Intoxicating drug, firearm, or weapon introduced into county





3444	facility.		
3445	(h) LEVEL 8		
3446			
3447	Florida Statute	Felony Degree	Description
3447	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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	exceeding \$20,000, but less than \$100,000 by money transmitter.
3454	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
3455	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3456	782.04 (4)	2nd	Accessory after the fact, capital felony.
			Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding



			with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
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.



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.
3508			



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.



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



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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



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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



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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





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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.
4772			





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



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



4794	655.50(10)(b)1.	3rd	<p>or payment instruments          exceeding \$300 but less than          \$20,000.</p>
4795	775.21(10)(a)	3rd	<p>Failure to report financial          transactions exceeding \$300 but          less than \$20,000 by financial          institution.</p>
4796	775.21(10)(b)	3rd	<p>Sexual predator; failure to          register; failure to renew          driver license or          identification card; other          registration violations.</p>
4797	775.21(10)(g)	3rd	<p>Sexual predator working where          children regularly congregate.</p>
4798	782.051(3)	2nd	<p>Failure to report or providing          false information about a          sexual predator; harbor or          conceal a sexual predator.</p>
			<p>Attempted felony murder of a          person by a person other than</p>



4799			the perpetrator or the perpetrator of an attempted felony.
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4800			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4801			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4802			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4803			
	784.045(1)(a)2.	2nd	Aggravated battery; using



			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





4823			authority to a victim younger than 18 years of age.
	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;



4828	806.01 (2)	2nd	prior conviction for specified sex offense.
4829	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
4830	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4831	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4832	810.02 (3) (e)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4833	812.014 (2) (a) 1.	1st	Burglary of authorized emergency vehicle.
			Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other



			property damage; 1st degree grand theft.
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.
4840			



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.



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.		
4862	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4863	872.06	2nd	Abuse of a dead human body.
4864	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4865	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. 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.
4867	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
4868	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4869	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4870			





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.
4884	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
4885	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
4886	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
4887	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4888	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,



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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 943.04354, Florida Statutes, in references thereto, paragraph  
5174 (c) 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



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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 prepare, with the assistance of the staffs of the



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5789 | appropriate substantive committees of the House of  
5790 | Representatives and the Senate, a reviser's bill for the 2019  
5791 | Regular Session of the Legislature to capitalize each word of  
5792 | the term "child protection team" wherever it occurs in Florida  
5793 | Statutes.

5794 |       Section 134. This act shall take effect October 1, 2018.