

By Senator Ingoglia

11-00241E-24

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1                   A bill to be entitled  
2       An act relating to harm to minors; providing a short  
3       title; creating s. 501.173, F.S.; defining terms;  
4       requiring manufacturers of tablets or smartphones to  
5       manufacture such devices so that a filter meeting  
6       certain requirements is enabled upon activation of the  
7       device in this state; subjecting such manufacturers to  
8       civil and criminal liability for certain acts of  
9       noncompliance; providing an exception; providing civil  
10      liability for individuals who enable a password to  
11      remove the required filter on a device in the  
12      possession of a minor under certain circumstances;  
13      authorizing the Attorney General to enforce the act;  
14      providing damages; authorizing a parent or legal  
15      guardian to bring a civil action against certain  
16      parties who violate the act under certain  
17      circumstances; providing criminal penalties; amending  
18      s. 787.025, F.S.; increasing criminal penalties for  
19      adults who intentionally lure or entice, or who  
20      attempt to lure or entice, children under the age of  
21      12 into a structure, dwelling, or conveyance for other  
22      than a lawful purpose; increasing criminal penalties  
23      for committing a second or subsequent offense;  
24      increasing criminal penalties for persons with  
25      specified previous convictions who commit such  
26      offense; creating s. 827.12, F.S.; defining the terms  
27      " inappropriate relationship " and " sexual excitement ";  
28      prohibiting persons who are of at least a specified  
29      age from knowingly engaging in any communication that

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30 is part of a pattern of communication or behavior that  
31 meets specified criteria; prohibiting persons who are  
32 of at least a specified age from knowingly using  
33 specified devices to seduce, solicit, lure, or entice  
34 minors to, or attempt to, share specified images or  
35 recorded images; providing criminal penalties;  
36 providing enhanced criminal penalties; providing  
37 applicability; amending s. 921.0022, F.S.; ranking  
38 offenses on the offense severity ranking chart of the  
39 Criminal Punishment Code; amending ss. 943.0435,  
40 944.606, and 944.607, F.S.; revising the definition of  
41 the term "sexual offender"; reenacting ss. 61.13(2)(c)  
42 and (9)(c), 68.07(3)(i) and (6), 92.55(1)(b),  
43 98.0751(2)(b), 394.9125(2), 397.487(10)(b),  
44 435.07(4)(b), 775.0862(2), 900.05(2)(cc),  
45 903.046(2)(m), 903.133, 907.043(4)(b), 921.1425(7)(d),  
46 934.255(2)(a), 938.10(1), 943.0584(2), 943.0595(2)(a),  
47 944.607(4)(a) and (9), 947.1405(12), 948.013(2)(b),  
48 948.05(2)(f), 948.06(4), 948.30(4), 985.4815(9), and  
49 1012.467(2)(b), F.S., relating to support of children,  
50 parenting and time-sharing, and powers of court;  
51 change of name; special protections in proceedings  
52 involving a victim or witness younger than 18 years of  
53 age, a person with intellectual disability, or a  
54 sexual offense victim; restoration of voting rights  
55 and termination of ineligibility subsequent to a  
56 felony conviction; state attorneys and the authority  
57 to refer a person for civil commitment; voluntary  
58 certification of recovery residences; exemptions from

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59 disqualification; sexual offenses against students by  
60 authority figures and reclassification; criminal  
61 justice data collection; purpose of and criteria for  
62 bail determination; bail on appeal, prohibited for  
63 certain felony convictions; pretrial release and  
64 citizens' right to know; sentences of death or life  
65 imprisonment for capital sexual battery and further  
66 proceedings to determine sentence; subpoenas in  
67 investigations of sexual offenses; additional court  
68 cost imposed in cases of certain crimes; criminal  
69 history records ineligible for court-ordered  
70 expunction or court-ordered sealing; automatic sealing  
71 of criminal history records and confidentiality of  
72 related court records; notification to the Department  
73 of Law Enforcement of information on sexual offenders;  
74 conditional release program; administrative probation;  
75 court to admonish or commend probationer or offender  
76 in community control and graduated incentives;  
77 violation of probation or community control,  
78 revocation, modification, continuance, and failure to  
79 pay restitution or cost of supervision; additional  
80 terms and conditions of probation or community control  
81 for certain sex offenses; notification to the  
82 department of information on juvenile sexual  
83 offenders; and noninstructional contractors who are  
84 permitted access to school grounds when students are  
85 present and background screening requirements,  
86 respectively, to incorporate the amendment made to s.  
87 943.0435, F.S., in references thereto; reenacting s.

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88 944.608(7), F.S., relating to notification to the  
89 department of information on career offenders, to  
90 incorporate the amendment made to s. 944.607, F.S., in  
91 a reference thereto; reenacting s. 943.0435(3) and  
92 (4)(a), F.S., relating to sexual offenders required to  
93 register with the department and penalties, to  
94 incorporate the amendments made to ss. 944.606 and  
95 944.607, F.S., in references thereto; reenacting ss.  
96 320.02(4), 322.141(3), 322.19(1) and (2), 775.13(4),  
97 775.21(5)(d), (6)(f), and (10)(d), 775.261(3)(b),  
98 948.06(4), and 948.063, F.S., relating to registration  
99 required, applications for registration, and forms;  
100 color or markings of certain licenses or  
101 identification cards; change of address or name;  
102 registration of convicted felons, exemptions, and  
103 penalties; the Florida Sexual Predators Act; the  
104 Florida Career Offender Registration Act; violation of  
105 probation or community control, revocation,  
106 modification, continuance, and failure to pay  
107 restitution or cost of supervision; and violations of  
108 probation or community control by designated sexual  
109 offenders and sexual predators, respectively, to  
110 incorporate the amendments made by this act to ss.  
111 943.0435 and 944.607, F.S., in references thereto;  
112 reenacting ss. 775.24(2), 775.25, 943.0436(2), 948.31,  
113 and 985.04(6)(b), F.S., relating to the duty of the  
114 court to uphold laws governing sexual predators and  
115 sexual offenders; prosecutions for acts or omissions;  
116 the duty of the court to uphold laws governing sexual

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117 predators and sexual offenders; evaluation and  
118 treatment of sexual predators and offenders on  
119 probation or community control; and oaths, records,  
120 confidential information, respectively, to incorporate  
121 the amendments made to ss. 943.0435, 944.606, and  
122 944.607, F.S., in references thereto; providing an  
123 effective date.

124  
125 Be It Enacted by the Legislature of the State of Florida:

126  
127 Section 1. This act may be cited as the "Protect Our  
128 Children Act."

129 Section 2. Section 501.173, Florida Statutes, is created to  
130 read:

131 501.173 Device filtering of content harmful to minors.-

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

133 (a) "Activate" means the process of powering on a device  
134 and associating it with a new user account.

135 (b) "Device" means a tablet or smartphone manufactured on  
136 or after January 1, 2025.

137 (c) "Filter" means software installed on a device which is  
138 capable of preventing the device from accessing or displaying  
139 material that is harmful to minors through the Internet or  
140 through an application owned and controlled by the manufacturer  
141 and installed on the device.

142 (d) "Harmful to minors" has the same meaning as in s.  
143 847.001.

144 (e) "Internet" means the global information system  
145 logically linked together by a globally unique address space

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146 based on the Internet protocol (IP), or its subsequent  
147 extensions, which is able to support communications using the  
148 transmission control protocol/Internet protocol suite, or its  
149 subsequent extensions, or other IP-compatible protocols, and  
150 which provides, uses, or makes accessible, either publicly or  
151 privately, high-level services layered on communications and  
152 related infrastructure.

153 (f) "Manufacturer" means a person that:

154 1. Is engaged in the business of manufacturing a device;

155 and

156 2. Has a registered agent in this state in accordance with  
157 part I of chapter 607.

158 (g) "Minor" means an individual under the age of 18 who is  
159 not emancipated, married, or a member of the Armed Forces of the  
160 United States.

161 (h) "Smartphone" means an electronic device that combines a  
162 cellular phone with a handheld computer, typically offering  
163 Internet access, data storage, texting, and e-mail capabilities.

164 (i) "Tablet" means an Internet-ready device equipped with  
165 an operating system, a touchscreen display, and a rechargeable  
166 battery which has the ability to support access to a cellular  
167 network.

168 (2) FILTER REQUIRED.—Beginning on January 1, 2025, a  
169 manufacturer shall manufacture a device that, when activated in  
170 this state, automatically enables a filter that does all of the  
171 following:

172 (a) Prevents the user from accessing or downloading  
173 material that is harmful to minors on any of the following:

174 1. A mobile data network.

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175 2. An application owned and controlled by the manufacturer.

176 3. A wired Internet network.

177 4. A wireless Internet network.

178 (b) Notifies the user of the device when the filter blocks  
179 the device from downloading an application or accessing an  
180 Internet website.

181 (c) Gives a user with a password the opportunity to unblock  
182 a filtered application or website.

183 (d) Reasonably precludes a user other than a user with a  
184 password the opportunity to deactivate, modify, or uninstall the  
185 filter.

186 (3) MANUFACTURER LIABILITY.—

187 (a) Beginning January 1, 2025, a manufacturer of a device  
188 is subject to civil and criminal liability if:

189 1. The device is activated in this state;

190 2. The device does not, upon activation, enable a filter  
191 that complies with the requirements described in subsection (2);  
192 and

193 3. A minor accesses material that is harmful to minors on  
194 the device.

195 (b) Notwithstanding paragraph (a), this section does not  
196 apply to a manufacturer that makes a good faith effort to  
197 provide a device that, upon activation of the device in this  
198 state, automatically enables a generally accepted and  
199 commercially reasonable filter in accordance with this section  
200 and industry standards.

201 (4) INDIVIDUAL LIABILITY.—With the exception of a minor's  
202 parent or legal guardian, any person may be liable in a civil  
203 action for enabling the password to remove the filter on a

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204 device in the possession of a minor if the minor accesses  
205 content that is harmful to minors on the device.

206 (5) PROCEEDINGS BY THE ATTORNEY GENERAL.—

207 (a) If the Attorney General has reason to believe a person  
208 violated or is violating this section, the Attorney General,  
209 acting in the public interest, may do any of the following:

210 1. Enjoin an action that constitutes a violation of this  
211 section by issuing a temporary restraining order or preliminary  
212 or permanent injunction.

213 2. Bring an action to recover from the alleged violator a  
214 civil penalty not to exceed \$5,000 per violation and not to  
215 exceed a total of \$50,000 in aggregate, as determined by the  
216 court.

217 3. Bring an action to recover from the alleged violator the  
218 Attorney General's reasonable expenses, investigative costs, and  
219 attorney fees.

220 4. Bring an action to obtain other appropriate relief as  
221 provided for under this section.

222 (b) The Attorney General, in addition to other powers  
223 conferred upon him or her by this subsection, may issue  
224 subpoenas to any person and conduct hearings in aid of any  
225 investigation or inquiry.

226 (c) The Attorney General may seek the revocation of any  
227 license or certificate authorizing a manufacturer to engage in  
228 business in this state.

229 (d) For purposes of assessing a penalty under this section,  
230 a manufacturer is considered to have committed a separate  
231 violation for each device manufactured on or after January 1,  
232 2025, which violates this section.



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233 (6) CIVIL ACTION BY THE PARENT OR LEGAL GUARDIAN.—

234 (a) Any parent or legal guardian of a minor who accesses  
235 content that is harmful to minors in violation of this section  
236 may bring a private cause of action in any court of competent  
237 jurisdiction against a manufacturer that failed to comply with  
238 this section. A prevailing plaintiff may recover any of the  
239 following:

240 1. Actual damages or, in the discretion of the court when  
241 actual damages are difficult to ascertain due to the nature of  
242 the injury, liquidated damages in the amount of \$50,000 for each  
243 violation.

244 2. When a violation is found to be knowing and willful,  
245 punitive damages in an amount determined by the court.

246 3. Nominal damages.

247 4. Such other relief as the court deems appropriate,  
248 including court costs and expenses.

249 5. For a prevailing plaintiff, the collection of attorney  
250 fees against a violating manufacturer.

251 (b) This section does not preclude the bringing of a class  
252 action lawsuit against a manufacturer when its conduct in  
253 violation of this section is knowing and willful.

254 (c) Any parent or legal guardian of a child may bring an  
255 action in a court of competent jurisdiction against any person  
256 who is not the parent or legal guardian of the child and who  
257 enables the password to remove the filter from a device in the  
258 possession of the child which results in the child's exposure to  
259 content that is harmful to minors.

260 (7) CRIMINAL PENALTIES.—

261 (a) Beginning on January 1, 2025, a person, with the

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262 exception of a parent or legal guardian, may not enable the  
263 password to remove the filter on a device in the possession of a  
264 minor.

265 (b) A person who violates paragraph (a) is subject to a  
266 fine not to exceed \$5,000 for a first offense and not to exceed  
267 \$50,000 for a second offense. However, a person who violates  
268 paragraph (a) for a second or subsequent time within 1 year of  
269 the first violation commits a misdemeanor of the first degree,  
270 punishable as provided in s. 775.082 or s. 775.083.

271 Section 3. Subsection (2) of section 787.025, Florida  
272 Statutes, is amended to read:

273 787.025 Luring or enticing a child.—

274 (2) (a) A person 18 years of age or older who intentionally  
275 lures or entices, or attempts to lure or entice, a child under  
276 the age of 12 into a structure, dwelling, or conveyance for  
277 other than a lawful purpose commits a felony ~~misdemeanor~~ of the  
278 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
279 775.083, or s. 775.084.

280 (b) A person 18 years of age or older who, having been  
281 previously convicted of a violation of paragraph (a),  
282 intentionally lures or entices, or attempts to lure or entice, a  
283 child under the age of 12 into a structure, dwelling, or  
284 conveyance for other than a lawful purpose commits a felony of  
285 the second ~~third~~ degree, punishable as provided in s. 775.082,  
286 s. 775.083, or s. 775.084.

287 (c) A person 18 years of age or older who, having been  
288 previously convicted of a violation of chapter 794, s. 800.04,  
289 or s. 847.0135(5), or a violation of a similar law of another  
290 jurisdiction, intentionally lures or entices, or attempts to

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291 lure or entice, a child under the age of 12 into a structure,  
292 dwelling, or conveyance for other than a lawful purpose commits  
293 a felony of the second ~~third~~ degree, punishable as provided in  
294 s. 775.082, s. 775.083, or s. 775.084.

295 Section 4. Section 827.12, Florida Statutes, is created to  
296 read:

297 827.12 Harmful communication with a minor; penalty.-

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

299 (a) "Inappropriate relationship" means a relationship in  
300 which a person 18 years of age or older engages in communication  
301 with a minor which is explicit and includes detailed verbal  
302 descriptions or narrative accounts of sexual conduct as defined  
303 in s. 847.001 or sexual excitement for the purpose of sexual  
304 excitement of either party using a computer online service,  
305 Internet service, local bulletin board service, or any other  
306 means or device capable of electronic data storage or  
307 transmission.

308 (b) "Sexual excitement" has the same meaning as in s.  
309 847.001.

310 (2) (a) A person 18 years of age or older may not knowingly  
311 engage in any communication that is part of a pattern of  
312 communication or behavior that is:

313 1. Designed to maintain an inappropriate relationship with  
314 a minor or another person believed by the person to be a minor;  
315 or

316 2. Harmful to minors as defined in s. 847.001.

317 (b) A person 18 years of age or older may not knowingly use  
318 a computer online service, Internet service, local bulletin  
319 board service, or any other means or device capable of

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320 electronic data storage or transmission to seduce, solicit,  
 321 lure, or entice, or attempt to seduce, solicit, lure, or entice,  
 322 a minor or another person believed by the person to be a minor  
 323 to share an image or a recorded image depicting nudity of the  
 324 minor for the sexual excitement of either party. As used in this  
 325 paragraph, nudity has the same meaning as in s. 847.001.

326 (c) A person who violates this subsection commits the  
 327 offense of harmful communication with a minor.

328 (3) (a) Except as provided in paragraph (b), a person who  
 329 violates this section commits a felony of the third degree,  
 330 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

331 (b) A person who violates this section with a minor who is  
 332 younger than 12 years of age commits a felony of the second  
 333 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 334 775.084.

335 (4) This section does not apply to any act of medical  
 336 diagnosis, treatment, or educational conversations by a parent,  
 337 caregiver, or educator for the purposes of sexual education, and  
 338 not intended to elicit sexual excitement.

339 Section 5. Paragraphs (c) and (e) of subsection (3) of  
 340 section 921.0022, Florida Statutes, are amended to read:

341 921.0022 Criminal Punishment Code; offense severity ranking  
 342 chart.—

343 (3) OFFENSE SEVERITY RANKING CHART

344 (c) LEVEL 3

345

Florida	Felony	
Statute	Degree	Description

346

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347	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
348	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
349	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
350	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
351	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
352	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
352	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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353

319.33 (4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

354

327.35 (2) (b) 3rd Felony BUI.

355

328.05 (2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

356

328.07 (4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

357

376.302 (5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

358

379.2431 (1) (e) 5. 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling,

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offering to sell,  
 molesting, or harassing  
 marine turtles, marine  
 turtle eggs, or marine  
 turtle nests in violation  
 of the Marine Turtle  
 Protection Act.

359

379.2431  
 (1) (e) 6.

3rd

Possessing any marine  
 turtle species or  
 hatchling, or parts  
 thereof, or the nest of  
 any marine turtle species  
 described in the Marine  
 Turtle Protection Act.

360

379.2431  
 (1) (e) 7.

3rd

Soliciting to commit or  
 conspiring to commit a  
 violation of the Marine  
 Turtle Protection Act.

361

400.9935 (4) (a)  
 or (b)

3rd

Operating a clinic, or  
 offering services  
 requiring licensure,  
 without a license.

362

400.9935 (4) (e)

3rd

Filing a false license  
 application or other  
 required information or

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failing to report  
information.

363

440.1051(3)

3rd

False report of workers'  
compensation fraud or  
retaliation for making  
such a report.

364

501.001(2)(b)

2nd

Tampers with a consumer  
product or the container  
using materially  
false/misleading  
information.

365

624.401(4)(a)

3rd

Transacting insurance  
without a certificate of  
authority.

366

624.401(4)(b)1.

3rd

Transacting insurance  
without a certificate of  
authority; premium  
collected less than  
\$20,000.

367

626.902(1)(a) &  
(b)

3rd

Representing an  
unauthorized insurer.

368

697.08

3rd

Equity skimming.

369



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370 790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

371 794.053 3rd Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.

372 806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

373 806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

374 810.09 (2) (c) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

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375  
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381  
382

812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
812.081 (2)	3rd	Theft of a trade secret.
815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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383 817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

384 817.236 3rd Filing a false motor vehicle insurance application.

385 817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

386 817.413 (2) 3rd Sale of used goods of \$1,000 or more as new.

387 817.49 (2) (b) 1. 3rd Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.

388 827.12 (3) (a) 3rd Harmful communication with a minor who is 12 years of age or older.

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment

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instrument with intent to defraud.

389

831.29

2nd

Possession of instruments for counterfeiting driver licenses or identification cards.

390

836.13(2)

3rd

Person who promotes an altered sexual depiction of an identifiable person without consent.

391

838.021(3)(b)

3rd

Threatens unlawful harm to public servant.

392

860.15(3)

3rd

Overcharging for repairs and parts.

393

870.01(2)

3rd

Riot.

394

870.01(4)

3rd

Inciting a riot.

395

893.13(1)(a)2.

3rd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8.,

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(2) (c) 9., (2) (c) 10., (3),  
or (4) drugs).

396

893.13 (1) (d) 2.

2nd

Sell, manufacture, or  
deliver s. 893.03 (1) (c),  
(2) (c) 1., (2) (c) 2.,  
(2) (c) 3., (2) (c) 6.,  
(2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (2) (c) 10., (3),  
or (4) drugs within 1,000  
feet of university.

397

893.13 (1) (f) 2.

2nd

Sell, manufacture, or  
deliver s. 893.03 (1) (c),  
(2) (c) 1., (2) (c) 2.,  
(2) (c) 3., (2) (c) 6.,  
(2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (2) (c) 10., (3),  
or (4) drugs within 1,000  
feet of public housing  
facility.

398

893.13 (4) (c)

3rd

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

399

893.13 (6) (a)

3rd

Possession of any  
controlled substance  
other than felony

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possession of cannabis.

400

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

401

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

402

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

403

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

404

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through

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deceptive, untrue, or  
 fraudulent  
 representations in or  
 related to the  
 practitioner's practice.

405

893.13 (8) (a) 2.

3rd

Employ a trick or scheme  
 in the practitioner's  
 practice to assist a  
 patient, other person, or  
 owner of an animal in  
 obtaining a controlled  
 substance.

406

893.13 (8) (a) 3.

3rd

Knowingly write a  
 prescription for a  
 controlled substance for  
 a fictitious person.

407

893.13 (8) (a) 4.

3rd

Write a prescription for  
 a controlled substance  
 for a patient, other  
 person, or an animal if  
 the sole purpose of  
 writing the prescription  
 is a monetary benefit for  
 the practitioner.

408

918.13 (1)

3rd

Tampering with or

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fabricating physical  
evidence.

409

944.47  
(1) (a) 1. & 2.

3rd

Introduce contraband to  
correctional facility.

410

944.47 (1) (c)

2nd

Possess contraband while  
upon the grounds of a  
correctional institution.

411

985.721

3rd

Escapes from a juvenile  
facility (secure  
detention or residential  
commitment facility).

412

413 (e) LEVEL 5

414

Florida  
Statute

Felony  
Degree

Description

415

316.027 (2) (a)

3rd

Accidents involving  
personal injuries other  
than serious bodily  
injury, failure to  
stop; leaving scene.

416

316.1935 (4) (a)

2nd

Aggravated fleeing or  
eluding.

417



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418

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

419

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

420

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

379.365 (2) (c) 1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering,

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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.

421

379.367(4)

3rd

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

422

379.407(5)(b)3.

3rd

Possession of 100 or  
 more undersized spiny  
 lobsters.

423

381.0041(11)(b)

3rd

Donate blood, plasma,  
 or organs knowing HIV  
 positive.

424

440.10(1)(g)

2nd

Failure to obtain  
 workers' compensation  
 coverage.

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425

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

426

440.381 (2)

3rd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

427

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

428

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

429

790.01 (3)

3rd

Unlawful carrying of a concealed firearm.

430

790.162

2nd

Threat to throw or

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431

discharge destructive  
device.

790.163 (1)

2nd

False report of bomb,  
explosive, weapon of  
mass destruction, or  
use of firearms in  
violent manner.

432

790.221 (1)

2nd

Possession of short-  
barreled shotgun or  
machine gun.

433

790.23

2nd

Felons in possession of  
firearms, ammunition,  
or electronic weapons  
or devices.

434

796.05 (1)

2nd

Live on earnings of a  
prostitute; 1st  
offense.

435

800.04 (6) (c)

3rd

Lewd or lascivious  
conduct; offender less  
than 18 years of age.

436

800.04 (7) (b)

2nd

Lewd or lascivious  
exhibition; offender 18  
years of age or older.

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437

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

438

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

439

812.015 3rd Retail theft; property  
(8) (a) & (c) - (e) stolen is valued at  
\$750 or more and one or  
more specified acts.

440

812.015 (8) (f) 3rd Retail theft; multiple  
thefts within specified  
period.

441

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

442

812.081 (3) 2nd Trafficking in trade  
secrets.

443

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

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snatching.

444

812.16(2)

3rd

Owning, operating, or  
conducting a chop shop.

445

817.034(4)(a)2.

2nd

Communications fraud,  
value \$20,000 to  
\$50,000.

446

827.12(3)(b)

2nd

Harmful communication  
with a minor younger  
than 12 years of age.

447

817.234(11)(b)

2nd

Insurance fraud;  
property value \$20,000  
or more but less than  
\$100,000.

448

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.

449

817.568(2)(b)

2nd

Fraudulent use of

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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.

450

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

451

817.625 (2) (b)

2nd

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

452

825.1025 (4)

3rd

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

453

827.071 (4)

2nd

Possess with intent to

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promote any  
 photographic material,  
 motion picture, etc.,  
 which includes child  
 pornography.

454

827.071 (5)

3rd

Possess, control, or  
 intentionally view any  
 photographic material,  
 motion picture, etc.,  
 which includes child  
 pornography.

455

828.12 (2)

3rd

Tortures any animal  
 with intent to inflict  
 intense pain, serious  
 physical injury, or  
 death.

456

836.14 (4)

2nd

Person who willfully  
 promotes for financial  
 gain a sexually  
 explicit image of an  
 identifiable person  
 without consent.

457

839.13 (2) (b)

2nd

Falsifying records of  
 an individual in the  
 care and custody of a



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458

state agency involving  
great bodily harm or  
death.

843.01(1)

3rd

Resist officer with  
violence to person;  
resist arrest with  
violence.

459

847.0135(5)(b)

2nd

Lewd or lascivious  
exhibition using  
computer; offender 18  
years or older.

460

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

461

847.0138  
(2) & (3)

3rd

Transmission of  
material harmful to  
minors to a minor by  
electronic device or  
equipment.

462

874.05(1)(b)

2nd

Encouraging or  
recruiting another to  
join a criminal gang;  
second or subsequent

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offense.

463

874.05 (2) (a)

2nd

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

464

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) 5. drugs).

465

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) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

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466

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

467

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

468

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within

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1,000 feet of public housing facility.

469

893.13(4) (b)

2nd

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

470

893.1351(1)

3rd

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

471

472 Section 6. Paragraph (h) of subsection (1) of section  
473 943.0435, Florida Statutes, is amended to read:

474 943.0435 Sexual offenders required to register with the  
475 department; penalty.—

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

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

480 a.(I) Has been convicted of committing, or attempting,  
481 soliciting, or conspiring to commit, any of the criminal  
482 offenses proscribed in the following statutes in this state or  
483 similar offenses in another jurisdiction: s. 393.135(2); s.  
484 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2) (c), where  
485 the victim is a minor; s. 787.06(3) (b), (d), (f), or (g); former  
486 s. 787.06(3) (h); s. 794.011, excluding s. 794.011(10); s.  
487 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
488 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s. 847.0133; s.

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489 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.  
490 847.0145; s. 895.03, if the court makes a written finding that  
491 the racketeering activity involved at least one sexual offense  
492 listed in this sub-sub-subparagraph or at least one offense  
493 listed in this sub-sub-subparagraph with sexual intent or  
494 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
495 committed in this state which has been redesignated from a  
496 former statute number to one of those listed in this sub-sub-  
497 subparagraph; and

498 (II) Has been released on or after October 1, 1997, from a  
499 sanction imposed for any conviction of an offense described in  
500 sub-sub-subparagraph (I) and does not otherwise meet the  
501 criteria for registration as a sexual offender under chapter 944  
502 or chapter 985. For purposes of this sub-sub-subparagraph, a  
503 sanction imposed in this state or in any other jurisdiction  
504 means probation, community control, parole, conditional release,  
505 control release, or incarceration in a state prison, federal  
506 prison, private correctional facility, or local detention  
507 facility. If no sanction is imposed, the person is deemed to be  
508 released upon conviction;

509 b. Establishes or maintains a residence in this state and  
510 who has not been designated as a sexual predator by a court of  
511 this state but who has been designated as a sexual predator, as  
512 a sexually violent predator, or by another sexual offender  
513 designation in another state or jurisdiction and was, as a  
514 result of such designation, subjected to registration or  
515 community or public notification, or both, or would be if the  
516 person were a resident of that state or jurisdiction, without  
517 regard to whether the person otherwise meets the criteria for

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518 registration as a sexual offender;

519 c. Establishes or maintains a residence in this state who  
520 is in the custody or control of, or under the supervision of,  
521 any other state or jurisdiction as a result of a conviction for  
522 committing, or attempting, soliciting, or conspiring to commit,  
523 any of the criminal offenses proscribed in the following  
524 statutes or similar offense in another jurisdiction: s.  
525 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
526 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
527 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
528 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
529 s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 827.12; s.  
530 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
531 847.0138; s. 847.0145; s. 895.03, if the court makes a written  
532 finding that the racketeering activity involved at least one  
533 sexual offense listed in this sub-subparagraph or at least one  
534 offense listed in this sub-subparagraph with sexual intent or  
535 motive; s. 916.1075(2); or s. 985.701(1); or any similar offense  
536 committed in this state which has been redesignated from a  
537 former statute number to one of those listed in this sub-  
538 subparagraph; or

539 d. On or after July 1, 2007, has been adjudicated  
540 delinquent for committing, or attempting, soliciting, or  
541 conspiring to commit, any of the criminal offenses proscribed in  
542 the following statutes in this state or similar offenses in  
543 another jurisdiction when the juvenile was 14 years of age or  
544 older at the time of the offense:

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

546 (II) Section 800.04(4)(a)2. where the victim is under 12

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547 years of age or where the court finds sexual activity by the use  
548 of force or coercion;

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

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

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

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

559

560 For each violation of a qualifying offense listed in this  
561 subsection, except for a violation of s. 794.011, the court  
562 shall make a written finding of the age of the victim at the  
563 time of the offense. For a violation of s. 800.04(4), the court  
564 shall also make a written finding indicating whether the offense  
565 involved sexual activity and indicating whether the offense  
566 involved force or coercion. For a violation of s. 800.04(5), the  
567 court shall also make a written finding that the offense did or  
568 did not involve unclothed genitals or genital area and that the  
569 offense did or did not involve the use of force or coercion.

570 Section 7. Paragraph (f) of subsection (1) of section  
571 944.606, Florida Statutes, is amended to read:

572 944.606 Sexual offenders; notification upon release.-

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

574 (f) "Sexual offender" means a person who has been convicted  
575 of committing, or attempting, soliciting, or conspiring to

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576 commit, any of the criminal offenses proscribed in the following  
577 statutes in this state or similar offenses in another  
578 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
579 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
580 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
581 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
582 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
583 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.  
584 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
585 if the court makes a written finding that the racketeering  
586 activity involved at least one sexual offense listed in this  
587 paragraph or at least one offense listed in this paragraph with  
588 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or  
589 any similar offense committed in this state which has been  
590 redesignated from a former statute number to one of those listed  
591 in this subsection, when the department has received verified  
592 information regarding such conviction; an offender's  
593 computerized criminal history record is not, in and of itself,  
594 verified information.

595 Section 8. Paragraph (f) of subsection (1) of section  
596 944.607, Florida Statutes, is amended to read:

597 944.607 Notification to Department of Law Enforcement of  
598 information on sexual offenders.—

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

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

603 1. On or after October 1, 1997, as a result of a conviction  
604 for committing, or attempting, soliciting, or conspiring to



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605 commit, any of the criminal offenses proscribed in the following  
606 statutes in this state or similar offenses in another  
607 jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
608 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
609 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
610 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
611 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s.  
612 827.071; s. 827.12; s. 847.0133; s. 847.0135, excluding s.  
613 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
614 if the court makes a written finding that the racketeering  
615 activity involved at least one sexual offense listed in this  
616 subparagraph or at least one offense listed in this subparagraph  
617 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);  
618 or any similar offense committed in this state which has been  
619 redesignated from a former statute number to one of those listed  
620 in this paragraph; or

621 2. Who establishes or maintains a residence in this state  
622 and who has not been designated as a sexual predator by a court  
623 of this state but who has been designated as a sexual predator,  
624 as a sexually violent predator, or by another sexual offender  
625 designation in another state or jurisdiction and was, as a  
626 result of such designation, subjected to registration or  
627 community or public notification, or both, or would be if the  
628 person were a resident of that state or jurisdiction, without  
629 regard as to whether the person otherwise meets the criteria for  
630 registration as a sexual offender.

631 Section 9. For the purpose of incorporating the amendment  
632 made by this act to section 943.0435, Florida Statutes, in  
633 references thereto, paragraph (c) of subsection (2) and

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634 paragraph (c) of subsection (9) of section 61.13, Florida  
635 Statutes, are reenacted to read:

636 61.13 Support of children; parenting and time-sharing;  
637 powers of court.—

638 (2)

639 (c) The court shall determine all matters relating to  
640 parenting and time-sharing of each minor child of the parties in  
641 accordance with the best interests of the child and in  
642 accordance with the Uniform Child Custody Jurisdiction and  
643 Enforcement Act, except that modification of a parenting plan  
644 and time-sharing schedule requires a showing of a substantial  
645 and material change of circumstances.

646 1. It is the public policy of this state that each minor  
647 child has frequent and continuing contact with both parents  
648 after the parents separate or the marriage of the parties is  
649 dissolved and to encourage parents to share the rights and  
650 responsibilities, and joys, of childrearing. Unless otherwise  
651 provided in this section or agreed to by the parties, there is a  
652 rebuttable presumption that equal time-sharing of a minor child  
653 is in the best interests of the minor child. To rebut this  
654 presumption, a party must prove by a preponderance of the  
655 evidence that equal time-sharing is not in the best interests of  
656 the minor child. Except when a time-sharing schedule is agreed  
657 to by the parties and approved by the court, the court must  
658 evaluate all of the factors set forth in subsection (3) and make  
659 specific written findings of fact when creating or modifying a  
660 time-sharing schedule.

661 2. The court shall order that the parental responsibility  
662 for a minor child be shared by both parents unless the court

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663 finds that shared parental responsibility would be detrimental  
664 to the child. In determining detriment to the child, the court  
665 shall consider:

666 a. Evidence of domestic violence, as defined in s. 741.28;

667 b. Whether either parent has or has had reasonable cause to  
668 believe that he or she or his or her minor child or children are  
669 or have been in imminent danger of becoming victims of an act of  
670 domestic violence as defined in s. 741.28 or sexual violence as  
671 defined in s. 784.046(1)(c) by the other parent against the  
672 parent or against the child or children whom the parents share  
673 in common regardless of whether a cause of action has been  
674 brought or is currently pending in the court;

675 c. Whether either parent has or has had reasonable cause to  
676 believe that his or her minor child or children are or have been  
677 in imminent danger of becoming victims of an act of abuse as  
678 defined in s. 39.01(2), abandonment as defined in s. 39.01(1),  
679 or neglect as defined in s. 39.01(50) by the other parent  
680 against the child or children whom the parents share in common  
681 regardless of whether a cause of action has been brought or is  
682 currently pending in the court; and

683 d. Any other relevant factors.

684 3. The following evidence creates a rebuttable presumption  
685 that shared parental responsibility is detrimental to the child:

686 a. A parent has been convicted of a misdemeanor of the  
687 first degree or higher involving domestic violence, as defined  
688 in s. 741.28 and chapter 775;

689 b. A parent meets the criteria of s. 39.806(1)(d); or

690 c. A parent has been convicted of or had adjudication  
691 withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and

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692 at the time of the offense:

693 (I) The parent was 18 years of age or older.

694 (II) The victim was under 18 years of age or the parent  
695 believed the victim to be under 18 years of age.

696

697 If the presumption is not rebutted after the convicted parent is  
698 advised by the court that the presumption exists, shared  
699 parental responsibility, including time-sharing with the child,  
700 and decisions made regarding the child, may not be granted to  
701 the convicted parent. However, the convicted parent is not  
702 relieved of any obligation to provide financial support. If the  
703 court determines that shared parental responsibility would be  
704 detrimental to the child, it may order sole parental  
705 responsibility and make such arrangements for time-sharing as  
706 specified in the parenting plan as will best protect the child  
707 or abused spouse from further harm. Whether or not there is a  
708 conviction of any offense of domestic violence or child abuse or  
709 the existence of an injunction for protection against domestic  
710 violence, the court shall consider evidence of domestic violence  
711 or child abuse as evidence of detriment to the child.

712 4. In ordering shared parental responsibility, the court  
713 may consider the expressed desires of the parents and may grant  
714 to one party the ultimate responsibility over specific aspects  
715 of the child's welfare or may divide those responsibilities  
716 between the parties based on the best interests of the child.  
717 Areas of responsibility may include education, health care, and  
718 any other responsibilities that the court finds unique to a  
719 particular family.

720 5. The court shall order sole parental responsibility for a

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721 minor child to one parent, with or without time-sharing with the  
722 other parent if it is in the best interests of the minor child.

723 6. There is a rebuttable presumption against granting time-  
724 sharing with a minor child if a parent has been convicted of or  
725 had adjudication withheld for an offense enumerated in s.  
726 943.0435(1)(h)1.a., and at the time of the offense:

727 a. The parent was 18 years of age or older.

728 b. The victim was under 18 years of age or the parent  
729 believed the victim to be under 18 years of age.

730

731 A parent may rebut the presumption upon a specific finding in  
732 writing by the court that the parent poses no significant risk  
733 of harm to the child and that time-sharing is in the best  
734 interests of the minor child. If the presumption is rebutted,  
735 the court must consider all time-sharing factors in subsection  
736 (3) when developing a time-sharing schedule.

737 7. Access to records and information pertaining to a minor  
738 child, including, but not limited to, medical, dental, and  
739 school records, may not be denied to either parent. Full rights  
740 under this subparagraph apply to either parent unless a court  
741 order specifically revokes these rights, including any  
742 restrictions on these rights as provided in a domestic violence  
743 injunction. A parent having rights under this subparagraph has  
744 the same rights upon request as to form, substance, and manner  
745 of access as are available to the other parent of a child,  
746 including, without limitation, the right to in-person  
747 communication with medical, dental, and education providers.

748 (9)

749 (c) A court may not order visitation at a recovery

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750 residence if any resident of the recovery residence is currently  
751 required to register as a sexual predator under s. 775.21 or as  
752 a sexual offender under s. 943.0435.

753 Section 10. For the purpose of incorporating the amendment  
754 made by this act to section 943.0435, Florida Statutes, in  
755 references thereto, paragraph (i) of subsection (3) and  
756 subsection (6) of section 68.07, Florida Statutes, are reenacted  
757 to read:

758 68.07 Change of name.—

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

760 (i) Whether the petitioner has ever been required to  
761 register as a sexual predator under s. 775.21 or as a sexual  
762 offender under s. 943.0435.

763 (6) The clerk of the court must, within 5 business days  
764 after the filing of the final judgment, send a report of the  
765 judgment to the Department of Law Enforcement on a form to be  
766 furnished by that department. If the petitioner is required to  
767 register as a sexual predator or a sexual offender pursuant to  
768 s. 775.21 or s. 943.0435, the clerk of court shall  
769 electronically notify the Department of Law Enforcement of the  
770 name change, in a manner prescribed by that department, within 2  
771 business days after the filing of the final judgment. The  
772 Department of Law Enforcement must send a copy of the report to  
773 the Department of Highway Safety and Motor Vehicles, which may  
774 be delivered by electronic transmission. The report must contain  
775 sufficient information to identify the petitioner, including the  
776 results of the criminal history records check if applicable, the  
777 new name of the petitioner, and the file number of the judgment.  
778 The Department of Highway Safety and Motor Vehicles shall

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779 monitor the records of any sexual predator or sexual offender  
780 whose name has been provided to it by the Department of Law  
781 Enforcement. If the sexual predator or sexual offender does not  
782 obtain a replacement driver license or identification card  
783 within the required time as specified in s. 775.21 or s.  
784 943.0435, the Department of Highway Safety and Motor Vehicles  
785 shall notify the Department of Law Enforcement. The Department  
786 of Law Enforcement shall notify applicable law enforcement  
787 agencies of the predator's or offender's failure to comply with  
788 registration requirements. Any information retained by the  
789 Department of Law Enforcement and the Department of Highway  
790 Safety and Motor Vehicles may be revised or supplemented by said  
791 departments to reflect changes made by the final judgment. With  
792 respect to a person convicted of a felony in another state or of  
793 a federal offense, the Department of Law Enforcement must send  
794 the report to the respective state's office of law enforcement  
795 records or to the office of the Federal Bureau of Investigation.  
796 The Department of Law Enforcement may forward the report to any  
797 other law enforcement agency it believes may retain information  
798 related to the petitioner.

799 Section 11. For the purpose of incorporating the amendment  
800 made by this act to section 943.0435, Florida Statutes, in a  
801 reference thereto, paragraph (b) of subsection (1) of section  
802 92.55, Florida Statutes, is reenacted to read:

803 92.55 Special protections in proceedings involving victim  
804 or witness under 18, person with intellectual disability, or  
805 sexual offense victim.—

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

807 (b) "Sexual offense" means any offense specified in s.

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808 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

809 Section 12. For the purpose of incorporating the amendment  
810 made by this act to section 943.0435, Florida Statutes, in a  
811 reference thereto, paragraph (b) of subsection (2) of section  
812 98.0751, Florida Statutes, is reenacted to read:

813 98.0751 Restoration of voting rights; termination of  
814 ineligibility subsequent to a felony conviction.—

815 (2) For purposes of this section, the term:

816 (b) "Felony sexual offense" means any of the following:

817 1. Any felony offense that serves as a predicate to  
818 registration as a sexual offender in accordance with s.

819 943.0435;

820 2. Section 491.0112;

821 3. Section 784.049(3)(b);

822 4. Section 794.08;

823 5. Section 796.08;

824 6. Section 800.101;

825 7. Section 826.04;

826 8. Section 847.012;

827 9. Section 872.06(2);

828 10. Section 944.35(3)(b)2.;

829 11. Section 951.221(1); or

830 12. Any similar offense committed in another jurisdiction  
831 which would be an offense listed in this paragraph if it had  
832 been committed in violation of the laws of this state.

833 Section 13. For the purpose of incorporating the amendment  
834 made by this act to section 943.0435, Florida Statutes, in a  
835 reference thereto, subsection (2) of section 394.9125, Florida  
836 Statutes, is reenacted to read:



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837 394.9125 State attorney; authority to refer a person for  
838 civil commitment.—

839 (2) A state attorney may refer a person to the department  
840 for civil commitment proceedings if the person:

841 (a) Is required to register as a sexual offender pursuant  
842 to s. 943.0435;

843 (b) Has previously been convicted of a sexually violent  
844 offense as defined in s. 394.912(9)(a)-(h); and

845 (c) Has been sentenced to a term of imprisonment in a  
846 county or municipal jail for any criminal offense.

847 Section 14. For the purpose of incorporating the amendment  
848 made by this act to section 943.0435, Florida Statutes, in a  
849 reference thereto, paragraph (b) of subsection (10) of section  
850 397.487, Florida Statutes, is reenacted to read:

851 397.487 Voluntary certification of recovery residences.—

852 (10)

853 (b) A certified recovery residence may not allow a minor  
854 child to visit a parent who is a resident of the recovery  
855 residence at any time if any resident of the recovery residence  
856 is currently required to register as a sexual predator under s.  
857 775.21 or as a sexual offender under s. 943.0435.

858 Section 15. For the purpose of incorporating the amendment  
859 made by this act to section 943.0435, Florida Statutes, in a  
860 reference thereto, paragraph (b) of subsection (4) of section  
861 435.07, Florida Statutes, as amended by chapter 2023-220, Laws  
862 of Florida, is reenacted to read:

863 435.07 Exemptions from disqualification.—Unless otherwise  
864 provided by law, the provisions of this section apply to  
865 exemptions from disqualification for disqualifying offenses

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866 revealed pursuant to background screenings required under this  
867 chapter, regardless of whether those disqualifying offenses are  
868 listed in this chapter or other laws.

869 (4)

870 (b) Disqualification from employment or affiliation under  
871 this chapter may not be removed from, nor may an exemption be  
872 granted to, any person who is a:

873 1. Sexual predator as designated pursuant to s. 775.21;

874 2. Career offender pursuant to s. 775.261; or

875 3. Sexual offender pursuant to s. 943.0435, unless the  
876 requirement to register as a sexual offender has been removed  
877 pursuant to s. 943.04354.

878 Section 16. For the purpose of incorporating the amendment  
879 made by this act to section 943.0435, Florida Statutes, in a  
880 reference thereto, subsection (2) of section 775.0862, Florida  
881 Statutes, is reenacted to read:

882 775.0862 Sexual offenses against students by authority  
883 figures; reclassification.—

884 (2) The felony degree of a violation of an offense listed  
885 in s. 943.0435(1)(h)1.a., unless the offense is a violation of  
886 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
887 as provided in this section if the offense is committed by an  
888 authority figure of a school against a student of the school.

889 Section 17. For the purpose of incorporating the amendment  
890 made by this act to section 943.0435, Florida Statutes, in a  
891 reference thereto, paragraph (cc) of subsection (2) of section  
892 900.05, Florida Statutes, is reenacted to read:

893 900.05 Criminal justice data collection.—

894 (2) DEFINITIONS.—As used in this section, the term:

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895 (cc) "Sexual offender flag" means an indication that a  
896 defendant was required to register as a sexual predator as  
897 defined in s. 775.21 or as a sexual offender as defined in s.  
898 943.0435.

899 Section 18. For the purpose of incorporating the amendment  
900 made by this act to section 943.0435, Florida Statutes, in a  
901 reference thereto, paragraph (m) of subsection (2) of section  
902 903.046, Florida Statutes, is reenacted to read:

903 903.046 Purpose of and criteria for bail determination.—

904 (2) When determining whether to release a defendant on bail  
905 or other conditions, and what that bail or those conditions may  
906 be, the court shall consider:

907 (m) Whether the defendant, other than a defendant whose  
908 only criminal charge is a misdemeanor offense under chapter 316,  
909 is required to register as a sexual offender under s. 943.0435  
910 or a sexual predator under s. 775.21; and, if so, he or she is  
911 not eligible for release on bail or surety bond until the first  
912 appearance on the case in order to ensure the full participation  
913 of the prosecutor and the protection of the public.

914 Section 19. For the purpose of incorporating the amendment  
915 made by this act to section 943.0435, Florida Statutes, in a  
916 reference thereto, section 903.133, Florida Statutes, is  
917 reenacted to read:

918 903.133 Bail on appeal; prohibited for certain felony  
919 convictions.—Notwithstanding s. 903.132, no person shall be  
920 admitted to bail pending review either by posttrial motion or  
921 appeal if he or she was adjudged guilty of:

922 (1) A felony of the first degree for a violation of s.  
923 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s.

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924 893.13, or s. 893.135;

925 (2) A violation of s. 794.011(2) or (3); or

926 (3) Any other offense requiring sexual offender

927 registration under s. 943.0435(1)(h) or sexual predator

928 registration under s. 775.21(4) when, at the time of the

929 offense, the offender was 18 years of age or older and the

930 victim was a minor.

931 Section 20. For the purpose of incorporating the amendment

932 made by this act to section 943.0435, Florida Statutes, in a

933 reference thereto, paragraph (b) of subsection (4) of section

934 907.043, Florida Statutes, is reenacted to read:

935 907.043 Pretrial release; citizens' right to know.—

936 (4)

937 (b) The annual report must contain, but need not be limited

938 to:

939 1. The name, location, and funding sources of the pretrial

940 release program, including the amount of public funds, if any,

941 received by the pretrial release program.

942 2. The operating and capital budget of each pretrial

943 release program receiving public funds.

944 3.a. The percentage of the pretrial release program's total

945 budget representing receipt of public funds.

946 b. The percentage of the total budget which is allocated to

947 assisting defendants obtain release through a nonpublicly funded

948 program.

949 c. The amount of fees paid by defendants to the pretrial

950 release program.

951 4. The number of persons employed by the pretrial release

952 program.

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- 953           5. The number of defendants assessed and interviewed for  
954 pretrial release.
- 955           6. The number of defendants recommended for pretrial  
956 release.
- 957           7. The number of defendants for whom the pretrial release  
958 program recommended against nonsecured release.
- 959           8. The number of defendants granted nonsecured release  
960 after the pretrial release program recommended nonsecured  
961 release.
- 962           9. The number of defendants assessed and interviewed for  
963 pretrial release who were declared indigent by the court.
- 964           10. The number of defendants accepted into a pretrial  
965 release program who paid a surety or cash bail or bond.
- 966           11. The number of defendants for whom a risk assessment  
967 tool was used in determining whether the defendant should be  
968 released pending the disposition of the case and the number of  
969 defendants for whom a risk assessment tool was not used.
- 970           12. The specific statutory citation for each criminal  
971 charge related to a defendant whose case is accepted into a  
972 pretrial release program, including, at a minimum, the number of  
973 defendants charged with dangerous crimes as defined in s.  
974 907.041; nonviolent felonies; or misdemeanors only. A  
975 "nonviolent felony" for purposes of this subparagraph excludes  
976 the commission of, an attempt to commit, or a conspiracy to  
977 commit any of the following:
- 978           a. An offense enumerated in s. 775.084(1)(c);
- 979           b. An offense that requires a person to register as a  
980 sexual predator in accordance with s. 775.21 or as a sexual  
981 offender in accordance with s. 943.0435;

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- 982 c. Failure to register as a sexual predator in violation of  
983 s. 775.21 or as a sexual offender in violation of s. 943.0435;  
984 d. Facilitating or furthering terrorism in violation of s.  
985 775.31;  
986 e. A forcible felony as described in s. 776.08;  
987 f. False imprisonment in violation of s. 787.02;  
988 g. Burglary of a dwelling or residence in violation of s.  
989 810.02(3);  
990 h. Abuse, aggravated abuse, and neglect of an elderly  
991 person or disabled adult in violation of s. 825.102;  
992 i. Abuse, aggravated abuse, and neglect of a child in  
993 violation of s. 827.03;  
994 j. Poisoning of food or water in violation of s. 859.01;  
995 k. Abuse of a dead human body in violation of s. 872.06;  
996 l. A capital offense in violation of chapter 893;  
997 m. An offense that results in serious bodily injury or  
998 death to another human; or  
999 n. A felony offense in which the defendant used a weapon or  
1000 firearm in the commission of the offense.
- 1001 13. The number of defendants accepted into a pretrial  
1002 release program with no prior criminal conviction.
- 1003 14. The name and case number of each person granted  
1004 nonsecured release who:
- 1005 a. Failed to attend a scheduled court appearance.  
1006 b. Was issued a warrant for failing to appear.  
1007 c. Was arrested for any offense while on release through  
1008 the pretrial release program.
- 1009 15. Any additional information deemed necessary by the  
1010 governing body to assess the performance and cost efficiency of

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1011 the pretrial release program.

1012 Section 21. For the purpose of incorporating the amendment  
1013 made by this act to section 943.0435, Florida Statutes, in a  
1014 reference thereto, paragraph (d) of subsection (7) of section  
1015 921.1425, Florida Statutes, is reenacted to read:

1016 921.1425 Sentence of death or life imprisonment for capital  
1017 sexual battery; further proceedings to determine sentence.-

1018 (7) AGGRAVATING FACTORS.-Aggravating factors shall be  
1019 limited to the following:

1020 (d) The capital felony was committed by a sexual offender  
1021 who is required to register pursuant to s. 943.0435 or a person  
1022 previously required to register as a sexual offender who had  
1023 such requirement removed.

1024 Section 22. For the purpose of incorporating the amendment  
1025 made by this act to section 943.0435, Florida Statutes, in a  
1026 reference thereto, paragraph (a) of subsection (2) of section  
1027 934.255, Florida Statutes, is reenacted to read:

1028 934.255 Subpoenas in investigations of sexual offenses.-

1029 (2) An investigative or law enforcement officer who is  
1030 conducting an investigation into:

1031 (a) Allegations of the sexual abuse of a child or an  
1032 individual's suspected commission of a crime listed in s.  
1033 943.0435(1)(h)1.a.(I) may use a subpoena to compel the  
1034 production of records, documents, or other tangible objects and  
1035 the testimony of the subpoena recipient concerning the  
1036 production and authenticity of such records, documents, or  
1037 objects, except as provided in paragraphs (b) and (c).

1038  
1039 A subpoena issued under this subsection must describe the

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1040 records, documents, or other tangible objects required to be  
1041 produced, and must prescribe a date by which such records,  
1042 documents, or other tangible objects must be produced.

1043 Section 23. For the purpose of incorporating the amendment  
1044 made by this act to section 943.0435, Florida Statutes, in a  
1045 reference thereto, subsection (1) of section 938.10, Florida  
1046 Statutes, is reenacted to read:

1047 938.10 Additional court cost imposed in cases of certain  
1048 crimes.—

1049 (1) If a person pleads guilty or nolo contendere to, or is  
1050 found guilty of, regardless of adjudication, any offense against  
1051 a minor in violation of s. 784.085, chapter 787, chapter 794,  
1052 former s. 796.03, former s. 796.035, s. 800.04, chapter 827, s.  
1053 847.012, s. 847.0133, s. 847.0135(5), s. 847.0138, s. 847.0145,  
1054 s. 893.147(3), or s. 985.701, or any offense in violation of s.  
1055 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
1056 court shall impose a court cost of \$151 against the offender in  
1057 addition to any other cost or penalty required by law.

1058 Section 24. For the purpose of incorporating the amendment  
1059 made by this act to section 943.0435, Florida Statutes, in a  
1060 reference thereto, subsection (2) of section 943.0584, Florida  
1061 Statutes, is reenacted to read:

1062 943.0584 Criminal history records ineligible for court-  
1063 ordered expunction or court-ordered sealing.—

1064 (2) A criminal history record is ineligible for a  
1065 certificate of eligibility for expunction or a court-ordered  
1066 expunction pursuant to s. 943.0585 or a certificate of  
1067 eligibility for sealing or a court-ordered sealing pursuant to  
1068 s. 943.059 if the record is a conviction for any of the



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1069 following offenses:

1070 (a) Sexual misconduct, as defined in s. 393.135, s.  
1071 394.4593, or s. 916.1075;

1072 (b) Illegal use of explosives, as defined in chapter 552;

1073 (c) Terrorism, as defined in s. 775.30;

1074 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
1075 782.09;

1076 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
1077 782.071, or s. 782.072;

1078 (f) Assault or battery, as defined in ss. 784.011 and  
1079 784.03, respectively, of one family or household member by  
1080 another family or household member, as defined in s. 741.28(3);

1081 (g) Aggravated assault, as defined in s. 784.021;

1082 (h) Felony battery, domestic battery by strangulation, or  
1083 aggravated battery, as defined in ss. 784.03, 784.041, and  
1084 784.045, respectively;

1085 (i) Stalking or aggravated stalking, as defined in s.  
1086 784.048;

1087 (j) Luring or enticing a child, as defined in s. 787.025;

1088 (k) Human trafficking, as defined in s. 787.06;

1089 (l) Kidnapping or false imprisonment, as defined in s.  
1090 787.01 or s. 787.02;

1091 (m) Any offense defined in chapter 794;

1092 (n) Procuring a person less than 18 years of age for  
1093 prostitution, as defined in former s. 796.03;

1094 (o) Lewd or lascivious offenses committed upon or in the  
1095 presence of persons less than 16 years of age, as defined in s.  
1096 800.04;

1097 (p) Arson, as defined in s. 806.01;

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- 1098 (q) Burglary of a dwelling, as defined in s. 810.02;
- 1099 (r) Voyeurism or video voyeurism, as defined in ss. 810.14
- 1100 and 810.145, respectively;
- 1101 (s) Robbery or robbery by sudden snatching, as defined in
- 1102 ss. 812.13 and 812.131, respectively;
- 1103 (t) Carjacking, as defined in s. 812.133;
- 1104 (u) Home-invasion robbery, as defined in s. 812.135;
- 1105 (v) A violation of the Florida Communications Fraud Act, as
- 1106 provided in s. 817.034;
- 1107 (w) Abuse of an elderly person or disabled adult, or
- 1108 aggravated abuse of an elderly person or disabled adult, as
- 1109 defined in s. 825.102;
- 1110 (x) Lewd or lascivious offenses committed upon or in the
- 1111 presence of an elderly person or disabled person, as defined in
- 1112 s. 825.1025;
- 1113 (y) Child abuse or aggravated child abuse, as defined in s.
- 1114 827.03;
- 1115 (z) Sexual performance by a child, as defined in s.
- 1116 827.071;
- 1117 (aa) Any offense defined in chapter 839;
- 1118 (bb) Certain acts in connection with obscenity, as defined
- 1119 in s. 847.0133;
- 1120 (cc) Any offense defined in s. 847.0135;
- 1121 (dd) Selling or buying of minors, as defined in s.
- 1122 847.0145;
- 1123 (ee) Aircraft piracy, as defined in s. 860.16;
- 1124 (ff) Manufacturing a controlled substance in violation of
- 1125 chapter 893;
- 1126 (gg) Drug trafficking, as defined in s. 893.135; or

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1127 (hh) Any violation specified as a predicate offense for  
1128 registration as a sexual predator pursuant to s. 775.21, or  
1129 sexual offender pursuant to s. 943.0435, without regard to  
1130 whether that offense alone is sufficient to require such  
1131 registration.

1132 Section 25. For the purpose of incorporating the amendment  
1133 made by this act to section 943.0435, Florida Statutes, in a  
1134 reference thereto, paragraph (a) of subsection (2) of section  
1135 943.0595, Florida Statutes, is reenacted to read:

1136 943.0595 Automatic sealing of criminal history records;  
1137 confidentiality of related court records.—

1138 (2) ELIGIBILITY.—

1139 (a) The department shall automatically seal a criminal  
1140 history record that does not result from an indictment,  
1141 information, or other charging document for a forcible felony as  
1142 defined in s. 776.08 or for an offense enumerated in s.  
1143 943.0435(1)(h)1.a.(I), if:

1144 1. An indictment, information, or other charging document  
1145 was not filed or issued in the case giving rise to the criminal  
1146 history record.

1147 2. An indictment, information, or other charging document  
1148 was filed in the case giving rise to the criminal history  
1149 record, but was dismissed or nolle prosequi by the state  
1150 attorney or statewide prosecutor or was dismissed by a court of  
1151 competent jurisdiction as to all counts. However, a person is  
1152 not eligible for automatic sealing under this section if the  
1153 dismissal was pursuant to s. 916.145 or s. 985.19.

1154 3. A not guilty verdict was rendered by a judge or jury as  
1155 to all counts. However, a person is not eligible for automatic

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1156 sealing under this section if the defendant was found not guilty  
1157 by reason of insanity.

1158 4. A judgment of acquittal was rendered by a judge as to  
1159 all counts.

1160 Section 26. For the purpose of incorporating the amendment  
1161 made by this act to section 943.0435, Florida Statutes, in  
1162 references thereto, paragraph (a) of subsection (4) and  
1163 subsection (9) of section 944.607, Florida Statutes, are  
1164 reenacted to read:

1165 944.607 Notification to Department of Law Enforcement of  
1166 information on sexual offenders.—

1167 (4) A sexual offender, as described in this section, who is  
1168 under the supervision of the Department of Corrections but is  
1169 not incarcerated shall register with the Department of  
1170 Corrections within 3 business days after sentencing for a  
1171 registrable offense and otherwise provide information as  
1172 required by this subsection.

1173 (a) The sexual offender shall provide his or her name; date  
1174 of birth; social security number; race; sex; height; weight;  
1175 hair and eye color; tattoos or other identifying marks; all  
1176 electronic mail addresses and Internet identifiers required to  
1177 be provided pursuant to s. 943.0435(4)(e); employment  
1178 information required to be provided pursuant to s.  
1179 943.0435(4)(e); all home telephone numbers and cellular  
1180 telephone numbers required to be provided pursuant to s.  
1181 943.0435(4)(e); the make, model, color, vehicle identification  
1182 number (VIN), and license tag number of all vehicles owned;  
1183 permanent or legal residence and address of temporary residence  
1184 within the state or out of state while the sexual offender is

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1185 under supervision in this state, including any rural route  
1186 address or post office box; if no permanent or temporary  
1187 address, any transient residence within the state; and address,  
1188 location or description, and dates of any current or known  
1189 future temporary residence within the state or out of state. The  
1190 sexual offender shall also produce his or her passport, if he or  
1191 she has a passport, and, if he or she is an alien, shall produce  
1192 or provide information about documents establishing his or her  
1193 immigration status. The sexual offender shall also provide  
1194 information about any professional licenses he or she has. The  
1195 Department of Corrections shall verify the address of each  
1196 sexual offender in the manner described in ss. 775.21 and  
1197 943.0435. The department shall report to the Department of Law  
1198 Enforcement any failure by a sexual predator or sexual offender  
1199 to comply with registration requirements.

1200 (9) A sexual offender, as described in this section, who is  
1201 under the supervision of the Department of Corrections but who  
1202 is not incarcerated shall, in addition to the registration  
1203 requirements provided in subsection (4), register and obtain a  
1204 distinctive driver license or identification card in the manner  
1205 provided in s. 943.0435(3), (4), and (5), unless the sexual  
1206 offender is a sexual predator, in which case he or she shall  
1207 register and obtain a distinctive driver license or  
1208 identification card as required under s. 775.21. A sexual  
1209 offender who fails to comply with the requirements of s.  
1210 943.0435 is subject to the penalties provided in s. 943.0435(9).

1211 Section 27. For the purpose of incorporating the amendment  
1212 made by this act to section 943.0435, Florida Statutes, in a  
1213 reference thereto, subsection (12) of section 947.1405, Florida

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1214 Statutes, is reenacted to read:

1215 947.1405 Conditional release program.—

1216 (12) In addition to all other conditions imposed, for a  
1217 releasee who is subject to conditional release for a crime that  
1218 was committed on or after May 26, 2010, and who has been  
1219 convicted at any time of committing, or attempting, soliciting,  
1220 or conspiring to commit, any of the criminal offenses listed in  
1221 s. 943.0435(1)(h)1.a.(I), or a similar offense in another  
1222 jurisdiction against a victim who was under 18 years of age at  
1223 the time of the offense, if the releasee has not received a  
1224 pardon for any felony or similar law of another jurisdiction  
1225 necessary for the operation of this subsection, if a conviction  
1226 of a felony or similar law of another jurisdiction necessary for  
1227 the operation of this subsection has not been set aside in any  
1228 postconviction proceeding, or if the releasee has not been  
1229 removed from the requirement to register as a sexual offender or  
1230 sexual predator pursuant to s. 943.04354, the commission must  
1231 impose the following conditions:

1232 (a) A prohibition on visiting schools, child care  
1233 facilities, parks, and playgrounds without prior approval from  
1234 the releasee's supervising officer. The commission may also  
1235 designate additional prohibited locations to protect a victim.  
1236 The prohibition ordered under this paragraph does not prohibit  
1237 the releasee from visiting a school, child care facility, park,  
1238 or playground for the sole purpose of attending a religious  
1239 service as defined in s. 775.0861 or picking up or dropping off  
1240 the releasee's child or grandchild at a child care facility or  
1241 school.

1242 (b) A prohibition on distributing candy or other items to

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1243 children on Halloween; wearing a Santa Claus costume, or other  
1244 costume to appeal to children, on or preceding Christmas;  
1245 wearing an Easter Bunny costume, or other costume to appeal to  
1246 children, on or preceding Easter; entertaining at children's  
1247 parties; or wearing a clown costume without prior approval from  
1248 the commission.

1249 Section 28. For the purpose of incorporating the amendment  
1250 made by this act to section 943.0435, Florida Statutes, in a  
1251 reference thereto, paragraph (b) of subsection (2) of section  
1252 948.013, Florida Statutes, is reenacted to read:

1253 948.013 Administrative probation.—

1254 (2)

1255 (b) Effective for an offense committed on or after October  
1256 1, 2017, a person is ineligible for placement on administrative  
1257 probation if the person is sentenced to or is serving a term of  
1258 probation or community control, regardless of the conviction or  
1259 adjudication, for committing, or attempting, conspiring, or  
1260 soliciting to commit, any of the felony offenses described in s.  
1261 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

1262 Section 29. For the purpose of incorporating the amendment  
1263 made by this act to section 943.0435, Florida Statutes, in a  
1264 reference thereto, paragraph (f) of subsection (2) of section  
1265 948.05, Florida Statutes, is reenacted to read:

1266 948.05 Court to admonish or commend probationer or offender  
1267 in community control; graduated incentives.—

1268 (2) The department shall implement a system of graduated  
1269 incentives to promote compliance with the terms of supervision,  
1270 encourage educational achievement and stable employment, and  
1271 prioritize the highest levels of supervision for probationers or

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1272 offenders presenting the greatest risk of recidivism.

1273 (f) A probationer or offender in community control who is  
1274 placed under supervision for committing or attempting,  
1275 soliciting, or conspiring to commit a violation of any felony  
1276 offense described in s. 775.21(4)(a)1.a. or b. or s.  
1277 943.0435(1)(h)1.a., or who qualifies as a violent felony  
1278 offender of special concern under s. 948.06(8)(b) is not  
1279 eligible for any reduction of his or her term of supervision  
1280 under this section.

1281 Section 30. For the purpose of incorporating the amendment  
1282 made by this act to section 943.0435, Florida Statutes, in a  
1283 reference thereto, subsection (4) of section 948.06, Florida  
1284 Statutes, is reenacted to read:

1285 948.06 Violation of probation or community control;  
1286 revocation; modification; continuance; failure to pay  
1287 restitution or cost of supervision.—

1288 (4) Notwithstanding any other provision of this section, a  
1289 felony probationer or an offender in community control who is  
1290 arrested for violating his or her probation or community control  
1291 in a material respect may be taken before the court in the  
1292 county or circuit in which the probationer or offender was  
1293 arrested. That court shall advise him or her of the charge of a  
1294 violation and, if such charge is admitted, shall cause him or  
1295 her to be brought before the court that granted the probation or  
1296 community control. If the violation is not admitted by the  
1297 probationer or offender, the court may commit him or her or  
1298 release him or her with or without bail to await further  
1299 hearing. However, if the probationer or offender is under  
1300 supervision for any criminal offense proscribed in chapter 794,



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1301 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
1302 registered sexual predator or a registered sexual offender, or  
1303 is under supervision for a criminal offense for which he or she  
1304 would meet the registration criteria in s. 775.21, s. 943.0435,  
1305 or s. 944.607 but for the effective date of those sections, the  
1306 court must make a finding that the probationer or offender is  
1307 not a danger to the public prior to release with or without  
1308 bail. In determining the danger posed by the offender's or  
1309 probationer's release, the court may consider the nature and  
1310 circumstances of the violation and any new offenses charged; the  
1311 offender's or probationer's past and present conduct, including  
1312 convictions of crimes; any record of arrests without conviction  
1313 for crimes involving violence or sexual crimes; any other  
1314 evidence of allegations of unlawful sexual conduct or the use of  
1315 violence by the offender or probationer; the offender's or  
1316 probationer's family ties, length of residence in the community,  
1317 employment history, and mental condition; his or her history and  
1318 conduct during the probation or community control supervision  
1319 from which the violation arises and any other previous  
1320 supervisions, including disciplinary records of previous  
1321 incarcerations; the likelihood that the offender or probationer  
1322 will engage again in a criminal course of conduct; the weight of  
1323 the evidence against the offender or probationer; and any other  
1324 facts the court considers relevant. The court, as soon as is  
1325 practicable, shall give the probationer or offender an  
1326 opportunity to be fully heard on his or her behalf in person or  
1327 by counsel. After the hearing, the court shall make findings of  
1328 fact and forward the findings to the court that granted the  
1329 probation or community control and to the probationer or

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1330 offender or his or her attorney. The findings of fact by the  
1331 hearing court are binding on the court that granted the  
1332 probation or community control. Upon the probationer or offender  
1333 being brought before it, the court that granted the probation or  
1334 community control may revoke, modify, or continue the probation  
1335 or community control or may place the probationer into community  
1336 control as provided in this section. However, the probationer or  
1337 offender shall not be released and shall not be admitted to  
1338 bail, but shall be brought before the court that granted the  
1339 probation or community control if any violation of felony  
1340 probation or community control other than a failure to pay costs  
1341 or fines or make restitution payments is alleged to have been  
1342 committed by:

1343 (a) A violent felony offender of special concern, as  
1344 defined in this section;

1345 (b) A person who is on felony probation or community  
1346 control for any offense committed on or after the effective date  
1347 of this act and who is arrested for a qualifying offense as  
1348 defined in this section; or

1349 (c) A person who is on felony probation or community  
1350 control and has previously been found by a court to be a  
1351 habitual violent felony offender as defined in s. 775.084(1)(b),  
1352 a three-time violent felony offender as defined in s.  
1353 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
1354 arrested for committing a qualifying offense as defined in this  
1355 section on or after the effective date of this act.

1356 Section 31. For the purpose of incorporating the amendment  
1357 made by this act to section 943.0435, Florida Statutes, in a  
1358 reference thereto, subsection (4) of section 948.30, Florida

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1359 Statutes, is reenacted to read:

1360 948.30 Additional terms and conditions of probation or  
1361 community control for certain sex offenses.—Conditions imposed  
1362 pursuant to this section do not require oral pronouncement at  
1363 the time of sentencing and shall be considered standard  
1364 conditions of probation or community control for offenders  
1365 specified in this section.

1366 (4) In addition to all other conditions imposed, for a  
1367 probationer or community controllee who is subject to  
1368 supervision for a crime that was committed on or after May 26,  
1369 2010, and who has been convicted at any time of committing, or  
1370 attempting, soliciting, or conspiring to commit, any of the  
1371 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a  
1372 similar offense in another jurisdiction, against a victim who  
1373 was under the age of 18 at the time of the offense; if the  
1374 offender has not received a pardon for any felony or similar law  
1375 of another jurisdiction necessary for the operation of this  
1376 subsection, if a conviction of a felony or similar law of  
1377 another jurisdiction necessary for the operation of this  
1378 subsection has not been set aside in any postconviction  
1379 proceeding, or if the offender has not been removed from the  
1380 requirement to register as a sexual offender or sexual predator  
1381 pursuant to s. 943.04354, the court must impose the following  
1382 conditions:

1383 (a) A prohibition on visiting schools, child care  
1384 facilities, parks, and playgrounds, without prior approval from  
1385 the offender's supervising officer. The court may also designate  
1386 additional locations to protect a victim. The prohibition  
1387 ordered under this paragraph does not prohibit the offender from

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1388 visiting a school, child care facility, park, or playground for  
1389 the sole purpose of attending a religious service as defined in  
1390 s. 775.0861 or picking up or dropping off the offender's  
1391 children or grandchildren at a child care facility or school.

1392 (b) A prohibition on distributing candy or other items to  
1393 children on Halloween; wearing a Santa Claus costume, or other  
1394 costume to appeal to children, on or preceding Christmas;  
1395 wearing an Easter Bunny costume, or other costume to appeal to  
1396 children, on or preceding Easter; entertaining at children's  
1397 parties; or wearing a clown costume; without prior approval from  
1398 the court.

1399 Section 32. For the purpose of incorporating the amendment  
1400 made by this act to section 943.0435, Florida Statutes, in a  
1401 reference thereto, subsection (9) of section 985.4815, Florida  
1402 Statutes, is reenacted to read:

1403 985.4815 Notification to Department of Law Enforcement of  
1404 information on juvenile sexual offenders.-

1405 (9) A sexual offender, as described in this section, who is  
1406 under the care, jurisdiction, or supervision of the department  
1407 but who is not incarcerated shall, in addition to the  
1408 registration requirements provided in subsection (4), register  
1409 in the manner provided in s. 943.0435(3), (4), and (5), unless  
1410 the sexual offender is a sexual predator, in which case he or  
1411 she shall register as required under s. 775.21. A sexual  
1412 offender who fails to comply with the requirements of s.  
1413 943.0435 is subject to the penalties provided in s. 943.0435(9).

1414 Section 33. For the purpose of incorporating the amendment  
1415 made by this act to section 943.0435, Florida Statutes, in a  
1416 reference thereto, paragraph (b) of subsection (2) of section

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1417 1012.467, Florida Statutes, is reenacted to read:

1418 1012.467 Noninstructional contractors who are permitted  
1419 access to school grounds when students are present; background  
1420 screening requirements.—

1421 (2)

1422 (b) A noninstructional contractor for whom a criminal  
1423 history check is required under this section may not have been  
1424 convicted of any of the following offenses designated in the  
1425 Florida Statutes, any similar offense in another jurisdiction,  
1426 or any similar offense committed in this state which has been  
1427 redesignated from a former provision of the Florida Statutes to  
1428 one of the following offenses:

1429 1. Any offense listed in s. 943.0435(1)(h)1., relating to  
1430 the registration of an individual as a sexual offender.

1431 2. Section 393.135, relating to sexual misconduct with  
1432 certain developmentally disabled clients and the reporting of  
1433 such sexual misconduct.

1434 3. Section 394.4593, relating to sexual misconduct with  
1435 certain mental health patients and the reporting of such sexual  
1436 misconduct.

1437 4. Section 775.30, relating to terrorism.

1438 5. Section 782.04, relating to murder.

1439 6. Section 787.01, relating to kidnapping.

1440 7. Any offense under chapter 800, relating to lewdness and  
1441 indecent exposure.

1442 8. Section 826.04, relating to incest.

1443 9. Section 827.03, relating to child abuse, aggravated  
1444 child abuse, or neglect of a child.

1445 Section 34. For the purpose of incorporating the amendment

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1446 made by this act to section 944.607, Florida Statutes, in a  
1447 reference thereto, subsection (7) of section 944.608, Florida  
1448 Statutes, is reenacted to read:

1449 944.608 Notification to Department of Law Enforcement of  
1450 information on career offenders.—

1451 (7) A career offender who is under the supervision of the  
1452 department but who is not incarcerated shall, in addition to the  
1453 registration requirements provided in subsection (3), register  
1454 in the manner provided in s. 775.261(4)(c), unless the career  
1455 offender is a sexual predator, in which case he or she shall  
1456 register as required under s. 775.21, or is a sexual offender,  
1457 in which case he or she shall register as required in s.  
1458 944.607. A career offender who fails to comply with the  
1459 requirements of s. 775.261(4) is subject to the penalties  
1460 provided in s. 775.261(8).

1461 Section 35. For the purpose of incorporating the amendments  
1462 made by this act to sections 944.606 and 944.607, Florida  
1463 Statutes, in references thereto, subsection (3) and paragraph  
1464 (a) of subsection (4) of section 943.0435, Florida Statutes, are  
1465 reenacted to read:

1466 943.0435 Sexual offenders required to register with the  
1467 department; penalty.—

1468 (3) Within 48 hours after the report required under  
1469 subsection (2), a sexual offender shall report in person at a  
1470 driver license office of the Department of Highway Safety and  
1471 Motor Vehicles, unless a driver license or identification card  
1472 that complies with the requirements of s. 322.141(3) was  
1473 previously secured or updated under s. 944.607. At the driver  
1474 license office the sexual offender shall:

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1475 (a) If otherwise qualified, secure a Florida driver  
1476 license, renew a Florida driver license, or secure an  
1477 identification card. The sexual offender shall identify himself  
1478 or herself as a sexual offender who is required to comply with  
1479 this section and shall provide proof that the sexual offender  
1480 reported as required in subsection (2). The sexual offender  
1481 shall provide any of the information specified in subsection  
1482 (2), if requested. The sexual offender shall submit to the  
1483 taking of a photograph for use in issuing a driver license,  
1484 renewed license, or identification card, and for use by the  
1485 department in maintaining current records of sexual offenders.

1486 (b) Pay the costs assessed by the Department of Highway  
1487 Safety and Motor Vehicles for issuing or renewing a driver  
1488 license or identification card as required by this section. The  
1489 driver license or identification card issued must be in  
1490 compliance with s. 322.141(3).

1491 (c) Provide, upon request, any additional information  
1492 necessary to confirm the identity of the sexual offender,  
1493 including a set of fingerprints.

1494 (4) (a) Each time a sexual offender's driver license or  
1495 identification card is subject to renewal, and, without regard  
1496 to the status of the offender's driver license or identification  
1497 card, within 48 hours after any change in the offender's  
1498 permanent, temporary, or transient residence or change in the  
1499 offender's name by reason of marriage or other legal process,  
1500 the offender shall report in person to a driver license office,  
1501 and is subject to the requirements specified in subsection (3).  
1502 The Department of Highway Safety and Motor Vehicles shall  
1503 forward to the department all photographs and information

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1504 provided by sexual offenders. Notwithstanding the restrictions  
1505 set forth in s. 322.142, the Department of Highway Safety and  
1506 Motor Vehicles may release a reproduction of a color-photograph  
1507 or digital-image license to the Department of Law Enforcement  
1508 for purposes of public notification of sexual offenders as  
1509 provided in this section and ss. 943.043 and 944.606. A sexual  
1510 offender who is unable to secure or update a driver license or  
1511 an identification card with the Department of Highway Safety and  
1512 Motor Vehicles as provided in subsection (3) and this subsection  
1513 shall also report any change in the sexual offender's permanent,  
1514 temporary, or transient residence or change in the offender's  
1515 name by reason of marriage or other legal process within 48  
1516 hours after the change to the sheriff's office in the county  
1517 where the offender resides or is located and provide  
1518 confirmation that he or she reported such information to the  
1519 Department of Highway Safety and Motor Vehicles. The reporting  
1520 requirements under this paragraph do not negate the requirement  
1521 for a sexual offender to obtain a Florida driver license or an  
1522 identification card as required in this section.

1523 Section 36. For the purpose of incorporating the amendments  
1524 made by this act to sections 943.0435 and 944.607, Florida  
1525 Statutes, in references thereto, subsection (4) of section  
1526 320.02, Florida Statutes, is reenacted to read:

1527 320.02 Registration required; application for registration;  
1528 forms.—

1529 (4) Except as provided in ss. 775.21, 775.261, 943.0435,  
1530 944.607, and 985.4815, the owner of any motor vehicle registered  
1531 in the state shall notify the department in writing of any  
1532 change of address within 30 days of such change. The



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1533 notification shall include the registration license plate  
1534 number, the vehicle identification number (VIN) or title  
1535 certificate number, year of vehicle make, and the owner's full  
1536 name.

1537 Section 37. For the purpose of incorporating the amendments  
1538 made by this act to sections 943.0435 and 944.607, Florida  
1539 Statutes, in references thereto, subsection (3) of section  
1540 322.141, Florida Statutes, is reenacted to read:

1541 322.141 Color or markings of certain licenses or  
1542 identification cards.—

1543 (3) All licenses for the operation of motor vehicles or  
1544 identification cards originally issued or reissued by the  
1545 department to persons who are designated as sexual predators  
1546 under s. 775.21 or subject to registration as sexual offenders  
1547 under s. 943.0435 or s. 944.607, or who have a similar  
1548 designation or are subject to a similar registration under the  
1549 laws of another jurisdiction, shall have on the front of the  
1550 license or identification card the following:

1551 (a) For a person designated as a sexual predator under s.  
1552 775.21 or who has a similar designation under the laws of  
1553 another jurisdiction, the marking "SEXUAL PREDATOR."

1554 (b) For a person subject to registration as a sexual  
1555 offender under s. 943.0435 or s. 944.607, or subject to a  
1556 similar registration under the laws of another jurisdiction, the  
1557 marking "943.0435, F.S."

1558 Section 38. For the purpose of incorporating the amendments  
1559 made by this act to sections 943.0435 and 944.607, Florida  
1560 Statutes, in references thereto, subsections (1) and (2) of  
1561 section 322.19, Florida Statutes, are reenacted to read:

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1562 322.19 Change of address or name.—

1563 (1) Except as provided in ss. 775.21, 775.261, 943.0435,  
1564 944.607, and 985.4815, whenever any person, after applying for  
1565 or receiving a driver license or identification card, changes  
1566 his or her legal name, that person must within 30 days  
1567 thereafter obtain a replacement license or card that reflects  
1568 the change.

1569 (2) If a person, after applying for or receiving a driver  
1570 license or identification card, changes the legal residence or  
1571 mailing address in the application, license, or card, the person  
1572 must, within 30 calendar days after making the change, obtain a  
1573 replacement license or card that reflects the change. A written  
1574 request to the department must include the old and new addresses  
1575 and the driver license or identification card number. Any person  
1576 who has a valid, current student identification card issued by  
1577 an educational institution in this state is presumed not to have  
1578 changed his or her legal residence or mailing address. This  
1579 subsection does not affect any person required to register a  
1580 permanent or temporary address change pursuant to s. 775.13, s.  
1581 775.21, s. 775.25, or s. 943.0435.

1582 Section 39. For the purpose of incorporating the amendments  
1583 made by this act to sections 943.0435 and 944.607, Florida  
1584 Statutes, in references thereto, subsection (4) of section  
1585 775.13, Florida Statutes, is reenacted to read:

1586 775.13 Registration of convicted felons, exemptions;  
1587 penalties.—

1588 (4) This section does not apply to an offender:

1589 (a) Who has had his or her civil rights restored;

1590 (b) Who has received a full pardon for the offense for

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1591 which convicted;

1592 (c) Who has been lawfully released from incarceration or  
1593 other sentence or supervision for a felony conviction for more  
1594 than 5 years prior to such time for registration, unless the  
1595 offender is a fugitive from justice on a felony charge or has  
1596 been convicted of any offense since release from such  
1597 incarceration or other sentence or supervision;

1598 (d) Who is a parolee or probationer under the supervision  
1599 of the United States Parole Commission if the commission knows  
1600 of and consents to the presence of the offender in Florida or is  
1601 a probationer under the supervision of any federal probation  
1602 officer in the state or who has been lawfully discharged from  
1603 such parole or probation;

1604 (e) Who is a sexual predator and has registered as required  
1605 under s. 775.21;

1606 (f) Who is a sexual offender and has registered as required  
1607 in s. 943.0435 or s. 944.607; or

1608 (g) Who is a career offender who has registered as required  
1609 in s. 775.261 or s. 944.609.

1610 Section 40. For the purpose of incorporating the amendments  
1611 made by this act to sections 943.0435 and 944.607, Florida  
1612 Statutes, in references thereto, paragraph (d) of subsection  
1613 (5), paragraph (f) of subsection (6), and paragraph (d) of  
1614 subsection (10) of section 775.21, Florida Statutes, are  
1615 reenacted to read:

1616 775.21 The Florida Sexual Predators Act.—

1617 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
1618 as a sexual predator as follows:

1619 (d) A person who establishes or maintains a residence in

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1620 this state and who has not been designated as a sexual predator  
1621 by a court of this state but who has been designated as a sexual  
1622 predator, as a sexually violent predator, or by another sexual  
1623 offender designation in another state or jurisdiction and was,  
1624 as a result of such designation, subjected to registration or  
1625 community or public notification, or both, or would be if the  
1626 person was a resident of that state or jurisdiction, without  
1627 regard to whether the person otherwise meets the criteria for  
1628 registration as a sexual offender, shall register in the manner  
1629 provided in s. 943.0435 or s. 944.607 and shall be subject to  
1630 community and public notification as provided in s. 943.0435 or  
1631 s. 944.607. A person who meets the criteria of this section is  
1632 subject to the requirements and penalty provisions of s.  
1633 943.0435 or s. 944.607 until the person provides the department  
1634 with an order issued by the court that designated the person as  
1635 a sexual predator, as a sexually violent predator, or by another  
1636 sexual offender designation in the state or jurisdiction in  
1637 which the order was issued which states that such designation  
1638 has been removed or demonstrates to the department that such  
1639 designation, if not imposed by a court, has been removed by  
1640 operation of law or court order in the state or jurisdiction in  
1641 which the designation was made, and provided such person no  
1642 longer meets the criteria for registration as a sexual offender  
1643 under the laws of this state.

1644 (6) REGISTRATION.—

1645 (f) Within 48 hours after the registration required under  
1646 paragraph (a) or paragraph (e), a sexual predator who is not  
1647 incarcerated and who resides in the community, including a  
1648 sexual predator under the supervision of the Department of

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1649 Corrections, shall register in person at a driver license office  
1650 of the Department of Highway Safety and Motor Vehicles and shall  
1651 present proof of registration unless a driver license or an  
1652 identification card that complies with the requirements of s.  
1653 322.141(3) was previously secured or updated under s. 944.607.  
1654 At the driver license office the sexual predator shall:

1655       1. If otherwise qualified, secure a Florida driver license,  
1656 renew a Florida driver license, or secure an identification  
1657 card. The sexual predator shall identify himself or herself as a  
1658 sexual predator who is required to comply with this section,  
1659 provide his or her place of permanent, temporary, or transient  
1660 residence, including a rural route address and a post office  
1661 box, and submit to the taking of a photograph for use in issuing  
1662 a driver license, a renewed license, or an identification card,  
1663 and for use by the department in maintaining current records of  
1664 sexual predators. A post office box may not be provided in lieu  
1665 of a physical residential address. If the sexual predator's  
1666 place of residence is a motor vehicle, trailer, mobile home, or  
1667 manufactured home, as defined in chapter 320, the sexual  
1668 predator shall also provide to the Department of Highway Safety  
1669 and Motor Vehicles the vehicle identification number; the  
1670 license tag number; the registration number; and a description,  
1671 including color scheme, of the motor vehicle, trailer, mobile  
1672 home, or manufactured home. If a sexual predator's place of  
1673 residence is a vessel, live-aboard vessel, or houseboat, as  
1674 defined in chapter 327, the sexual predator shall also provide  
1675 to the Department of Highway Safety and Motor Vehicles the hull  
1676 identification number; the manufacturer's serial number; the  
1677 name of the vessel, live-aboard vessel, or houseboat; the

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1678 registration number; and a description, including color scheme,  
1679 of the vessel, live-aboard vessel, or houseboat.

1680       2. Pay the costs assessed by the Department of Highway  
1681 Safety and Motor Vehicles for issuing or renewing a driver  
1682 license or an identification card as required by this section.  
1683 The driver license or identification card issued to the sexual  
1684 predator must comply with s. 322.141(3).

1685       3. Provide, upon request, any additional information  
1686 necessary to confirm the identity of the sexual predator,  
1687 including a set of fingerprints.

1688       (10) PENALTIES.—

1689       (d) Any person who misuses public records information  
1690 relating to a sexual predator, as defined in this section, or a  
1691 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
1692 secure a payment from such a predator or offender; who knowingly  
1693 distributes or publishes false information relating to such a  
1694 predator or offender which the person misrepresents as being  
1695 public records information; or who materially alters public  
1696 records information with the intent to misrepresent the  
1697 information, including documents, summaries of public records  
1698 information provided by law enforcement agencies, or public  
1699 records information displayed by law enforcement agencies on  
1700 websites or provided through other means of communication,  
1701 commits a misdemeanor of the first degree, punishable as  
1702 provided in s. 775.082 or s. 775.083.

1703       Section 41. For the purpose of incorporating the amendments  
1704 made by this act to sections 943.0435 and 944.607, Florida  
1705 Statutes, in references thereto, paragraph (b) of subsection (3)  
1706 of section 775.261, Florida Statutes, is reenacted to read:

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1707 775.261 The Florida Career Offender Registration Act.—  
1708 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—  
1709 (b) This section does not apply to any person who has been  
1710 designated as a sexual predator and required to register under  
1711 s. 775.21 or who is required to register as a sexual offender  
1712 under s. 943.0435 or s. 944.607. However, if a person is no  
1713 longer required to register as a sexual predator under s. 775.21  
1714 or as a sexual offender under s. 943.0435 or s. 944.607, the  
1715 person must register as a career offender under this section if  
1716 the person is otherwise designated as a career offender as  
1717 provided in this section.

1718 Section 42. For the purpose of incorporating the amendments  
1719 made by this act to sections 943.0435 and 944.607, Florida  
1720 Statutes, in references thereto, subsection (4) of section  
1721 948.06, Florida Statutes, is reenacted to read:

1722 948.06 Violation of probation or community control;  
1723 revocation; modification; continuance; failure to pay  
1724 restitution or cost of supervision.—

1725 (4) Notwithstanding any other provision of this section, a  
1726 felony probationer or an offender in community control who is  
1727 arrested for violating his or her probation or community control  
1728 in a material respect may be taken before the court in the  
1729 county or circuit in which the probationer or offender was  
1730 arrested. That court shall advise him or her of the charge of a  
1731 violation and, if such charge is admitted, shall cause him or  
1732 her to be brought before the court that granted the probation or  
1733 community control. If the violation is not admitted by the  
1734 probationer or offender, the court may commit him or her or  
1735 release him or her with or without bail to await further

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1736 hearing. However, if the probationer or offender is under  
1737 supervision for any criminal offense proscribed in chapter 794,  
1738 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a  
1739 registered sexual predator or a registered sexual offender, or  
1740 is under supervision for a criminal offense for which he or she  
1741 would meet the registration criteria in s. 775.21, s. 943.0435,  
1742 or s. 944.607 but for the effective date of those sections, the  
1743 court must make a finding that the probationer or offender is  
1744 not a danger to the public prior to release with or without  
1745 bail. In determining the danger posed by the offender's or  
1746 probationer's release, the court may consider the nature and  
1747 circumstances of the violation and any new offenses charged; the  
1748 offender's or probationer's past and present conduct, including  
1749 convictions of crimes; any record of arrests without conviction  
1750 for crimes involving violence or sexual crimes; any other  
1751 evidence of allegations of unlawful sexual conduct or the use of  
1752 violence by the offender or probationer; the offender's or  
1753 probationer's family ties, length of residence in the community,  
1754 employment history, and mental condition; his or her history and  
1755 conduct during the probation or community control supervision  
1756 from which the violation arises and any other previous  
1757 supervisions, including disciplinary records of previous  
1758 incarcerations; the likelihood that the offender or probationer  
1759 will engage again in a criminal course of conduct; the weight of  
1760 the evidence against the offender or probationer; and any other  
1761 facts the court considers relevant. The court, as soon as is  
1762 practicable, shall give the probationer or offender an  
1763 opportunity to be fully heard on his or her behalf in person or  
1764 by counsel. After the hearing, the court shall make findings of



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1765 fact and forward the findings to the court that granted the  
1766 probation or community control and to the probationer or  
1767 offender or his or her attorney. The findings of fact by the  
1768 hearing court are binding on the court that granted the  
1769 probation or community control. Upon the probationer or offender  
1770 being brought before it, the court that granted the probation or  
1771 community control may revoke, modify, or continue the probation  
1772 or community control or may place the probationer into community  
1773 control as provided in this section. However, the probationer or  
1774 offender shall not be released and shall not be admitted to  
1775 bail, but shall be brought before the court that granted the  
1776 probation or community control if any violation of felony  
1777 probation or community control other than a failure to pay costs  
1778 or fines or make restitution payments is alleged to have been  
1779 committed by:

1780 (a) A violent felony offender of special concern, as  
1781 defined in this section;

1782 (b) A person who is on felony probation or community  
1783 control for any offense committed on or after the effective date  
1784 of this act and who is arrested for a qualifying offense as  
1785 defined in this section; or

1786 (c) A person who is on felony probation or community  
1787 control and has previously been found by a court to be a  
1788 habitual violent felony offender as defined in s. 775.084(1)(b),  
1789 a three-time violent felony offender as defined in s.  
1790 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
1791 arrested for committing a qualifying offense as defined in this  
1792 section on or after the effective date of this act.

1793 Section 43. For the purpose of incorporating the amendments

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1794 made by this act to sections 943.0435 and 944.607, Florida  
1795 Statutes, in references thereto, section 948.063, Florida  
1796 Statutes, is reenacted to read:

1797 948.063 Violations of probation or community control by  
1798 designated sexual offenders and sexual predators.—

1799 (1) If probation or community control for any felony  
1800 offense is revoked by the court pursuant to s. 948.06(2)(e) and  
1801 the offender is designated as a sexual offender pursuant to s.  
1802 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
1803 775.21 for unlawful sexual activity involving a victim 15 years  
1804 of age or younger and the offender is 18 years of age or older,  
1805 and if the court imposes a subsequent term of supervision  
1806 following the revocation of probation or community control, the  
1807 court must order electronic monitoring as a condition of the  
1808 subsequent term of probation or community control.

1809 (2) If the probationer or offender is required to register  
1810 as a sexual predator under s. 775.21 or as a sexual offender  
1811 under s. 943.0435 or s. 944.607 for unlawful sexual activity  
1812 involving a victim 15 years of age or younger and the  
1813 probationer or offender is 18 years of age or older and has  
1814 violated the conditions of his or her probation or community  
1815 control, but the court does not revoke the probation or  
1816 community control, the court shall nevertheless modify the  
1817 probation or community control to include electronic monitoring  
1818 for any probationer or offender not then subject to electronic  
1819 monitoring.

1820 Section 44. For the purpose of incorporating the amendments  
1821 made by this act to sections 943.0435, 944.606, and 944.607,  
1822 Florida Statutes, in references thereto, subsection (2) of

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1823 section 775.24, Florida Statutes, is reenacted to read:

1824       775.24 Duty of the court to uphold laws governing sexual  
1825 predators and sexual offenders.—

1826       (2) If a person meets the criteria in this chapter for  
1827 designation as a sexual predator or meets the criteria in s.  
1828 943.0435, s. 944.606, s. 944.607, or any other law for  
1829 classification as a sexual offender, the court may not enter an  
1830 order, for the purpose of approving a plea agreement or for any  
1831 other reason, which:

1832       (a) Exempts a person who meets the criteria for designation  
1833 as a sexual predator or classification as a sexual offender from  
1834 such designation or classification, or exempts such person from  
1835 the requirements for registration or community and public  
1836 notification imposed upon sexual predators and sexual offenders;

1837       (b) Restricts the compiling, reporting, or release of  
1838 public records information that relates to sexual predators or  
1839 sexual offenders; or

1840       (c) Prevents any person or entity from performing its  
1841 duties or operating within its statutorily conferred authority  
1842 as such duty or authority relates to sexual predators or sexual  
1843 offenders.

1844       Section 45. For the purpose of incorporating the amendments  
1845 made by this act to sections 943.0435, 944.606, and 944.607,  
1846 Florida Statutes, in references thereto, section 775.25, Florida  
1847 Statutes, is reenacted to read:

1848       775.25 Prosecutions for acts or omissions.—A sexual  
1849 predator or sexual offender who commits any act or omission in  
1850 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
1851 944.607, or former s. 947.177 may be prosecuted for the act or

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1852 omission in the county in which the act or omission was  
1853 committed, in the county of the last registered address of the  
1854 sexual predator or sexual offender, in the county in which the  
1855 conviction occurred for the offense or offenses that meet the  
1856 criteria for designating a person as a sexual predator or sexual  
1857 offender, in the county where the sexual predator or sexual  
1858 offender was released from incarceration, or in the county of  
1859 the intended address of the sexual predator or sexual offender  
1860 as reported by the predator or offender prior to his or her  
1861 release from incarceration. In addition, a sexual predator may  
1862 be prosecuted for any such act or omission in the county in  
1863 which he or she was designated a sexual predator.

1864 Section 46. For the purpose of incorporating the amendments  
1865 made by this act to sections 943.0435, 944.606, and 944.607,  
1866 Florida Statutes, in references thereto, subsection (2) of  
1867 section 943.0436, Florida Statutes, is reenacted to read:

1868 943.0436 Duty of the court to uphold laws governing sexual  
1869 predators and sexual offenders.—

1870 (2) If a person meets the criteria in chapter 775 for  
1871 designation as a sexual predator or meets the criteria in s.  
1872 943.0435, s. 944.606, s. 944.607, or any other law for  
1873 classification as a sexual offender, the court may not enter an  
1874 order, for the purpose of approving a plea agreement or for any  
1875 other reason, which:

1876 (a) Exempts a person who meets the criteria for designation  
1877 as a sexual predator or classification as a sexual offender from  
1878 such designation or classification, or exempts such person from  
1879 the requirements for registration or community and public  
1880 notification imposed upon sexual predators and sexual offenders;

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1881 (b) Restricts the compiling, reporting, or release of  
1882 public records information that relates to sexual predators or  
1883 sexual offenders; or

1884 (c) Prevents any person or entity from performing its  
1885 duties or operating within its statutorily conferred authority  
1886 as such duty or authority relates to sexual predators or sexual  
1887 offenders.

1888 Section 47. For the purpose of incorporating the amendments  
1889 made by this act to sections 943.0435, 944.606, and 944.607,  
1890 Florida Statutes, in references thereto, section 948.31, Florida  
1891 Statutes, is reenacted to read:

1892 948.31 Evaluation and treatment of sexual predators and  
1893 offenders on probation or community control.—The court may  
1894 require any probationer or community controllee who is required  
1895 to register as a sexual predator under s. 775.21 or sexual  
1896 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
1897 an evaluation, at the probationer or community controllee's  
1898 expense, by a qualified practitioner to determine whether such  
1899 probationer or community controllee needs sexual offender  
1900 treatment. If the qualified practitioner determines that sexual  
1901 offender treatment is needed and recommends treatment, the  
1902 probationer or community controllee must successfully complete  
1903 and pay for the treatment. Such treatment must be obtained from  
1904 a qualified practitioner as defined in s. 948.001. Treatment may  
1905 not be administered by a qualified practitioner who has been  
1906 convicted or adjudicated delinquent of committing, or  
1907 attempting, soliciting, or conspiring to commit, any offense  
1908 that is listed in s. 943.0435(1)(h)1.a.(I).

1909 Section 48. For the purpose of incorporating the amendments

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1910 made by this act to sections 943.0435, 944.606, and 944.607,  
1911 Florida Statutes, in references thereto, paragraph (b) of  
1912 subsection (6) of section 985.04, Florida Statutes, is reenacted  
1913 to read:

1914       985.04 Oaths; records; confidential information.—

1915       (6)

1916       (b) Sexual offender and predator registration information  
1917 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,  
1918 and 985.4815 is a public record pursuant to s. 119.07(1) and as  
1919 otherwise provided by law.

1920       Section 49. This act shall take effect October 1, 2024.