



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

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

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

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

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

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

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



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

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

236

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

238

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

242 16.56 Office of Statewide Prosecution.—

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

247 (a) Investigate and prosecute the offenses of:

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

- 251           2. Any crime involving narcotic or other dangerous drugs;
- 252           3. Any violation of the Florida RICO (Racketeer Influenced
- 253 and Corrupt Organization) Act, including any offense listed in
- 254 the definition of racketeering activity in s. 895.02(8)(a),
- 255 providing such listed offense is investigated in connection with
- 256 a violation of s. 895.03 and is charged in a separate count of
- 257 an information or indictment containing a count charging a
- 258 violation of s. 895.03, the prosecution of which listed offense
- 259 may continue independently if the prosecution of the violation
- 260 of s. 895.03 is terminated for any reason;
- 261           4. Any violation of the Florida Anti-Fencing Act;
- 262           5. Any violation of the Florida Antitrust Act of 1980, as
- 263 amended;
- 264           6. Any crime involving, or resulting in, fraud or deceit
- 265 upon any person;
- 266           7. Any violation of s. 847.0135, relating to computer
- 267 pornography and child exploitation ~~prevention~~, or any offense
- 268 related to a violation of former s. 827.071, s. 847.003, s.
- 269 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
- 270 crime is facilitated by or connected to the use of the Internet
- 271 or any device capable of electronic data storage or
- 272 transmission;
- 273           8. Any violation of chapter 815;
- 274           9. Any criminal violation of part I of chapter 499;
- 275           10. Any violation of the Florida Motor Fuel Tax Relief Act

276 | of 2004;

277 |       11. Any criminal violation of s. 409.920 or s. 409.9201;

278 |       12. Any crime involving voter registration, voting, or

279 | candidate or issue petition activities;

280 |       13. Any criminal violation of the Florida Money Laundering

281 | Act;

282 |       14. Any criminal violation of the Florida Securities and

283 | Investor Protection Act; or

284 |       15. Any violation of chapter 787, as well as any and all

285 | offenses related to a violation of chapter 787;

286 |

287 | or any attempt, solicitation, or conspiracy to commit any of the

288 | crimes specifically enumerated above. The office shall have such

289 | power only when any such offense is occurring, or has occurred,

290 | in two or more judicial circuits as part of a related

291 | transaction, or when any such offense is connected with an

292 | organized criminal conspiracy affecting two or more judicial

293 | circuits. Informations or indictments charging such offenses

294 | shall contain general allegations stating the judicial circuits

295 | and counties in which crimes are alleged to have occurred or the

296 | judicial circuits and counties in which crimes affecting such

297 | circuits or counties are alleged to have been connected with an

298 | organized criminal conspiracy.

299 |       (b) Investigate and prosecute any crime enumerated in

300 | paragraph (a) facilitated by or connected to the use of the

301 Internet. Any such crime is a crime occurring in every judicial  
 302 circuit within the state.

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

306 39.01 Definitions.—When used in this chapter, unless the  
 307 context otherwise requires:

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

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

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

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

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

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

326 provided in s. 787.06(3)(g).

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

329 39.0132 Oaths, records, and confidential information.—

330 (4)

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

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

346 39.0139 Visitation or other contact; restrictions.—

347 (3) PRESUMPTION OF DETRIMENT.—

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

350 1. A court of competent jurisdiction has found probable

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

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

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

359 b. Section 794.011, relating to sexual battery;

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

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

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

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

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

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

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

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

375 Section 5. Paragraph (b) of subsection (2) of section

376 | 39.301, Florida Statutes, is amended to read:

377 |       39.301 Initiation of protective investigations.—

378 |       (2)

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

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

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

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

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

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

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

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

398 |       39.509 Grandparents rights.—Notwithstanding any other  
399 | provision of law, a maternal or paternal grandparent as well as  
400 | a stepgrandparent is entitled to reasonable visitation with his



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

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

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

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

426 90.404 Character evidence; when admissible.—

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

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

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

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

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

451 985.701(1).

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

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

456 (2) A defendant charged with a crime described in s.  
 457 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or  
 458 (g); chapter 794; or chapter 800; ~~or~~ with child abuse or  
 459 aggravated child abuse, ~~or sexual performance by a child as~~  
 460 described in chapter 827; with sexual performance by a child as  
 461 described in former s. 827.071; or with a sexual offense  
 462 described in chapter 847 may apply to the trial court for an  
 463 order of disclosure of information in court records held  
 464 confidential and exempt pursuant to s. 119.0714(1)(h) or  
 465 maintained as confidential and exempt pursuant to court order  
 466 under this section. Such identifying information concerning the  
 467 victim may be released to the defendant or his or her attorney  
 468 in order to prepare the defense. The confidential and exempt  
 469 status of this information may not be construed to prevent the  
 470 disclosure of the victim's identity to the defendant; however,  
 471 the defendant may not disclose the victim's identity to any  
 472 person other than the defendant's attorney or any other person  
 473 directly involved in the preparation of the defense. A willful  
 474 and knowing disclosure of the identity of the victim to any  
 475 other person by the defendant constitutes contempt.

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

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

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

503 92.561 Prohibition on reproduction of child pornography.—

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

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

512 92.565 Admissibility of confession in sexual abuse cases.—

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

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

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

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

538 435.04 Level 2 screening standards.—

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

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

550 (qq) Chapter 847, relating to obscenity and child

551 exploitation ~~obscene literature~~.

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

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

560 (4)

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

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

576 | statutes:

577 |       a. Chapter 741, relating to domestic violence.

578 |       b. Section 782.04, relating to murder.

579 |       c. Section 782.07, relating to manslaughter, aggravated

580 | manslaughter of an elderly person or disabled adult, aggravated

581 | manslaughter of a child, or aggravated manslaughter of an

582 | officer, a firefighter, an emergency medical technician, or a

583 | paramedic.

584 |       d. Section 784.021, relating to aggravated assault.

585 |       e. Section 784.045, relating to aggravated battery.

586 |       f. Section 787.01, relating to kidnapping.

587 |       g. Section 787.025, relating to luring or enticing a

588 | child.

589 |       h. Section 787.04(2), relating to leading, taking,

590 | enticing, or removing a minor beyond the state limits, or

591 | concealing the location of a minor, with criminal intent pending

592 | custody proceedings.

593 |       i. Section 787.04(3), relating to leading, taking,

594 | enticing, or removing a minor beyond the state limits, or

595 | concealing the location of a minor, with criminal intent pending

596 | dependency proceedings or proceedings concerning alleged abuse

597 | or neglect of a minor.

598 |       j. Section 794.011, relating to sexual battery.

599 |       k. Former s. 794.041, relating to sexual activity with or

600 | solicitation of a child by a person in familial or custodial



601 authority.

602 1. Section 794.05, relating to unlawful sexual activity

603 with certain minors.

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

605 n. Section 806.01, relating to arson.

606 o. Section 826.04, relating to incest.

607 p. Section 827.03, relating to child abuse, aggravated

608 child abuse, or neglect of a child.

609 q. Section 827.04, relating to contributing to the

610 delinquency or dependency of a child.

611 r. Former s. Section 827.071 or s. 847.003, relating to

612 sexual performance by a child.

613 s. Chapter 847, relating to obscenity and child

614 exploitation pornography.

615 t. Section 985.701, relating to sexual misconduct in

616 juvenile justice programs.

617 2. A misdemeanor offense prohibited under any of the

618 following statutes:

619 a. Section 784.03, relating to battery, if the victim of

620 the offense was a minor.

621 b. Section 787.025, relating to luring or enticing a

622 child.

623 c. Chapter 847, relating to obscenity and child

624 exploitation pornography.

625 3. A criminal act committed in another state or under

626 federal law which, if committed in this state, constitutes an  
 627 offense prohibited under any statute listed in subparagraph 1.  
 628 or subparagraph 2.

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

634 456.074 Certain health care practitioners; immediate  
 635 suspension of license.—

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

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

651 (q) Section 847.0135, relating to computer pornography and  
 652 child exploitation.

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

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

659 480.041 Massage therapists; qualifications; licensure;  
 660 endorsement.—

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

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

670 (q) Section 847.0135, relating to computer pornography and  
 671 child exploitation.

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

673 Section 15. Paragraphs (o) and (q) of subsection (8) of  
 674 section 480.043, Florida Statutes, are amended, paragraphs (r)  
 675 and (s) of that subsection are redesignated as paragraphs (s)

676 and (t), respectively, and a new paragraph (r) is added to that  
 677 subsection, to read:

678 480.043 Massage establishments; requisites; licensure;  
 679 inspection.—

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

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

693 (q) Section 847.0135, relating to computer pornography and  
 694 child exploitation.

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

696 Section 16. Paragraph (b) of subsection (3) of section  
 697 743.067, Florida Statutes, is amended to read:

698 743.067 Certified unaccompanied homeless youths.—

699 (3) A certified unaccompanied homeless youth may:

700 (b) Notwithstanding s. 394.4625(1), consent to medical,

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

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

712 Section 17. Paragraph (a) of subsection (1) of section  
 713 772.102, Florida Statutes, is amended to read:

714 772.102 Definitions.—As used in this chapter, the term:

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

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

- 720 1. Section 210.18, relating to evasion of payment of  
 721 cigarette taxes.
- 722 2. Section 414.39, relating to public assistance fraud.
- 723 3. Section 440.105 or s. 440.106, relating to workers'  
 724 compensation.
- 725 4. Part IV of chapter 501, relating to telemarketing.

- 726 |           5. Chapter 517, relating to securities transactions.
- 727 |           6. Section 550.235 or s. 550.3551, relating to dogracing
- 728 | and horseracing.
- 729 |           7. Chapter 550, relating to jai alai frontons.
- 730 |           8. Chapter 552, relating to the manufacture, distribution,
- 731 | and use of explosives.
- 732 |           9. Chapter 562, relating to beverage law enforcement.
- 733 |           10. Section 624.401, relating to transacting insurance
- 734 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 735 | to operating an unauthorized multiple-employer welfare
- 736 | arrangement, or s. 626.902(1)(b), relating to representing or
- 737 | aiding an unauthorized insurer.
- 738 |           11. Chapter 687, relating to interest and usurious
- 739 | practices.
- 740 |           12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 741 | real estate timeshare plans.
- 742 |           13. Chapter 782, relating to homicide.
- 743 |           14. Chapter 784, relating to assault and battery.
- 744 |           15. Chapter 787, relating to kidnapping or human
- 745 | trafficking.
- 746 |           16. Chapter 790, relating to weapons and firearms.
- 747 |           17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 748 | relating to prostitution.
- 749 |           18. Chapter 806, relating to arson.
- 750 |           19. Section 810.02(2)(c), relating to specified burglary

751 of a dwelling or structure.

752 20. Chapter 812, relating to theft, robbery, and related  
753 crimes.

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

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

757 23. Former s. Section 827.071, relating to commercial  
758 sexual exploitation of children.

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

760 25. Chapter 832, relating to issuance of worthless checks  
761 and drafts.

762 26. Section 836.05, relating to extortion.

763 27. Chapter 837, relating to perjury.

764 28. Chapter 838, relating to bribery and misuse of public  
765 office.

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

767 30. Section 847.003, relating to sexual performance by a  
768 child.

769 31.30. Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
770 or s. 847.07, relating to obscene literature and profanity.

771 32.31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
772 s. 849.25, relating to gambling.

773 33.32. Chapter 893, relating to drug abuse prevention and  
774 control.

775 34.33. Section 914.22 or s. 914.23, relating to witnesses,

776 | victims, or informants.

777 | ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering  
778 | with jurors and evidence.

779 | Section 18. Paragraph (a) of subsection (9) of section  
780 | 775.082, Florida Statutes, is amended to read:

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

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

786 | a. Treason;

787 | b. Murder;

788 | c. Manslaughter;

789 | d. Sexual battery;

790 | e. Carjacking;

791 | f. Home-invasion robbery;

792 | g. Robbery;

793 | h. Arson;

794 | i. Kidnapping;

795 | j. Aggravated assault with a deadly weapon;

796 | k. Aggravated battery;

797 | l. Aggravated stalking;

798 | m. Aircraft piracy;

799 | n. Unlawful throwing, placing, or discharging of a  
800 | destructive device or bomb;



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

803 p. Armed burglary;

804 q. Burglary of a dwelling or burglary of an occupied  
805 structure; or

806 r. Any felony violation of s. 790.07, s. 800.04, s.  
807 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
808 847.0137(2);

809  
810 within 3 years after being released from a state correctional  
811 facility operated by the Department of Corrections or a private  
812 vendor or within 3 years after being released from a  
813 correctional institution of another state, the District of  
814 Columbia, the United States, any possession or territory of the  
815 United States, or any foreign jurisdiction, following  
816 incarceration for an offense for which the sentence is  
817 punishable by more than 1 year in this state.

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

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

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

838 a. For a felony punishable by life, by a term of  
 839 imprisonment for life;

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

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

844 d. For a felony of the third degree, by a term of  
 845 imprisonment of 5 years.

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

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

851 (1) For purposes of this section:

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

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

866 (g) "Visual depiction" has the same meaning provided in s.  
 867 847.0137.

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

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

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

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

882 | Section 20. Paragraph (1) of subsection (1) of section  
 883 | 775.0877, Florida Statutes, is amended to read:

884 | 775.0877 Criminal transmission of HIV; procedures;  
 885 | penalties.—

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

- 891 | (a) Section 794.011, relating to sexual battery;
- 892 | (b) Section 826.04, relating to incest;
- 893 | (c) Section 800.04, relating to lewd or lascivious
- 894 | offenses committed upon or in the presence of persons less than
- 895 | 16 years of age;
- 896 | (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
- 897 | relating to assault;
- 898 | (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
- 899 | relating to aggravated assault;
- 900 | (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),

901 relating to battery;

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

903 relating to aggravated battery;

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

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

906 abuse;

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

908 person or disabled adult;

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

910 elderly person or disabled adult;

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

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

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

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

915 blood, plasma, organs, skin, or other human tissue; or

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

917 human trafficking,

918

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

920 performed under the direction of the Department of Health in

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

922 HIV testing voluntarily or pursuant to procedures established in

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

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

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

926 paragraphs (a)-(n) for which she or he was convicted or to which  
 927 she or he pled nolo contendere or guilty. The results of an HIV  
 928 test performed on an offender pursuant to this subsection are  
 929 not admissible in any criminal proceeding arising out of the  
 930 alleged offense.

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

934 775.21 The Florida Sexual Predators Act.—

935 (4) SEXUAL PREDATOR CRITERIA.—

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

941 1. The felony is:

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

946 b. Any felony violation, or any attempt thereof, of s.  
 947 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 948 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
 949 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
 950 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;

951 s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.  
952 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);  
953 s. 847.0145; s. 895.03, if the court makes a written finding  
954 that the racketeering activity involved at least one sexual  
955 offense listed in this sub-subparagraph or at least one offense  
956 listed in this sub-subparagraph with sexual intent or motive; s.  
957 916.1075(2); or s. 985.701(1); or a violation of a similar law  
958 of another jurisdiction, and the offender has previously been  
959 convicted of or found to have committed, or has pled nolo  
960 contendere or guilty to, regardless of adjudication, any  
961 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
962 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
963 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
964 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
965 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.  
966 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
967 847.0137(2); s. 847.0145; s. 895.03, if the court makes a  
968 written finding that the racketeering activity involved at least  
969 one sexual offense listed in this sub-subparagraph or at least  
970 one offense listed in this sub-subparagraph with sexual intent  
971 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a  
972 similar law of another jurisdiction;

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

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

979 (10) PENALTIES.—

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

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

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

999 (2) (a) A person who has been convicted of a violation of  
 1000 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.



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

1010 (b) A person who violates this subsection and whose  
 1011 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
 1012 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
 1013 classified as a felony of the first degree or higher commits a  
 1014 felony of the third degree, punishable as provided in s. 775.082  
 1015 or s. 775.083. A person who violates this subsection and whose  
 1016 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
 1017 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
 1018 classified as a felony of the second or third degree commits a  
 1019 misdemeanor of the first degree, punishable as provided in s.  
 1020 775.082 or s. 775.083.

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

1026 as a sexual offender or sexual predator pursuant to s.  
 1027 943.04354.

1028 (3) (a) A person who has been convicted of an offense in  
 1029 another jurisdiction that is similar to a violation of s.  
 1030 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
 1031 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of  
 1032 whether adjudication has been withheld, in which the victim of  
 1033 the offense was less than 16 years of age, may not reside within  
 1034 1,000 feet of any school, child care facility, park, or  
 1035 playground. However, a person does not violate this subsection  
 1036 and may not be forced to relocate if he or she is living in a  
 1037 residence that meets the requirements of this subsection and a  
 1038 school, child care facility, park, or playground is subsequently  
 1039 established within 1,000 feet of his or her residence.

1040 (c) This subsection applies to any person convicted of an  
 1041 offense in another jurisdiction that is similar to a violation  
 1042 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
 1043 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense  
 1044 occurred on or after May 26, 2010, excluding persons who have  
 1045 been removed from the requirement to register as a sexual  
 1046 offender or sexual predator pursuant to s. 943.04354.

1047 Section 23. Paragraph (c) of subsection (1) of section  
 1048 784.046, Florida Statutes, is amended to read:

1049 784.046 Action by victim of repeat violence, sexual  
 1050 violence, or dating violence for protective injunction; dating

1051 violence investigations, notice to victims, and reporting;  
 1052 pretrial release violations; public records exemption.—  
 1053 (1) As used in this section, the term:  
 1054 (c) "Sexual violence" means any one incident of:  
 1055 1. Sexual battery, as defined in chapter 794;  
 1056 2. A lewd or lascivious act, as defined in chapter 800,  
 1057 committed upon or in the presence of a person younger than 16  
 1058 years of age;  
 1059 3. Luring or enticing a child, as described in chapter  
 1060 787;  
 1061 4. Sexual performance by a child, as described in former  
 1062 s. 827.071 or s. 847.003 ~~chapter 827~~; or  
 1063 5. Any other forcible felony wherein a sexual act is  
 1064 committed or attempted,  
 1065  
 1066 regardless of whether criminal charges based on the incident  
 1067 were filed, reduced, or dismissed by the state attorney.  
 1068 Section 24. Subsection (2) of section 794.0115, Florida  
 1069 Statutes, is amended to read:  
 1070 794.0115 Dangerous sexual felony offender; mandatory  
 1071 sentencing.—  
 1072 (2) Any person who is convicted of a violation of s.  
 1073 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
 1074 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),  
 1075 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or

1076 of any similar offense under a former designation, which offense  
 1077 the person committed when he or she was 18 years of age or  
 1078 older, and the person:

1079 (a) Caused serious personal injury to the victim as a  
 1080 result of the commission of the offense;

1081 (b) Used or threatened to use a deadly weapon during the  
 1082 commission of the offense;

1083 (c) Victimized more than one person during the course of  
 1084 the criminal episode applicable to the offense;

1085 (d) Committed the offense while under the jurisdiction of  
 1086 a court for a felony offense under the laws of this state, for  
 1087 an offense that is a felony in another jurisdiction, or for an  
 1088 offense that would be a felony if that offense were committed in  
 1089 this state; or

1090 (e) Has previously been convicted of a violation of s.  
 1091 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.  
 1092 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),  
 1093 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of  
 1094 any offense under a former statutory designation which is  
 1095 similar in elements to an offense described in this paragraph;  
 1096 or of any offense that is a felony in another jurisdiction, or  
 1097 would be a felony if that offense were committed in this state,  
 1098 and which is similar in elements to an offense described in this  
 1099 paragraph,

1100

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

1108 Section 25. Subsection (1) of section 794.024, Florida  
 1109 Statutes, is amended to read:

1110 794.024 Unlawful to disclose identifying information.—

1111 (1) A public employee or officer who has access to the  
 1112 photograph, name, or address of a person who is alleged to be  
 1113 the victim of an offense described in this chapter, chapter 800,  
 1114 s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual  
 1115 offense described in chapter 847 may not willfully and knowingly  
 1116 disclose it to a person who is not assisting in the  
 1117 investigation or prosecution of the alleged offense or to any  
 1118 person other than the defendant, the defendant's attorney, a  
 1119 person specified in an order entered by the court having  
 1120 jurisdiction of the alleged offense, or organizations authorized  
 1121 to receive such information made exempt by s. 119.071(2)(h), or  
 1122 to a rape crisis center or sexual assault counselor, as defined  
 1123 in s. 90.5035(1)(b), who will be offering services to the  
 1124 victim.

1125 Section 26. Subsection (1) of section 794.056, Florida

1126 Statutes, is amended to read:  
 1127       794.056 Rape Crisis Program Trust Fund.—  
 1128       (1) The Rape Crisis Program Trust Fund is created within  
 1129 the Department of Health for the purpose of providing funds for  
 1130 rape crisis centers in this state. Trust fund moneys shall be  
 1131 used exclusively for the purpose of providing services for  
 1132 victims of sexual assault. Funds credited to the trust fund  
 1133 consist of those funds collected as an additional court  
 1134 assessment in each case in which a defendant pleads guilty or  
 1135 nolo contendere to, or is found guilty of, regardless of  
 1136 adjudication, an offense provided in s. 775.21(6) and (10) (a),  
 1137 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 1138 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 1139 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 1140 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 1141 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 1142 796.06; s. 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s.  
 1143 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 1144 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;  
 1145 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4) (c),  
 1146 (7), (8), (9) (a), (13), and (14) (c); or s. 985.701(1). Funds  
 1147 credited to the trust fund also shall include revenues provided  
 1148 by law, moneys appropriated by the Legislature, and grants from  
 1149 public or private entities.  
 1150       Section 27. Section 794.10, Florida Statutes, is created

1151 to read:

1152 794.10 Investigative subpoenas in certain cases involving  
 1153 child victims.-

1154 (1) DEFINITIONS.-As used in this section, the term:

1155 (a) "Child" means a person who is less than 18 years of  
 1156 age.

1157 (b) "Child sexual offender" means a person who is required  
 1158 to register as a sexual predator under s. 775.21 or as a sexual  
 1159 offender under s. 943.0435 if at least one of the offenses that  
 1160 qualified the person for such registration requirement involved  
 1161 a victim who was a child at the time of the offense.

1162 (c) "Criminal justice agency" means a law enforcement  
 1163 agency, court, or prosecutor in this state.

1164 (d) "Sexual exploitation or abuse of a child" means a  
 1165 criminal offense based on any conduct described in s. 39.01(71).

1166 (2) AUTHORIZATION.-

1167 (a) In any investigation of:

1168 1. An offense involving the sexual exploitation or abuse  
 1169 of a child;

1170 2. A sexual offense allegedly committed by a child sexual  
 1171 offender who has not registered as required under s. 775.21 or  
 1172 s. 943.0435; or

1173 3. An offense under chapter 847 involving a child victim  
 1174 which is not otherwise included in subparagraph 1. or  
 1175 subparagraph 2.,

1176  
 1177 a criminal justice agency may issue in writing and cause to be  
 1178 served a subpoena requiring the production of any record,  
 1179 object, or other information or testimony described in paragraph  
 1180 (b).

1181 (b) A subpoena issued under this section may require:

1182 1. The production of any record, object, or other  
 1183 information relevant to the investigation.

1184 2. Testimony by the custodian of the record, object, or  
 1185 other information concerning its production and authenticity.

1186 (3) CONTENTS OF SUBPOENAS.—A subpoena issued under this  
 1187 section shall describe any record, object, or other information  
 1188 required to be produced and prescribe a reasonable return date  
 1189 within which the record, object, or other information can be  
 1190 assembled and made available.

1191 (4) WITNESS EXPENSES.—Witnesses subpoenaed under this  
 1192 section shall be reimbursed for fees and mileage at the same  
 1193 rate at which witnesses in the courts of this state are  
 1194 reimbursed.

1195 (5) PETITIONS BEFORE RETURN DATE.—At any time before the  
 1196 return date specified in the subpoena, the recipient of the  
 1197 subpoena may, in the circuit court of the county in which the  
 1198 recipient conducts business or resides, petition for an order  
 1199 modifying or setting aside the subpoena or the requirement for  
 1200 nondisclosure of certain information under subsection (6).



1201           (6) NONDISCLOSURE.—

1202           (a)1. If a subpoena issued under this section is

1203 accompanied by a written certification under subparagraph 2. and

1204 notice under paragraph (c), the recipient of the subpoena, and a

1205 person to whom information is disclosed under subparagraph

1206 (b)1., shall not disclose, for a period of 180 days, to any

1207 person the existence or contents of the subpoena.

1208           2. The requirement in subparagraph 1. applies if the

1209 criminal justice agency that issued the subpoena certifies in

1210 writing that the disclosure may result in one or more of the

1211 following circumstances:

1212           a. Endangering a person's life or physical safety;

1213           b. Encouraging a person's flight from prosecution;

1214           c. Destruction of or tampering with evidence;

1215           d. Intimidation of potential witnesses; or

1216           e. Otherwise seriously jeopardizing an investigation or

1217 unduly delaying a trial.

1218           (b)1. A recipient of a subpoena may disclose information

1219 subject to the nondisclosure requirement in subparagraph (a)1.

1220 to:

1221           a. A person to whom disclosure is necessary in order to

1222 comply with the subpoena;

1223           b. An attorney in order to obtain legal advice or

1224 assistance regarding the subpoena; or

1225           c. Any other person as authorized by the criminal justice

1226 agency that issued the subpoena.

1227 2. A recipient of a subpoena who discloses to a person  
 1228 described in subparagraph 1. information subject to the  
 1229 nondisclosure requirement shall notify such person of the  
 1230 nondisclosure requirement by providing the person with a copy of  
 1231 the subpoena. A person to whom information is disclosed under  
 1232 subparagraph 1. is subject to the nondisclosure requirement in  
 1233 subparagraph (a)1.

1234 3. At the request of the criminal justice agency that  
 1235 issued the subpoena, a recipient of a subpoena who discloses or  
 1236 intends to disclose to a person described in sub-subparagraph  
 1237 1.a. or sub-subparagraph 1.b. information subject to the  
 1238 nondisclosure requirement shall provide to the criminal justice  
 1239 agency the identity of the person to whom such disclosure was or  
 1240 will be made.

1241 (c)1. The nondisclosure requirement imposed under  
 1242 paragraph (a) is subject to judicial review under subsection  
 1243 (13).

1244 2. A subpoena issued under this section, in connection  
 1245 with which a nondisclosure requirement under paragraph (a) is  
 1246 imposed, shall include:

1247 a. Notice of the nondisclosure requirement and the  
 1248 availability of judicial review.

1249 b. Notice that a violation of the nondisclosure  
 1250 requirement is subject to the penalties provided in paragraph

1251 (11) (b) .

1252 (d) The nondisclosure requirement in paragraph (a) may be  
 1253 extended under subsection (13) .

1254 (7) EXCEPTIONS TO PRODUCTION.—A subpoena issued under this  
 1255 section shall not require the production of anything that is  
 1256 protected from production under the standards applicable to a  
 1257 subpoena duces tecum issued by a court of this state.

1258 (8) RETURN OF RECORDS AND OBJECTS.—If a case or proceeding  
 1259 resulting from the production of any record, object, or other  
 1260 information under this section does not arise within a  
 1261 reasonable period of time after such production, the criminal  
 1262 justice agency to which it was delivered shall, upon written  
 1263 demand made by the person producing it, return the record,  
 1264 object, or other information to such person, unless the record  
 1265 was a copy and not an original.

1266 (9) TIME OF PRODUCTION.—A subpoena issued under this  
 1267 section may require production of any record, object, or other  
 1268 information as soon as possible, but the recipient of the  
 1269 subpoena must have at least 24 hours after he or she is served  
 1270 to produce the record, object, or other information.

1271 (10) SERVICE.—A subpoena issued under this section may be  
 1272 served as provided in chapter 48.

1273 (11) ENFORCEMENT.—

1274 (a) If a recipient of a subpoena under this section  
 1275 refuses to comply with the subpoena, the criminal justice agency

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

1287 (b) A recipient of a subpoena, or a person to whom  
 1288 information is disclosed under subparagraph(6) (b)1., who  
 1289 knowingly violates:

1290 1. A nondisclosure requirement imposed under paragraph  
 1291 (6) (a) commits a noncriminal violation punishable as provided in  
 1292 s. 775.083. Each person to whom a disclosure is made in  
 1293 violation of this subparagraph constitutes a separate violation  
 1294 subject to a separate fine.

1295 2. A nondisclosure requirement ordered by the court under  
 1296 this section may be held in contempt of court.

1297 (12) IMMUNITY.—Notwithstanding any other law, any person,  
 1298 including any officer, agent, or employee, receiving a subpoena  
 1299 under this section who complies in good faith with the subpoena  
 1300 and produces or discloses any record, object, or other

1301 information sought is not liable in any court in this state to  
 1302 any customer or other person for such production or disclosure.  
 1303 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—  
 1304 (a)1.a. If a recipient of a subpoena under this section,  
 1305 or a person to whom information is disclosed under subparagraph  
 1306 (6)(b)1., wishes to have a court review a nondisclosure  
 1307 requirement under subsection (6), such recipient or person may  
 1308 notify the criminal justice agency issuing the subpoena or file  
 1309 a petition for judicial review in the circuit court described in  
 1310 subsection (5).  
 1311 b. Within 30 days after the date on which the criminal  
 1312 justice agency receives the notification under sub-subparagraph  
 1313 a., the criminal justice agency shall apply for an order  
 1314 prohibiting the disclosure of the existence or contents of the  
 1315 subpoena. An application under this sub-subparagraph may be  
 1316 filed in the circuit court described in subsection (5) or in the  
 1317 circuit court of the county in which the authorized  
 1318 investigation is being conducted.  
 1319 c. The nondisclosure requirement shall remain in effect  
 1320 during the pendency of proceedings relating to the requirement.  
 1321 d. A circuit court that receives a petition under sub-  
 1322 subparagraph a. or an application under sub-subparagraph b.  
 1323 shall rule on such petition or application as expeditiously as  
 1324 possible.  
 1325 2. An application for a nondisclosure order or extension

1326 thereof or a response to a petition filed under this paragraph  
 1327 must include a certification from the criminal justice agency  
 1328 that issued the subpoena indicating that the disclosure of such  
 1329 information may result in one or more of the circumstances  
 1330 described in subparagraph (6) (a)2.

1331 3. A circuit court shall issue a nondisclosure order or  
 1332 extension thereof under this paragraph if it determines that  
 1333 there is reason to believe that disclosure of such information  
 1334 may result in one or more of the circumstances described in  
 1335 subparagraph (6) (a)2.

1336 4. Upon a showing that any of the circumstances described  
 1337 in subparagraph (6) (a)2. continue to exist, a circuit court may  
 1338 issue an ex parte order extending a nondisclosure order imposed  
 1339 under this section for an additional 180 days. There is no limit  
 1340 on the number of nondisclosure extensions that may be granted  
 1341 under this subparagraph.

1342 (b) In all proceedings under this subsection, subject to  
 1343 any right to an open hearing in a contempt proceeding, a circuit  
 1344 court must close any hearing to the extent necessary to prevent  
 1345 the unauthorized disclosure of a request for records, objects,  
 1346 or other information made to any person under this section.  
 1347 Petitions, filings, records, orders, certifications, and  
 1348 subpoenas must also be kept under seal to the extent and as long  
 1349 as necessary to prevent the unauthorized disclosure of any  
 1350 information under this section.

1351 Section 28. Section 796.001, Florida Statutes, is amended  
 1352 to read:

1353 796.001 Offenses by adults involving minors; intent.—It is  
 1354 the intent of the Legislature that adults who involve minors in  
 1355 any behavior prohibited under this chapter be prosecuted under  
 1356 other laws of this state, such as, but not limited to, s.  
 1357 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071  
 1358 ~~chapter 827~~, and chapter 847. The Legislature finds that  
 1359 prosecution of such adults under this chapter is inappropriate  
 1360 since a minor is unable to consent to such behavior.

1361 Section 29. Section 827.071, Florida Statutes, is  
 1362 repealed.

1363 Section 30. Subsections (3), (8), and (16) of section  
 1364 847.001, Florida Statutes, are amended to read:

1365 847.001 Definitions.—As used in this chapter, the term:

1366 (3) "Child pornography" has the same meaning as provided  
 1367 in s. 847.0137 ~~means any image depicting a minor engaged in~~  
 1368 ~~sexual conduct.~~

1369 (8) "Minor" or "child" means a ~~any~~ person under the age of  
 1370 18 years.

1371 (16) "Sexual conduct" means actual or simulated sexual  
 1372 intercourse, deviate sexual intercourse, sexual bestiality,  
 1373 masturbation, or sadomasochistic abuse; actual or simulated lewd  
 1374 exhibition of the genitals; actual physical contact with a  
 1375 person's clothed or unclothed genitals, pubic area, buttocks,

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

1382 Section 31. Section 847.003, Florida Statutes, is created  
 1383 to read:

1384 847.003 Sexual performance by a child; penalties.-

1385 (1) As used in this section, the term:

1386 (a) "Performance" means a play, motion picture,  
 1387 photograph, or dance or other visual representation exhibited  
 1388 before an audience.

1389 (b) "Promote" means to procure, manufacture, issue, sell,  
 1390 give, provide, lend, mail, deliver, transfer, transmute,  
 1391 publish, distribute, circulate, disseminate, present, exhibit,  
 1392 or advertise or to offer or agree to do the same.

1393 (c) "Sexual performance" means a performance or part  
 1394 thereof which includes sexual conduct by a child.

1395 (2) A person who, knowing the character and content  
 1396 thereof, employs, authorizes, or induces a child to engage in a  
 1397 sexual performance or, being a parent, legal guardian, or  
 1398 custodian of such child, consents to the participation by such  
 1399 child in a sexual performance commits the offense of use of a  
 1400 child in a sexual performance, a felony of the second degree,



1401 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1402 (3) A person who, knowing the character and content  
 1403 thereof, produces, directs, or promotes a performance that  
 1404 includes sexual conduct by a child commits the offense of  
 1405 promoting a sexual performance by a child, a felony of the  
 1406 second degree, punishable as provided in s. 775.082, s. 775.083,  
 1407 or s. 775.084.

1408 Section 32. Subsections (2), (3), and (4) of section  
 1409 847.0135, Florida Statutes, are amended to read:

1410 847.0135 Computer pornography; child exploitation  
 1411 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1412 (2) COMPUTER PORNOGRAPHY.—A person who:

1413 (a) Knowingly compiles, enters into, or transmits by use  
 1414 of computer;

1415 (b) Makes, prints, publishes, or reproduces by other  
 1416 computerized means;

1417 (c) Knowingly causes or allows to be entered into or  
 1418 transmitted by use of computer; or

1419 (d) Buys, sells, receives, exchanges, or disseminates,

1420  
 1421 a any notice, statement, or advertisement of a any minor's name,  
 1422 telephone number, place of residence, physical characteristics,  
 1423 or other descriptive or identifying information for purposes of  
 1424 facilitating, encouraging, offering, or soliciting sexual  
 1425 conduct of or with a any minor, or the visual depiction of such

1426 | conduct, commits a felony of the third degree, punishable as  
 1427 | provided in s. 775.082, s. 775.083, or s. 775.084. The fact that  
 1428 | an undercover operative or law enforcement officer was involved  
 1429 | in the detection and investigation of an offense under this  
 1430 | section shall not constitute a defense to a prosecution under  
 1431 | this section.

1432 | (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES  
 1433 | PROHIBITED.—A Any person who knowingly uses a computer online  
 1434 | service, Internet service, local bulletin board service, or ~~any~~  
 1435 | other device capable of electronic data storage or transmission  
 1436 | to:

1437 | (a) Seduce, solicit, lure, or entice, or attempt to  
 1438 | seduce, solicit, lure, or entice, a child or another person  
 1439 | believed by the person to be a child, to commit an ~~any~~ illegal  
 1440 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1441 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1442 | in ~~any~~ unlawful sexual conduct with a child or with another  
 1443 | person believed by the person to be a child; or

1444 | (b) Solicit, lure, or entice, or attempt to solicit, lure,  
 1445 | or entice a parent, legal guardian, or custodian of a child or a  
 1446 | person believed to be a parent, legal guardian, or custodian of  
 1447 | a child to consent to the participation of such child in an ~~any~~  
 1448 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1449 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1450 | in ~~any~~ sexual conduct,

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

1461 (4) TRAVELING TO MEET A MINOR.—~~A~~ A ~~Any~~ person who travels  
 1462 any distance either within this state, to this state, or from  
 1463 this state by any means, who attempts to do so, or who causes  
 1464 another to do so or to attempt to do so for the purpose of  
 1465 engaging in an ~~any~~ illegal act described in chapter 794, chapter  
 1466 800, former s. 827.071 or chapter 827, s. 847.003, or s.  
 1467 847.0137, or to otherwise engage in other unlawful sexual  
 1468 conduct with a child or with another person believed by the  
 1469 person to be a child after using a computer online service,  
 1470 Internet service, local bulletin board service, or ~~any~~ other  
 1471 device capable of electronic data storage or transmission to:

1472 (a) Seduce, solicit, lure, or entice or attempt to seduce,  
 1473 solicit, lure, or entice a child or another person believed by  
 1474 the person to be a child, to engage in an ~~any~~ illegal act  
 1475 described in chapter 794, chapter 800, former s. 827.071 ~~or~~

1476 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage  
 1477 in other unlawful sexual conduct with a child; or

1478 (b) Solicit, lure, or entice or attempt to solicit, lure,  
 1479 or entice a parent, legal guardian, or custodian of a child or a  
 1480 person believed to be a parent, legal guardian, or custodian of  
 1481 a child to consent to the participation of such child in an ~~any~~  
 1482 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1483 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage  
 1484 in ~~any~~ sexual conduct,

1485  
 1486 commits a felony of the second degree, punishable as provided in  
 1487 s. 775.082, s. 775.083, or s. 775.084.

1488 Section 33. Subsection (1) of section 847.01357, Florida  
 1489 Statutes, is amended to read:

1490 847.01357 Exploited children's civil remedy.—

1491 (1) A ~~Any~~ person who, while under the age of 18, was a  
 1492 victim of a sexual abuse crime listed in chapter 794, chapter  
 1493 800, former s. 827.071 ~~chapter 827,~~ or chapter 847, where any  
 1494 portion of such abuse was used in the production of child  
 1495 pornography, and who suffers personal or psychological injury as  
 1496 a result of the production, promotion, or possession of such  
 1497 images or movies, may bring an action in an appropriate state  
 1498 court against the producer, promoter, or possessor of such  
 1499 images or movies, regardless of whether the victim is now an  
 1500 adult. In any action brought under this section, a prevailing

1501 plaintiff shall recover the actual damages such person sustained  
 1502 and the cost of the suit, including reasonable attorney  
 1503 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this  
 1504 section shall be deemed to have sustained damages of at least  
 1505 \$150,000.

1506 Section 34. Section 847.0137, Florida Statutes, is amended  
 1507 to read:

1508 847.0137 Child pornography; Transmission of pornography by  
 1509 ~~electronic device or equipment prohibited acts; penalties.-~~

1510 (1) For purposes of this section, the term:

1511 (a) ~~"Minor" means any person less than 18 years of age.~~

1512 "Child pornography" means a visual depiction of sexual conduct,  
 1513 in which:

1514 1. The production of such visual depiction involves the  
 1515 use of a minor engaging in sexual conduct; or

1516 2. Such visual depiction has been created, adapted, or  
 1517 modified to appear that an identifiable minor is engaging in  
 1518 sexual conduct.

1519 (b) "Identifiable minor" means a person who is  
 1520 recognizable as an actual person by the person's face, likeness,  
 1521 or other distinguishing characteristic, such as a unique  
 1522 birthmark, or other recognizable feature and:

1523 1. Who was a minor at the time the visual depiction was  
 1524 created, adapted, or modified; or

1525 2. Whose image as a minor was used in creating, adapting,

1526 or modifying the visual depiction.

1527

1528 This paragraph does not require proof of the actual identity of  
 1529 the identifiable minor.

1530 (c) "Intentionally view" means to deliberately,  
 1531 purposefully, and voluntarily view. Proof of intentional viewing  
 1532 requires establishing that a person deliberately, purposefully,  
 1533 and voluntarily viewed more than one visual depiction over any  
 1534 period of time.

1535 (d) "Promote" means to procure, manufacture, issue, sell,  
 1536 give, provide, lend, mail, deliver, transfer, transmute,  
 1537 publish, distribute, circulate, disseminate, present, exhibit,  
 1538 or advertise or to offer or agree to do the same.

1539 (e) ~~(b)~~ "Transmit" means the act of sending and causing to  
 1540 be delivered, including the act of providing access for  
 1541 receiving and causing to be delivered, a visual depiction ~~any~~  
 1542 image, information, or data ~~from one or more persons or places~~  
 1543 ~~to one or more other persons or places~~ over or through any  
 1544 medium, including the Internet or an interconnected network, by  
 1545 use of ~~any~~ electronic equipment or other device.

1546 (f) "Visual depiction" includes, but is not limited to, a  
 1547 photograph, picture, image, motion picture, film, video,  
 1548 representation, or computer or computer-generated image or  
 1549 picture, whether made or produced by electronic, mechanical, or  
 1550 other means. The term also includes undeveloped film and

1551 videotape, data stored on computer disk or by electronic means  
1552 which is capable of conversion into a visual image, and data  
1553 that is capable of conversion into a visual image that has been  
1554 transmitted by any means, whether stored in a permanent or  
1555 nonpermanent format.

1556 (2) (a) It is unlawful for a person to possess, with the  
1557 intent to promote, child pornography. The possession of three or  
1558 more visual depictions of child pornography is prima facie  
1559 evidence of an intent to promote. A person who violates this  
1560 paragraph commits a felony of the second degree, punishable as  
1561 provided in s. 775.082, s. 775.083, or s. 775.084.

1562 (b) It is unlawful for a person to knowingly possess,  
1563 control, or intentionally view child pornography. The  
1564 possession, control, or intentional viewing of each visual  
1565 depiction of child pornography is a separate offense. If the  
1566 visual depiction includes sexual conduct by more than one minor,  
1567 each minor in each visual depiction that is knowingly possessed,  
1568 controlled, or intentionally viewed is a separate offense. A  
1569 person who violates this paragraph commits a felony of the third  
1570 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
1571 775.084.

1572 (c) This subsection does not apply to child pornography  
1573 possessed, controlled, or intentionally viewed as part of a law  
1574 enforcement investigation.

1575 (d) Prosecution of a person for an offense under this

1576 subsection does not prohibit prosecution of that person in this  
1577 state for a violation of any law of this state, including a law  
1578 providing for greater penalties than prescribed in this section  
1579 or for any other crime punishing the sexual performance or  
1580 sexual exploitation of children.

1581 (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~  
1582 person in this state who knew or reasonably should have known  
1583 that he or she was transmitting child pornography, ~~as defined in~~  
1584 ~~s. 847.001,~~ to another person in this state or in another  
1585 jurisdiction commits a felony of the third degree, punishable as  
1586 provided in s. 775.082, s. 775.083, or s. 775.084.

1587 (b) (3) Notwithstanding ss. 847.012 and 847.0133, a ~~any~~  
1588 person in any jurisdiction other than this state who knew or  
1589 reasonably should have known that he or she was transmitting  
1590 child pornography, ~~as defined in s. 847.001,~~ to another ~~any~~  
1591 person in this state commits a felony of the third degree,  
1592 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1593 (c) (4) This subsection does ~~section shall~~ not be construed  
1594 ~~to~~ prohibit prosecution of a person in this state or another  
1595 jurisdiction for a violation of any law of this state, including  
1596 a law providing for greater penalties than prescribed in this  
1597 subsection ~~section,~~ for the transmission of child pornography,  
1598 ~~as defined in s. 847.001,~~ to another ~~any~~ person in this state.

1599 (d) (5) A person is subject to prosecution in this state  
1600 pursuant to chapter 910 for any act or conduct proscribed by



1601 this subsection ~~section~~, including a person in a jurisdiction  
 1602 other than this state, if the act or conduct violates paragraph  
 1603 (b) ~~subsection (3)~~.

1604 (e) This subsection does ~~The provisions of this section do~~  
 1605 not apply to subscription-based transmissions such as list  
 1606 servers.

1607 Section 35. Subsection (1) of section 856.022, Florida  
 1608 Statutes, is amended to read:

1609 856.022 Loitering or prowling by certain offenders in  
 1610 close proximity to children; penalty.—

1611 (1) Except as provided in subsection (2), this section  
 1612 applies to a person convicted of committing, or attempting,  
 1613 soliciting, or conspiring to commit, any of the criminal  
 1614 offenses proscribed in the following statutes in this state or  
 1615 similar offenses in another jurisdiction against a victim who  
 1616 was under 18 years of age at the time of the offense: s. 787.01,  
 1617 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 1618 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 1619 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;  
 1620 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,  
 1621 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1622 s. 985.701(1); or any similar offense committed in this state  
 1623 which has been redesignated from a former statute number to one  
 1624 of those listed in this subsection, if the person has not  
 1625 received a pardon for any felony or similar law of another

1626 jurisdiction necessary for the operation of this subsection and  
 1627 a conviction of a felony or similar law of another jurisdiction  
 1628 necessary for the operation of this subsection has not been set  
 1629 aside in any postconviction proceeding.

1630 Section 36. Paragraph (a) of subsection (8) of section  
 1631 895.02, Florida Statutes, is amended to read:

1632 895.02 Definitions.—As used in ss. 895.01-895.08, the  
 1633 term:

1634 (8) "Racketeering activity" means to commit, to attempt to  
 1635 commit, to conspire to commit, or to solicit, coerce, or  
 1636 intimidate another person to commit:

1637 (a) Any crime that is chargeable by petition, indictment,  
 1638 or information under the following provisions of the Florida  
 1639 Statutes:

1640 1. Section 210.18, relating to evasion of payment of  
 1641 cigarette taxes.

1642 2. Section 316.1935, relating to fleeing or attempting to  
 1643 elude a law enforcement officer and aggravated fleeing or  
 1644 eluding.

1645 3. Section 403.727(3)(b), relating to environmental  
 1646 control.

1647 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 1648 fraud.

1649 5. Section 414.39, relating to public assistance fraud.

1650 6. Section 440.105 or s. 440.106, relating to workers'

- 1651 compensation.
- 1652 7. Section 443.071(4), relating to creation of a
- 1653 fictitious employer scheme to commit reemployment assistance
- 1654 fraud.
- 1655 8. Section 465.0161, relating to distribution of medicinal
- 1656 drugs without a permit as an Internet pharmacy.
- 1657 9. Section 499.0051, relating to crimes involving
- 1658 contraband, adulterated, or misbranded drugs.
- 1659 10. Part IV of chapter 501, relating to telemarketing.
- 1660 11. Chapter 517, relating to sale of securities and
- 1661 investor protection.
- 1662 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1663 and horseracing.
- 1664 13. Chapter 550, relating to jai alai frontons.
- 1665 14. Section 551.109, relating to slot machine gaming.
- 1666 15. Chapter 552, relating to the manufacture,
- 1667 distribution, and use of explosives.
- 1668 16. Chapter 560, relating to money transmitters, if the
- 1669 violation is punishable as a felony.
- 1670 17. Chapter 562, relating to beverage law enforcement.
- 1671 18. Section 624.401, relating to transacting insurance
- 1672 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1673 to operating an unauthorized multiple-employer welfare
- 1674 arrangement, or s. 626.902(1)(b), relating to representing or
- 1675 aiding an unauthorized insurer.

- 1676           19. Section 655.50, relating to reports of currency  
 1677 transactions, when such violation is punishable as a felony.
- 1678           20. Chapter 687, relating to interest and usurious  
 1679 practices.
- 1680           21. Section 721.08, s. 721.09, or s. 721.13, relating to  
 1681 real estate timeshare plans.
- 1682           22. Section 775.13(5)(b), relating to registration of  
 1683 persons found to have committed any offense for the purpose of  
 1684 benefiting, promoting, or furthering the interests of a criminal  
 1685 gang.
- 1686           23. Section 777.03, relating to commission of crimes by  
 1687 accessories after the fact.
- 1688           24. Chapter 782, relating to homicide.
- 1689           25. Chapter 784, relating to assault and battery.
- 1690           26. Chapter 787, relating to kidnapping or human  
 1691 trafficking.
- 1692           27. Chapter 790, relating to weapons and firearms.
- 1693           28. Chapter 794, relating to sexual battery, but only if  
 1694 such crime was committed with the intent to benefit, promote, or  
 1695 further the interests of a criminal gang, or for the purpose of  
 1696 increasing a criminal gang member's own standing or position  
 1697 within a criminal gang.
- 1698           29. Former s. 796.03, former s. 796.035, s. 796.04, s.  
 1699 796.05, or s. 796.07, relating to prostitution.
- 1700           30. Chapter 806, relating to arson and criminal mischief.

- 1701 |           31. Chapter 810, relating to burglary and trespass.
- 1702 |           32. Chapter 812, relating to theft, robbery, and related
- 1703 | crimes.
- 1704 |           33. Chapter 815, relating to computer-related crimes.
- 1705 |           34. Chapter 817, relating to fraudulent practices, false
- 1706 | pretenses, fraud generally, credit card crimes, and patient
- 1707 | brokering.
- 1708 |           35. Chapter 825, relating to abuse, neglect, or
- 1709 | exploitation of an elderly person or disabled adult.
- 1710 |           36. Former s. Section 827.071, relating to commercial
- 1711 | sexual exploitation of children.
- 1712 |           37. Section 828.122, relating to fighting or baiting
- 1713 | animals.
- 1714 |           38. Chapter 831, relating to forgery and counterfeiting.
- 1715 |           39. Chapter 832, relating to issuance of worthless checks
- 1716 | and drafts.
- 1717 |           40. Section 836.05, relating to extortion.
- 1718 |           41. Chapter 837, relating to perjury.
- 1719 |           42. Chapter 838, relating to bribery and misuse of public
- 1720 | office.
- 1721 |           43. Chapter 843, relating to obstruction of justice.
- 1722 |           44. Section 847.003, relating to sexual performance by a
- 1723 | child.
- 1724 |           ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
- 1725 | or s. 847.07, relating to obscene literature and profanity.

1726        ~~46.45.~~ Chapter 849, relating to gambling, lottery,  
 1727 gambling or gaming devices, slot machines, or any of the  
 1728 provisions within that chapter.

1729        ~~47.46.~~ Chapter 874, relating to criminal gangs.

1730        ~~48.47.~~ Chapter 893, relating to drug abuse prevention and  
 1731 control.

1732        ~~49.48.~~ Chapter 896, relating to offenses related to  
 1733 financial transactions.

1734        ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering  
 1735 with or harassing a witness, victim, or informant, and  
 1736 retaliation against a witness, victim, or informant.

1737        ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering  
 1738 with jurors and evidence.

1739        Section 37. Subsection (8) of section 905.34, Florida  
 1740 Statutes, is amended to read:

1741        905.34 Powers and duties; law applicable.—The jurisdiction  
 1742 of a statewide grand jury impaneled under this chapter shall  
 1743 extend throughout the state. The subject matter jurisdiction of  
 1744 the statewide grand jury shall be limited to the offenses of:

1745        (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,  
 1746 or s. 847.0138 relating to computer pornography and child  
 1747 exploitation prevention, or any offense related to a violation  
 1748 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any  
 1749 violation of former s. 827.071 ~~chapter 827~~ where the crime is  
 1750 facilitated by or connected to the use of the Internet or any

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

1767 Section 38. Paragraph (a) of subsection (1) of section  
 1768 934.07, Florida Statutes, is amended to read:

1769 934.07 Authorization for interception of wire, oral, or  
 1770 electronic communications.—

1771 (1) The Governor, the Attorney General, the statewide  
 1772 prosecutor, or any state attorney may authorize an application  
 1773 to a judge of competent jurisdiction for, and such judge may  
 1774 grant in conformity with ss. 934.03-934.09 an order authorizing  
 1775 or approving the interception of, wire, oral, or electronic

1776 | communications by:

1777 |       (a) The Department of Law Enforcement or any law  
 1778 | enforcement agency as defined in s. 934.02 having responsibility  
 1779 | for the investigation of the offense as to which the application  
 1780 | is made when such interception may provide or has provided  
 1781 | evidence of the commission of the offense of murder, kidnapping,  
 1782 | aircraft piracy, arson, gambling, robbery, burglary, theft,  
 1783 | dealing in stolen property, criminal usury, bribery, or  
 1784 | extortion; any felony violation of ss. 790.161-790.166,  
 1785 | inclusive; any violation of s. 787.06; any violation of chapter  
 1786 | 893; any violation of the provisions of the Florida Anti-Fencing  
 1787 | Act; any violation of chapter 895; any violation of chapter 896;  
 1788 | any violation of chapter 815; any violation of chapter 847; any  
 1789 | violation of former s. 827.071; any violation of s. 944.40; or  
 1790 | any conspiracy or solicitation to commit any violation of the  
 1791 | laws of this state relating to the crimes specifically  
 1792 | enumerated in this paragraph.

1793 |       Section 39. Section 938.085, Florida Statutes, is amended  
 1794 | to read:

1795 |       938.085 Additional cost to fund rape crisis centers.—In  
 1796 | addition to any sanction imposed when a person pleads guilty or  
 1797 | nolo contendere to, or is found guilty of, regardless of  
 1798 | adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
 1799 | (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 1800 | s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.



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

1817 Section 40. Subsection (1) of section 938.10, Florida  
 1818 Statutes, is amended to read:

1819 938.10 Additional court cost imposed in cases of certain  
 1820 crimes.—

1821 (1) If a person pleads guilty or nolo contendere to, or is  
 1822 found guilty of, regardless of adjudication, any offense against  
 1823 a minor in violation of s. 784.085, chapter 787, chapter 794,  
 1824 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,  
 1825 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.

1826 | 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.  
 1827 | 893.147(3), or s. 985.701, or any offense in violation of s.  
 1828 | 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
 1829 | court shall impose a court cost of \$151 against the offender in  
 1830 | addition to any other cost or penalty required by law.

1831 | Section 41. Paragraph (h) of subsection (1) of section  
 1832 | 943.0435, Florida Statutes, is amended to read:

1833 | 943.0435 Sexual offenders required to register with the  
 1834 | department; penalty.—

1835 | (1) As used in this section, the term:

1836 | (h)1. "Sexual offender" means a person who meets the  
 1837 | criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 1838 | subparagraph c., or sub-subparagraph d., as follows:

1839 | a.(I) Has been convicted of committing, or attempting,  
 1840 | soliciting, or conspiring to commit, any of the criminal  
 1841 | offenses proscribed in the following statutes in this state or  
 1842 | similar offenses in another jurisdiction: s. 393.135(2); s.  
 1843 | 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 1844 | the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former  
 1845 | s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.  
 1846 | 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
 1847 | 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.  
 1848 | 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 1849 | 847.0138; s. 847.0145; s. 895.03, if the court makes a written  
 1850 | finding that the racketeering activity involved at least one

1851 sexual offense listed in this sub-sub-subparagraph or at least  
 1852 one offense listed in this sub-sub-subparagraph with sexual  
 1853 intent or motive; s. 916.1075(2); or s. 985.701(1); or any  
 1854 similar offense committed in this state which has been  
 1855 redesignated from a former statute number to one of those listed  
 1856 in this sub-sub-subparagraph; and

1857 (II) Has been released on or after October 1, 1997, from  
 1858 the sanction imposed for any conviction of an offense described  
 1859 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 1860 subparagraph (I), a sanction imposed in this state or in any  
 1861 other jurisdiction includes, but is not limited to, a fine,  
 1862 probation, community control, parole, conditional release,  
 1863 control release, or incarceration in a state prison, federal  
 1864 prison, private correctional facility, or local detention  
 1865 facility;

1866 b. Establishes or maintains a residence in this state and  
 1867 who has not been designated as a sexual predator by a court of  
 1868 this state but who has been designated as a sexual predator, as  
 1869 a sexually violent predator, or by another sexual offender  
 1870 designation in another state or jurisdiction and was, as a  
 1871 result of such designation, subjected to registration or  
 1872 community or public notification, or both, or would be if the  
 1873 person were a resident of that state or jurisdiction, without  
 1874 regard to whether the person otherwise meets the criteria for  
 1875 registration as a sexual offender;

1876 c. Establishes or maintains a residence in this state who  
 1877 is in the custody or control of, or under the supervision of,  
 1878 any other state or jurisdiction as a result of a conviction for  
 1879 committing, or attempting, soliciting, or conspiring to commit,  
 1880 any of the criminal offenses proscribed in the following  
 1881 statutes or similar offense in another jurisdiction: s.  
 1882 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 1883 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
 1884 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
 1885 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
 1886 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.  
 1887 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 1888 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
 1889 makes a written finding that the racketeering activity involved  
 1890 at least one sexual offense listed in this sub-subparagraph or  
 1891 at least one offense listed in this sub-subparagraph with sexual  
 1892 intent or motive; s. 916.1075(2); or s. 985.701(1); or any  
 1893 similar offense committed in this state which has been  
 1894 redesignated from a former statute number to one of those listed  
 1895 in this sub-subparagraph; or

1896 d. On or after July 1, 2007, has been adjudicated  
 1897 delinquent for committing, or attempting, soliciting, or  
 1898 conspiring to commit, any of the criminal offenses proscribed in  
 1899 the following statutes in this state or similar offenses in  
 1900 another jurisdiction when the juvenile was 14 years of age or

1901 older at the time of the offense:  
 1902 (I) Section 794.011, excluding s. 794.011(10);  
 1903 (II) Section 800.04(4)(a)2. where the victim is under 12  
 1904 years of age or where the court finds sexual activity by the use  
 1905 of force or coercion;  
 1906 (III) Section 800.04(5)(c)1. where the court finds  
 1907 molestation involving unclothed genitals;  
 1908 (IV) Section 800.04(5)(d) where the court finds the use of  
 1909 force or coercion and unclothed genitals; or  
 1910 (V) Any similar offense committed in this state which has  
 1911 been redesignated from a former statute number to one of those  
 1912 listed in this sub-subparagraph.  
 1913 2. For all qualifying offenses listed in sub-subparagraph  
 1914 1.d., the court shall make a written finding of the age of the  
 1915 offender at the time of the offense.  
 1916  
 1917 For each violation of a qualifying offense listed in this  
 1918 subsection, except for a violation of s. 794.011, the court  
 1919 shall make a written finding of the age of the victim at the  
 1920 time of the offense. For a violation of s. 800.04(4), the court  
 1921 shall also make a written finding indicating whether the offense  
 1922 involved sexual activity and indicating whether the offense  
 1923 involved force or coercion. For a violation of s. 800.04(5), the  
 1924 court shall also make a written finding that the offense did or  
 1925 did not involve unclothed genitals or genital area and that the

1926 | offense did or did not involve the use of force or coercion.  
 1927 |         Section 42. Paragraph (a) of subsection (1) and subsection  
 1928 | (3) of section 943.04354, Florida Statutes, are amended to read:  
 1929 |         943.04354 Removal of the requirement to register as a  
 1930 | sexual offender or sexual predator in special circumstances.—  
 1931 |         (1) For purposes of this section, a person shall be  
 1932 | considered for removal of the requirement to register as a  
 1933 | sexual offender or sexual predator only if the person:  
 1934 |         (a) Was convicted, regardless of adjudication, or  
 1935 | adjudicated delinquent of a violation of s. 800.04, former s.  
 1936 | 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of  
 1937 | a similar offense in another jurisdiction and if the person does  
 1938 | not have any other conviction, regardless of adjudication, or  
 1939 | adjudication of delinquency for a violation of s. 794.011, s.  
 1940 | 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
 1941 | 847.0137(2) or for a similar offense in another jurisdiction;  
 1942 |         (3) If a person provides to the Department of Law  
 1943 | Enforcement a certified copy of the court's order removing the  
 1944 | requirement that the person register as a sexual offender or  
 1945 | sexual predator for the violation of s. 794.011, s. 800.04,  
 1946 | former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
 1947 | 847.0137(2) or a similar offense in another jurisdiction, the  
 1948 | registration requirement will not apply to the person and the  
 1949 | department shall remove all information about the person from  
 1950 | the public registry of sexual offenders and sexual predators

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

1956 Section 43. Section 943.0585, Florida Statutes, is amended  
 1957 to read:

1958 943.0585 Court-ordered expunction of criminal history  
 1959 records.—The courts of this state have jurisdiction over their  
 1960 own procedures, including the maintenance, expunction, and  
 1961 correction of judicial records containing criminal history  
 1962 information to the extent such procedures are not inconsistent  
 1963 with the conditions, responsibilities, and duties established by  
 1964 this section. Any court of competent jurisdiction may order a  
 1965 criminal justice agency to expunge the criminal history record  
 1966 of a minor or an adult who complies with the requirements of  
 1967 this section. The court shall not order a criminal justice  
 1968 agency to expunge a criminal history record until the person  
 1969 seeking to expunge a criminal history record has applied for and  
 1970 received a certificate of eligibility for expunction pursuant to  
 1971 subsection (2) or subsection (5). A criminal history record that  
 1972 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,  
 1973 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,  
 1974 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.  
 1975 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,

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



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

2009 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
 2010 petition to a court to expunge a criminal history record is  
 2011 complete only when accompanied by:

2012 (a) A valid certificate of eligibility for expunction  
 2013 issued by the department pursuant to subsection (2).

2014 (b) The petitioner's sworn statement attesting that the  
 2015 petitioner:

2016 1. Has never, prior to the date on which the petition is  
 2017 filed, been adjudicated guilty of a criminal offense or  
 2018 comparable ordinance violation, or been adjudicated delinquent  
 2019 for committing any felony or a misdemeanor specified in s.  
 2020 943.051(3)(b).

2021 2. Has not been adjudicated guilty of, or adjudicated  
 2022 delinquent for committing, any of the acts stemming from the  
 2023 arrest or alleged criminal activity to which the petition  
 2024 pertains.

2025 3. Has never secured a prior sealing or expunction of a

2026 criminal history record under this section, s. 943.059, former  
 2027 s. 893.14, former s. 901.33, or former s. 943.058, unless  
 2028 expunction is sought of a criminal history record previously  
 2029 sealed for 10 years pursuant to paragraph (2) (h) and the record  
 2030 is otherwise eligible for expunction.

2031 4. Is eligible for such an expunction to the best of his  
 2032 or her knowledge or belief and does not have any other petition  
 2033 to expunge or any petition to seal pending before any court.  
 2034

2035 Any person who knowingly provides false information on such  
 2036 sworn statement to the court commits a felony of the third  
 2037 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2038 775.084.

2039 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
 2040 petitioning the court to expunge a criminal history record, a  
 2041 person seeking to expunge a criminal history record shall apply  
 2042 to the department for a certificate of eligibility for  
 2043 expunction. The department shall, by rule adopted pursuant to  
 2044 chapter 120, establish procedures pertaining to the application  
 2045 for and issuance of certificates of eligibility for expunction.  
 2046 A certificate of eligibility for expunction is valid for 12  
 2047 months after the date stamped on the certificate when issued by  
 2048 the department. After that time, the petitioner must reapply to  
 2049 the department for a new certificate of eligibility. Eligibility  
 2050 for a renewed certification of eligibility must be based on the

2051 status of the applicant and the law in effect at the time of the  
 2052 renewal application. The department shall issue a certificate of  
 2053 eligibility for expunction to a person who is the subject of a  
 2054 criminal history record if that person:

2055 (a) Has obtained, and submitted to the department, a  
 2056 written, certified statement from the appropriate state attorney  
 2057 or statewide prosecutor which indicates:

2058 1. That an indictment, information, or other charging  
 2059 document was not filed or issued in the case.

2060 2. That an indictment, information, or other charging  
 2061 document, if filed or issued in the case, was dismissed or nolle  
 2062 prosequi by the state attorney or statewide prosecutor, or was  
 2063 dismissed by a court of competent jurisdiction, and that none of  
 2064 the charges related to the arrest or alleged criminal activity  
 2065 to which the petition to expunge pertains resulted in a trial,  
 2066 without regard to whether the outcome of the trial was other  
 2067 than an adjudication of guilt.

2068 3. That the criminal history record does not relate to a  
 2069 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 2070 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
 2071 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.  
 2072 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,  
 2073 a violation enumerated in s. 907.041, or any violation specified  
 2074 as a predicate offense for registration as a sexual predator  
 2075 pursuant to s. 775.21, without regard to whether that offense

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

2083 (b) Remits a \$75 processing fee to the department for  
 2084 placement in the Department of Law Enforcement Operating Trust  
 2085 Fund, unless such fee is waived by the executive director.

2086 (c) Has submitted to the department a certified copy of  
 2087 the disposition of the charge to which the petition to expunge  
 2088 pertains.

2089 (d) Has never, prior to the date on which the application  
 2090 for a certificate of eligibility is filed, been adjudicated  
 2091 guilty of a criminal offense or comparable ordinance violation,  
 2092 or been adjudicated delinquent for committing any felony or a  
 2093 misdemeanor specified in s. 943.051(3)(b).

2094 (e) Has not been adjudicated guilty of, or adjudicated  
 2095 delinquent for committing, any of the acts stemming from the  
 2096 arrest or alleged criminal activity to which the petition to  
 2097 expunge pertains.

2098 (f) Has never secured a prior sealing or expunction of a  
 2099 criminal history record under this section, s. 943.059, former  
 2100 s. 893.14, former s. 901.33, or former s. 943.058, unless

2101 expunction is sought of a criminal history record previously  
 2102 sealed for 10 years pursuant to paragraph (h) and the record is  
 2103 otherwise eligible for expunction.

2104 (g) Is no longer under court supervision applicable to the  
 2105 disposition of the arrest or alleged criminal activity to which  
 2106 the petition to expunge pertains.

2107 (h) Has previously obtained a court order sealing the  
 2108 record under this section, former s. 893.14, former s. 901.33,  
 2109 or former s. 943.058 for a minimum of 10 years because  
 2110 adjudication was withheld or because all charges related to the  
 2111 arrest or alleged criminal activity to which the petition to  
 2112 expunge pertains were not dismissed prior to trial, without  
 2113 regard to whether the outcome of the trial was other than an  
 2114 adjudication of guilt. The requirement for the record to have  
 2115 previously been sealed for a minimum of 10 years does not apply  
 2116 when a plea was not entered or all charges related to the arrest  
 2117 or alleged criminal activity to which the petition to expunge  
 2118 pertains were dismissed prior to trial.

2119 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

2120 (a) In judicial proceedings under this section, a copy of  
 2121 the completed petition to expunge shall be served upon the  
 2122 appropriate state attorney or the statewide prosecutor and upon  
 2123 the arresting agency; however, it is not necessary to make any  
 2124 agency other than the state a party. The appropriate state  
 2125 attorney or the statewide prosecutor and the arresting agency

2126 | may respond to the court regarding the completed petition to  
 2127 | expunge.

2128 |         (b) If relief is granted by the court, the clerk of the  
 2129 | court shall certify copies of the order to the appropriate state  
 2130 | attorney or the statewide prosecutor and the arresting agency.  
 2131 | The arresting agency is responsible for forwarding the order to  
 2132 | any other agency to which the arresting agency disseminated the  
 2133 | criminal history record information to which the order pertains.  
 2134 | The department shall forward the order to expunge to the Federal  
 2135 | Bureau of Investigation. The clerk of the court shall certify a  
 2136 | copy of the order to any other agency which the records of the  
 2137 | court reflect has received the criminal history record from the  
 2138 | court.

2139 |         (c) For an order to expunge entered by a court prior to  
 2140 | July 1, 1992, the department shall notify the appropriate state  
 2141 | attorney or statewide prosecutor of an order to expunge which is  
 2142 | contrary to law because the person who is the subject of the  
 2143 | record has previously been convicted of a crime or comparable  
 2144 | ordinance violation or has had a prior criminal history record  
 2145 | sealed or expunged. Upon receipt of such notice, the appropriate  
 2146 | state attorney or statewide prosecutor shall take action, within  
 2147 | 60 days, to correct the record and petition the court to void  
 2148 | the order to expunge. The department shall seal the record until  
 2149 | such time as the order is voided by the court.

2150 |         (d) On or after July 1, 1992, the department or any other

2151 criminal justice agency is not required to act on an order to  
 2152 expunge entered by a court when such order does not comply with  
 2153 the requirements of this section. Upon receipt of such an order,  
 2154 the department must notify the issuing court, the appropriate  
 2155 state attorney or statewide prosecutor, the petitioner or the  
 2156 petitioner's attorney, and the arresting agency of the reason  
 2157 for noncompliance. The appropriate state attorney or statewide  
 2158 prosecutor shall take action within 60 days to correct the  
 2159 record and petition the court to void the order. No cause of  
 2160 action, including contempt of court, shall arise against any  
 2161 criminal justice agency for failure to comply with an order to  
 2162 expunge when the petitioner for such order failed to obtain the  
 2163 certificate of eligibility as required by this section or such  
 2164 order does not otherwise comply with the requirements of this  
 2165 section.

2166 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
 2167 criminal history record of a minor or an adult which is ordered  
 2168 expunged by a court of competent jurisdiction pursuant to this  
 2169 section must be physically destroyed or obliterated by any  
 2170 criminal justice agency having custody of such record; except  
 2171 that any criminal history record in the custody of the  
 2172 department must be retained in all cases. A criminal history  
 2173 record ordered expunged that is retained by the department is  
 2174 confidential and exempt from the provisions of s. 119.07(1) and  
 2175 s. 24(a), Art. I of the State Constitution and not available to

2176 any person or entity except upon order of a court of competent  
 2177 jurisdiction. A criminal justice agency may retain a notation  
 2178 indicating compliance with an order to expunge.

2179 (a) The person who is the subject of a criminal history  
 2180 record that is expunged under this section or under other  
 2181 provisions of law, including former s. 893.14, former s. 901.33,  
 2182 and former s. 943.058, may lawfully deny or fail to acknowledge  
 2183 the arrests covered by the expunged record, except when the  
 2184 subject of the record:

2185 1. Is a candidate for employment with a criminal justice  
 2186 agency;

2187 2. Is a defendant in a criminal prosecution;

2188 3. Concurrently or subsequently petitions for relief under  
 2189 this section, s. 943.0583, or s. 943.059;

2190 4. Is a candidate for admission to The Florida Bar;

2191 5. Is seeking to be employed or licensed by or to contract  
 2192 with the Department of Children and Families, the Division of  
 2193 Vocational Rehabilitation within the Department of Education,  
 2194 the Agency for Health Care Administration, the Agency for  
 2195 Persons with Disabilities, the Department of Health, the  
 2196 Department of Elderly Affairs, or the Department of Juvenile  
 2197 Justice or to be employed or used by such contractor or licensee  
 2198 in a sensitive position having direct contact with children, the  
 2199 disabled, or the elderly;

2200 6. Is seeking to be employed or licensed by the Department



2201 of Education, any district school board, any university  
 2202 laboratory school, any charter school, any private or parochial  
 2203 school, or any local governmental entity that licenses child  
 2204 care facilities;

2205 7. Is seeking to be licensed by the Division of Insurance  
 2206 Agent and Agency Services within the Department of Financial  
 2207 Services; or

2208 8. Is seeking to be appointed as a guardian pursuant to s.  
 2209 744.3125.

2210 (b) Subject to the exceptions in paragraph (a), a person  
 2211 who has been granted an expunction under this section, former s.  
 2212 893.14, former s. 901.33, or former s. 943.058 may not be held  
 2213 under any provision of law of this state to commit perjury or to  
 2214 be otherwise liable for giving a false statement by reason of  
 2215 such person's failure to recite or acknowledge an expunged  
 2216 criminal history record.

2217 (c) Information relating to the existence of an expunged  
 2218 criminal history record which is provided in accordance with  
 2219 paragraph (a) is confidential and exempt from the provisions of  
 2220 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 2221 except that the department shall disclose the existence of a  
 2222 criminal history record ordered expunged to the entities set  
 2223 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their  
 2224 respective licensing, access authorization, and employment  
 2225 purposes, and to criminal justice agencies for their respective

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

2238 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the  
 2239 eligibility requirements prescribed in paragraph (1)(b) and  
 2240 subsection (2), the department shall issue a certificate of  
 2241 eligibility for expunction under this subsection to a person who  
 2242 is the subject of a criminal history record if that person:

2243 (a) Has obtained, and submitted to the department, on a  
 2244 form provided by the department, a written, certified statement  
 2245 from the appropriate state attorney or statewide prosecutor  
 2246 which states whether an information, indictment, or other  
 2247 charging document was not filed or was dismissed by the state  
 2248 attorney, or dismissed by the court, because it was found that  
 2249 the person acted in lawful self-defense pursuant to the  
 2250 provisions related to justifiable use of force in chapter 776.

2251 (b) Each petition to a court to expunge a criminal history  
 2252 record pursuant to this subsection is complete only when  
 2253 accompanied by:

2254 1. A valid certificate of eligibility for expunction  
 2255 issued by the department pursuant to this subsection.

2256 2. The petitioner's sworn statement attesting that the  
 2257 petitioner is eligible for such an expunction to the best of his  
 2258 or her knowledge or belief.

2259  
 2260 Any person who knowingly provides false information on such  
 2261 sworn statement to the court commits a felony of the third  
 2262 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2263 775.084.

2264 (c) This subsection does not confer any right to the  
 2265 expunction of a criminal history record, and any request for  
 2266 expunction of a criminal history record may be denied at the  
 2267 discretion of the court.

2268 (d) Subsections (3) and (4) shall apply to expunction  
 2269 ordered under this subsection.

2270 (e) The department shall, by rule adopted pursuant to  
 2271 chapter 120, establish procedures pertaining to the application  
 2272 for and issuance of certificates of eligibility for expunction  
 2273 under this subsection.

2274 (6) STATUTORY REFERENCES.—Any reference to any other  
 2275 chapter, section, or subdivision of the Florida Statutes in this

2276 section constitutes a general reference under the doctrine of  
 2277 incorporation by reference.  
 2278 Section 44. Section 943.059, Florida Statutes, is amended  
 2279 to read:  
 2280 943.059 Court-ordered sealing of criminal history  
 2281 records.—The courts of this state shall continue to have  
 2282 jurisdiction over their own procedures, including the  
 2283 maintenance, sealing, and correction of judicial records  
 2284 containing criminal history information to the extent such  
 2285 procedures are not inconsistent with the conditions,  
 2286 responsibilities, and duties established by this section. Any  
 2287 court of competent jurisdiction may order a criminal justice  
 2288 agency to seal the criminal history record of a minor or an  
 2289 adult who complies with the requirements of this section. The  
 2290 court shall not order a criminal justice agency to seal a  
 2291 criminal history record until the person seeking to seal a  
 2292 criminal history record has applied for and received a  
 2293 certificate of eligibility for sealing pursuant to subsection  
 2294 (2). A criminal history record that relates to a violation of s.  
 2295 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
 2296 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.  
 2297 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.  
 2298 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation  
 2299 enumerated in s. 907.041, or any violation specified as a  
 2300 predicate offense for registration as a sexual predator pursuant

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

2326 criminal history records or information derived therefrom. This  
 2327 section does not confer any right to the sealing of any criminal  
 2328 history record, and any request for sealing a criminal history  
 2329 record may be denied at the sole discretion of the court.

2330 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
 2331 petition to a court to seal a criminal history record is  
 2332 complete only when accompanied by:

2333 (a) A valid certificate of eligibility for sealing issued  
 2334 by the department pursuant to subsection (2).

2335 (b) The petitioner's sworn statement attesting that the  
 2336 petitioner:

2337 1. Has never, prior to the date on which the petition is  
 2338 filed, been adjudicated guilty of a criminal offense or  
 2339 comparable ordinance violation, or been adjudicated delinquent  
 2340 for committing any felony or a misdemeanor specified in s.  
 2341 943.051(3)(b).

2342 2. Has not been adjudicated guilty of or adjudicated  
 2343 delinquent for committing any of the acts stemming from the  
 2344 arrest or alleged criminal activity to which the petition to  
 2345 seal pertains.

2346 3. Has never secured a prior sealing or expunction of a  
 2347 criminal history record under this section, s. 943.0585, former  
 2348 s. 893.14, former s. 901.33, or former s. 943.058.

2349 4. Is eligible for such a sealing to the best of his or  
 2350 her knowledge or belief and does not have any other petition to

2351 seal or any petition to expunge pending before any court.

2352

2353 Any person who knowingly provides false information on such  
 2354 sworn statement to the court commits a felony of the third  
 2355 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2356 775.084.

2357 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
 2358 petitioning the court to seal a criminal history record, a  
 2359 person seeking to seal a criminal history record shall apply to  
 2360 the department for a certificate of eligibility for sealing. The  
 2361 department shall, by rule adopted pursuant to chapter 120,  
 2362 establish procedures pertaining to the application for and  
 2363 issuance of certificates of eligibility for sealing. A  
 2364 certificate of eligibility for sealing is valid for 12 months  
 2365 after the date stamped on the certificate when issued by the  
 2366 department. After that time, the petitioner must reapply to the  
 2367 department for a new certificate of eligibility. Eligibility for  
 2368 a renewed certification of eligibility must be based on the  
 2369 status of the applicant and the law in effect at the time of the  
 2370 renewal application. The department shall issue a certificate of  
 2371 eligibility for sealing to a person who is the subject of a  
 2372 criminal history record provided that such person:

2373 (a) Has submitted to the department a certified copy of  
 2374 the disposition of the charge to which the petition to seal  
 2375 pertains.

2376 (b) Remits a \$75 processing fee to the department for  
 2377 placement in the Department of Law Enforcement Operating Trust  
 2378 Fund, unless such fee is waived by the executive director.

2379 (c) Has never, prior to the date on which the application  
 2380 for a certificate of eligibility is filed, been adjudicated  
 2381 guilty of a criminal offense or comparable ordinance violation,  
 2382 or been adjudicated delinquent for committing any felony or a  
 2383 misdemeanor specified in s. 943.051(3)(b).

2384 (d) Has not been adjudicated guilty of or adjudicated  
 2385 delinquent for committing any of the acts stemming from the  
 2386 arrest or alleged criminal activity to which the petition to  
 2387 seal pertains.

2388 (e) Has never secured a prior sealing or expunction of a  
 2389 criminal history record under this section, s. 943.0585, former  
 2390 s. 893.14, former s. 901.33, or former s. 943.058.

2391 (f) Is no longer under court supervision applicable to the  
 2392 disposition of the arrest or alleged criminal activity to which  
 2393 the petition to seal pertains.

2394 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2395 (a) In judicial proceedings under this section, a copy of  
 2396 the completed petition to seal shall be served upon the  
 2397 appropriate state attorney or the statewide prosecutor and upon  
 2398 the arresting agency; however, it is not necessary to make any  
 2399 agency other than the state a party. The appropriate state  
 2400 attorney or the statewide prosecutor and the arresting agency



2401 may respond to the court regarding the completed petition to  
 2402 seal.

2403 (b) If relief is granted by the court, the clerk of the  
 2404 court shall certify copies of the order to the appropriate state  
 2405 attorney or the statewide prosecutor and to the arresting  
 2406 agency. The arresting agency is responsible for forwarding the  
 2407 order to any other agency to which the arresting agency  
 2408 disseminated the criminal history record information to which  
 2409 the order pertains. The department shall forward the order to  
 2410 seal to the Federal Bureau of Investigation. The clerk of the  
 2411 court shall certify a copy of the order to any other agency  
 2412 which the records of the court reflect has received the criminal  
 2413 history record from the court.

2414 (c) For an order to seal entered by a court prior to July  
 2415 1, 1992, the department shall notify the appropriate state  
 2416 attorney or statewide prosecutor of any order to seal which is  
 2417 contrary to law because the person who is the subject of the  
 2418 record has previously been convicted of a crime or comparable  
 2419 ordinance violation or has had a prior criminal history record  
 2420 sealed or expunged. Upon receipt of such notice, the appropriate  
 2421 state attorney or statewide prosecutor shall take action, within  
 2422 60 days, to correct the record and petition the court to void  
 2423 the order to seal. The department shall seal the record until  
 2424 such time as the order is voided by the court.

2425 (d) On or after July 1, 1992, the department or any other

2426 criminal justice agency is not required to act on an order to  
 2427 seal entered by a court when such order does not comply with the  
 2428 requirements of this section. Upon receipt of such an order, the  
 2429 department must notify the issuing court, the appropriate state  
 2430 attorney or statewide prosecutor, the petitioner or the  
 2431 petitioner's attorney, and the arresting agency of the reason  
 2432 for noncompliance. The appropriate state attorney or statewide  
 2433 prosecutor shall take action within 60 days to correct the  
 2434 record and petition the court to void the order. No cause of  
 2435 action, including contempt of court, shall arise against any  
 2436 criminal justice agency for failure to comply with an order to  
 2437 seal when the petitioner for such order failed to obtain the  
 2438 certificate of eligibility as required by this section or when  
 2439 such order does not comply with the requirements of this  
 2440 section.

2441 (e) An order sealing a criminal history record pursuant to  
 2442 this section does not require that such record be surrendered to  
 2443 the court, and such record shall continue to be maintained by  
 2444 the department and other criminal justice agencies.

2445 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
 2446 history record of a minor or an adult which is ordered sealed by  
 2447 a court pursuant to this section is confidential and exempt from  
 2448 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 2449 Constitution and is available only to the person who is the  
 2450 subject of the record, to the subject's attorney, to criminal

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

2460 (a) The subject of a criminal history record sealed under  
 2461 this section or under other provisions of law, including former  
 2462 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 2463 deny or fail to acknowledge the arrests covered by the sealed  
 2464 record, except when the subject of the record:

- 2465 1. Is a candidate for employment with a criminal justice  
 2466 agency;
- 2467 2. Is a defendant in a criminal prosecution;
- 2468 3. Concurrently or subsequently petitions for relief under  
 2469 this section, s. 943.0583, or s. 943.0585;
- 2470 4. Is a candidate for admission to The Florida Bar;
- 2471 5. Is seeking to be employed or licensed by or to contract  
 2472 with the Department of Children and Families, the Division of  
 2473 Vocational Rehabilitation within the Department of Education,  
 2474 the Agency for Health Care Administration, the Agency for  
 2475 Persons with Disabilities, the Department of Health, the

2476 Department of Elderly Affairs, or the Department of Juvenile  
 2477 Justice or to be employed or used by such contractor or licensee  
 2478 in a sensitive position having direct contact with children, the  
 2479 disabled, or the elderly;

2480 6. Is seeking to be employed or licensed by the Department  
 2481 of Education, a district school board, a university laboratory  
 2482 school, a charter school, a private or parochial school, or a  
 2483 local governmental entity that licenses child care facilities;

2484 7. Is attempting to purchase a firearm from a licensed  
 2485 importer, licensed manufacturer, or licensed dealer and is  
 2486 subject to a criminal history check under state or federal law;

2487 8. Is seeking to be licensed by the Division of Insurance  
 2488 Agent and Agency Services within the Department of Financial  
 2489 Services;

2490 9. Is seeking to be appointed as a guardian pursuant to s.  
 2491 744.3125; or

2492 10. Is seeking to be licensed by the Bureau of License  
 2493 Issuance of the Division of Licensing within the Department of  
 2494 Agriculture and Consumer Services to carry a concealed weapon or  
 2495 concealed firearm. This subparagraph applies only in the  
 2496 determination of an applicant's eligibility under s. 790.06.

2497 (b) Subject to the exceptions in paragraph (a), a person  
 2498 who has been granted a sealing under this section, former s.  
 2499 893.14, former s. 901.33, or former s. 943.058 may not be held  
 2500 under any provision of law of this state to commit perjury or to

2501 be otherwise liable for giving a false statement by reason of  
 2502 such person's failure to recite or acknowledge a sealed criminal  
 2503 history record.

2504 (c) Information relating to the existence of a sealed  
 2505 criminal record provided in accordance with the provisions of  
 2506 paragraph (a) is confidential and exempt from the provisions of  
 2507 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 2508 except that the department shall disclose the sealed criminal  
 2509 history record to the entities set forth in subparagraphs (a)1.,  
 2510 4., 5., 6., 8., 9., and 10. for their respective licensing,  
 2511 access authorization, and employment purposes. An employee of an  
 2512 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
 2513 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,  
 2514 subparagraph (a)9., or subparagraph (a)10. may not disclose  
 2515 information relating to the existence of a sealed criminal  
 2516 history record of a person seeking employment, access  
 2517 authorization, or licensure with such entity or contractor,  
 2518 except to the person to whom the criminal history record relates  
 2519 or to persons having direct responsibility for employment,  
 2520 access authorization, or licensure decisions. A person who  
 2521 violates the provisions of this paragraph commits a misdemeanor  
 2522 of the first degree, punishable as provided in s. 775.082 or s.  
 2523 775.083.

2524 (5) STATUTORY REFERENCES.—Any reference to any other  
 2525 chapter, section, or subdivision of the Florida Statutes in this

2526 section constitutes a general reference under the doctrine of  
 2527 incorporation by reference.

2528 Section 45. Paragraph (f) of subsection (1) of section  
 2529 944.606, Florida Statutes, is amended to read:

2530 944.606 Sexual offenders; notification upon release.—

2531 (1) As used in this section, the term:

2532 (f) "Sexual offender" means a person who has been  
 2533 convicted of committing, or attempting, soliciting, or  
 2534 conspiring to commit, any of the criminal offenses proscribed in  
 2535 the following statutes in this state or similar offenses in  
 2536 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 2537 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 2538 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 2539 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 2540 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former  
 2541 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.  
 2542 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
 2543 if the court makes a written finding that the racketeering  
 2544 activity involved at least one sexual offense listed in this  
 2545 paragraph or at least one offense listed in this paragraph with  
 2546 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or  
 2547 any similar offense committed in this state which has been  
 2548 redesignated from a former statute number to one of those listed  
 2549 in this subsection, when the department has received verified  
 2550 information regarding such conviction; an offender's

2551 computerized criminal history record is not, in and of itself,  
 2552 verified information.

2553 Section 46. Paragraph (f) of subsection (1) of section  
 2554 944.607, Florida Statutes, is amended to read:

2555 944.607 Notification to Department of Law Enforcement of  
 2556 information on sexual offenders.—

2557 (1) As used in this section, the term:

2558 (f) "Sexual offender" means a person who is in the custody  
 2559 or control of, or under the supervision of, the department or is  
 2560 in the custody of a private correctional facility:

2561 1. On or after October 1, 1997, as a result of a  
 2562 conviction for committing, or attempting, soliciting, or  
 2563 conspiring to commit, any of the criminal offenses proscribed in  
 2564 the following statutes in this state or similar offenses in  
 2565 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 2566 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 2567 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 2568 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 2569 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former  
 2570 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.  
 2571 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
 2572 if the court makes a written finding that the racketeering  
 2573 activity involved at least one sexual offense listed in this  
 2574 subparagraph or at least one offense listed in this subparagraph  
 2575 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);

2576 or any similar offense committed in this state which has been  
 2577 redesignated from a former statute number to one of those listed  
 2578 in this paragraph; or

2579 2. Who establishes or maintains a residence in this state  
 2580 and who has not been designated as a sexual predator by a court  
 2581 of this state but who has been designated as a sexual predator,  
 2582 as a sexually violent predator, or by another sexual offender  
 2583 designation in another state or jurisdiction and was, as a  
 2584 result of such designation, subjected to registration or  
 2585 community or public notification, or both, or would be if the  
 2586 person were a resident of that state or jurisdiction, without  
 2587 regard as to whether the person otherwise meets the criteria for  
 2588 registration as a sexual offender.

2589 Section 47. Subsections (7), (10), and (14) of section  
 2590 947.1405, Florida Statutes, are amended, and subsection (15) is  
 2591 added to that section, to read:

2592 947.1405 Conditional release program.—

2593 (7) (a) Any inmate who is convicted of a crime committed on  
 2594 or after October 1, 1995, or who has been previously convicted  
 2595 of a crime committed on or after October 1, 1995, in violation  
 2596 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or  
 2597 s. 847.0145, and is subject to conditional release supervision,  
 2598 shall have, in addition to any other conditions imposed, the  
 2599 following special conditions imposed by the commission:

2600 1. A mandatory curfew from 10 p.m. to 6 a.m. The



2601 commission may designate another 8-hour period if the offender's  
 2602 employment precludes the above specified time, and such  
 2603 alternative is recommended by the Department of Corrections. If  
 2604 the commission determines that imposing a curfew would endanger  
 2605 the victim, the commission may consider alternative sanctions.

2606       2. If the victim was under the age of 18, a prohibition on  
 2607 living within 1,000 feet of a school, child care facility, park,  
 2608 playground, designated public school bus stop, or other place  
 2609 where children regularly congregate. A releasee who is subject  
 2610 to this subparagraph may not relocate to a residence that is  
 2611 within 1,000 feet of a public school bus stop. Beginning October  
 2612 1, 2004, the commission or the department may not approve a  
 2613 residence that is located within 1,000 feet of a school, child  
 2614 care facility, park, playground, designated school bus stop, or  
 2615 other place where children regularly congregate for any releasee  
 2616 who is subject to this subparagraph. On October 1, 2004, the  
 2617 department shall notify each affected school district of the  
 2618 location of the residence of a releasee 30 days prior to release  
 2619 and thereafter, if the releasee relocates to a new residence,  
 2620 shall notify any affected school district of the residence of  
 2621 the releasee within 30 days after relocation. If, on October 1,  
 2622 2004, any public school bus stop is located within 1,000 feet of  
 2623 the existing residence of such releasee, the district school  
 2624 board shall relocate that school bus stop. Beginning October 1,  
 2625 2004, a district school board may not establish or relocate a

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

2638 3. Active participation in and successful completion of a  
 2639 sex offender treatment program with qualified practitioners  
 2640 specifically trained to treat sex offenders, at the releasee's  
 2641 own expense. If a qualified practitioner is not available within  
 2642 a 50-mile radius of the releasee's residence, the offender shall  
 2643 participate in other appropriate therapy.

2644 4. A prohibition on any contact with the victim, directly  
 2645 or indirectly, including through a third person, unless approved  
 2646 by the victim, a qualified practitioner in the sexual offender  
 2647 treatment program, and the sentencing court.

2648 5. If the victim was under the age of 18, a prohibition  
 2649 against contact with children under the age of 18 without review  
 2650 and approval by the commission. The commission may approve

2651 supervised contact with a child under the age of 18 if the  
 2652 approval is based upon a recommendation for contact issued by a  
 2653 qualified practitioner who is basing the recommendation on a  
 2654 risk assessment. Further, the sex offender must be currently  
 2655 enrolled in or have successfully completed a sex offender  
 2656 therapy program. The commission may not grant supervised contact  
 2657 with a child if the contact is not recommended by a qualified  
 2658 practitioner and may deny supervised contact with a child at any  
 2659 time. When considering whether to approve supervised contact  
 2660 with a child, the commission must review and consider the  
 2661 following:

2662 a. A risk assessment completed by a qualified  
 2663 practitioner. The qualified practitioner must prepare a written  
 2664 report that must include the findings of the assessment and  
 2665 address each of the following components:

2666 (I) The sex offender's current legal status;

2667 (II) The sex offender's history of adult charges with  
 2668 apparent sexual motivation;

2669 (III) The sex offender's history of adult charges without  
 2670 apparent sexual motivation;

2671 (IV) The sex offender's history of juvenile charges,  
 2672 whenever available;

2673 (V) The sex offender's offender treatment history,  
 2674 including a consultation from the sex offender's treating, or  
 2675 most recent treating, therapist;

2676 (VI) The sex offender's current mental status;

2677 (VII) The sex offender's mental health and substance abuse  
 2678 history as provided by the Department of Corrections;

2679 (VIII) The sex offender's personal, social, educational,  
 2680 and work history;

2681 (IX) The results of current psychological testing of the  
 2682 sex offender if determined necessary by the qualified  
 2683 practitioner;

2684 (X) A description of the proposed contact, including the  
 2685 location, frequency, duration, and supervisory arrangement;

2686 (XI) The child's preference and relative comfort level  
 2687 with the proposed contact, when age-appropriate;

2688 (XII) The parent's or legal guardian's preference  
 2689 regarding the proposed contact; and

2690 (XIII) The qualified practitioner's opinion, along with  
 2691 the basis for that opinion, as to whether the proposed contact  
 2692 would likely pose significant risk of emotional or physical harm  
 2693 to the child.

2694

2695 The written report of the assessment must be given to the  
 2696 commission.

2697 b. A recommendation made as a part of the risk-assessment  
 2698 report as to whether supervised contact with the child should be  
 2699 approved;

2700 c. A written consent signed by the child's parent or legal

2701 guardian, if the parent or legal guardian is not the sex  
 2702 offender, agreeing to the sex offender having supervised contact  
 2703 with the child after receiving full disclosure of the sex  
 2704 offender's present legal status, past criminal history, and the  
 2705 results of the risk assessment. The commission may not approve  
 2706 contact with the child if the parent or legal guardian refuses  
 2707 to give written consent for supervised contact;

2708 d. A safety plan prepared by the qualified practitioner,  
 2709 who provides treatment to the offender, in collaboration with  
 2710 the sex offender, the child's parent or legal guardian, and the  
 2711 child, when age appropriate, which details the acceptable  
 2712 conditions of contact between the sex offender and the child.  
 2713 The safety plan must be reviewed and approved by the Department  
 2714 of Corrections before being submitted to the commission; and

2715 e. Evidence that the child's parent or legal guardian, if  
 2716 the parent or legal guardian is not the sex offender,  
 2717 understands the need for and agrees to the safety plan and has  
 2718 agreed to provide, or to designate another adult to provide,  
 2719 constant supervision any time the child is in contact with the  
 2720 offender.

2721  
 2722 The commission may not appoint a person to conduct a risk  
 2723 assessment and may not accept a risk assessment from a person  
 2724 who has not demonstrated to the commission that he or she has  
 2725 met the requirements of a qualified practitioner as defined in

2726 | this section.

2727 |         6. If the victim was under age 18, a prohibition on  
2728 | working for pay or as a volunteer at any school, child care  
2729 | facility, park, playground, or other place where children  
2730 | regularly congregate, as prescribed by the commission.

2731 |         7. Unless otherwise indicated in the treatment plan  
2732 | provided by a qualified practitioner in the sexual offender  
2733 | treatment program, a prohibition on viewing, owning, or  
2734 | possessing any obscene, pornographic, or sexually stimulating  
2735 | visual or auditory material, including telephone, electronic  
2736 | media, computer programs, or computer services that are relevant  
2737 | to the offender's deviant behavior pattern.

2738 |         8. Effective for a releasee whose crime is committed on or  
2739 | after July 1, 2005, a prohibition on accessing the Internet or  
2740 | other computer services until a qualified practitioner in the  
2741 | offender's sex offender treatment program, after a risk  
2742 | assessment is completed, approves and implements a safety plan  
2743 | for the offender's accessing or using the Internet or other  
2744 | computer services.

2745 |         9. A requirement that the releasee must submit two  
2746 | specimens of blood to the Department of Law Enforcement to be  
2747 | registered with the DNA database.

2748 |         10. A requirement that the releasee make restitution to  
2749 | the victim, as determined by the sentencing court or the  
2750 | commission, for all necessary medical and related professional

2751 services relating to physical, psychiatric, and psychological  
 2752 care.

2753 11. Submission to a warrantless search by the community  
 2754 control or probation officer of the probationer's or community  
 2755 controllee's person, residence, or vehicle.

2756 (b) For a releasee whose crime was committed on or after  
 2757 October 1, 1997, in violation of chapter 794, s. 800.04, former  
 2758 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject  
 2759 to conditional release supervision, in addition to any other  
 2760 provision of this subsection, the commission shall impose the  
 2761 following additional conditions of conditional release  
 2762 supervision:

2763 1. As part of a treatment program, participation in a  
 2764 minimum of one annual polygraph examination to obtain  
 2765 information necessary for risk management and treatment and to  
 2766 reduce the sex offender's denial mechanisms. The polygraph  
 2767 examination must be conducted by a polygrapher who is a member  
 2768 of a national or state polygraph association and who is  
 2769 certified as a postconviction sex offender polygrapher, where  
 2770 available, and at the expense of the releasee. The results of  
 2771 the examination shall be provided to the releasee's probation  
 2772 officer and qualified practitioner and may not be used as  
 2773 evidence in a hearing to prove that a violation of supervision  
 2774 has occurred.

2775 2. Maintenance of a driving log and a prohibition against

2776 driving a motor vehicle alone without the prior approval of the  
 2777 supervising officer.

2778 3. A prohibition against obtaining or using a post office  
 2779 box without the prior approval of the supervising officer.

2780 4. If there was sexual contact, a submission to, at the  
 2781 releasee's expense, an HIV test with the results to be released  
 2782 to the victim or the victim's parent or guardian.

2783 5. Electronic monitoring of any form when ordered by the  
 2784 commission. Any person who has been placed under supervision and  
 2785 is electronically monitored by the department must pay the  
 2786 department for the cost of the electronic monitoring service at  
 2787 a rate that may not exceed the full cost of the monitoring  
 2788 service. Funds collected under this subparagraph shall be  
 2789 deposited into the General Revenue Fund. The department may  
 2790 exempt a person from the payment of all or any part of the  
 2791 electronic monitoring service cost if the department finds that  
 2792 any of the factors listed in s. 948.09(3) exist.

2793 (10) Effective for a releasee whose crime was committed on  
 2794 or after September 1, 2005, in violation of chapter 794, s.  
 2795 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and  
 2796 the unlawful activity involved a victim who was 15 years of age  
 2797 or younger and the offender is 18 years of age or older or for a  
 2798 releasee who is designated as a sexual predator pursuant to s.  
 2799 775.21, in addition to any other provision of this section, the  
 2800 commission must order electronic monitoring for the duration of



2801 the releasee's supervision.

2802 (14) Effective for a releasee whose crime was committed on  
 2803 or after October 1, 2014, in violation of chapter 794, s.  
 2804 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in  
 2805 addition to any other provision of this section, the commission  
 2806 must impose a condition prohibiting the releasee from viewing,  
 2807 accessing, owning, or possessing any obscene, pornographic, or  
 2808 sexually stimulating visual or auditory material unless  
 2809 otherwise indicated in the treatment plan provided by a  
 2810 qualified practitioner in the sexual offender treatment program.  
 2811 Visual or auditory material includes, but is not limited to,  
 2812 telephone, electronic media, computer programs, and computer  
 2813 services.

2814 (15) Effective for a releasee whose crime was committed on  
 2815 or after October 1, 2018, in violation of s. 847.003 or s.  
 2816 847.0137(2), in addition to any other provision of this section,  
 2817 the commission must impose the conditions specified in  
 2818 subsections (7), (10), (12), and (14).

2819 Section 48. Subsection (2) of section 948.03, Florida  
 2820 Statutes, is amended to read:

2821 948.03 Terms and conditions of probation.—

2822 (2) The enumeration of specific kinds of terms and  
 2823 conditions does not prevent the court from adding thereto such  
 2824 other or others as it considers proper. However, the sentencing  
 2825 court may only impose a condition of supervision allowing an

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

2838 Section 49. Subsection (1) of section 948.04, Florida  
 2839 Statutes, is amended to read:

2840 948.04 Period of probation; duty of probationer; early  
 2841 termination.—

2842 (1) Defendants found guilty of felonies who are placed on  
 2843 probation shall be under supervision not to exceed 2 years  
 2844 unless otherwise specified by the court. No defendant placed on  
 2845 probation pursuant to s. 948.012(1) is subject to the probation  
 2846 limitations of this subsection. A defendant who is placed on  
 2847 probation or community control for a violation of chapter 794,  
 2848 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the  
 2849 maximum level of supervision provided by the supervising agency,  
 2850 and that supervision shall continue through the full term of the

2851 court-imposed probation or community control.

2852 Section 50. Subsection (4) and paragraph (c) of subsection  
2853 (8) of section 948.06, Florida Statutes, are amended to read:

2854 948.06 Violation of probation or community control;  
2855 revocation; modification; continuance; failure to pay  
2856 restitution or cost of supervision.—

2857 (4) Notwithstanding any other provision of this section, a  
2858 felony probationer or an offender in community control who is  
2859 arrested for violating his or her probation or community control  
2860 in a material respect may be taken before the court in the  
2861 county or circuit in which the probationer or offender was  
2862 arrested. That court shall advise him or her of the charge of a  
2863 violation and, if such charge is admitted, shall cause him or  
2864 her to be brought before the court that granted the probation or  
2865 community control. If the violation is not admitted by the  
2866 probationer or offender, the court may commit him or her or  
2867 release him or her with or without bail to await further  
2868 hearing. However, if the probationer or offender is under  
2869 supervision for any criminal offense proscribed in chapter 794,  
2870 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is  
2871 a registered sexual predator or a registered sexual offender, or  
2872 is under supervision for a criminal offense for which he or she  
2873 would meet the registration criteria in s. 775.21, s. 943.0435,  
2874 or s. 944.607 but for the effective date of those sections, the  
2875 court must make a finding that the probationer or offender is

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

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

2912 (a) A violent felony offender of special concern, as  
 2913 defined in this section;

2914 (b) A person who is on felony probation or community  
 2915 control for any offense committed on or after the effective date  
 2916 of this act and who is arrested for a qualifying offense as  
 2917 defined in this section; or

2918 (c) A person who is on felony probation or community  
 2919 control and has previously been found by a court to be a  
 2920 habitual violent felony offender as defined in s. 775.084(1) (b),  
 2921 a three-time violent felony offender as defined in s.  
 2922 775.084(1) (c), or a sexual predator under s. 775.21, and who is  
 2923 arrested for committing a qualifying offense as defined in this  
 2924 section on or after the effective date of this act.

2925 (8)

2926 (c) For purposes of this section, the term "qualifying  
 2927 offense" means any of the following:

2928 1. Kidnapping or attempted kidnapping under s. 787.01,  
 2929 false imprisonment of a child under the age of 13 under s.  
 2930 787.02(3), or luring or enticing a child under s. 787.025(2) (b)  
 2931 or (c).

2932 2. Murder or attempted murder under s. 782.04, attempted  
 2933 felony murder under s. 782.051, or manslaughter under s. 782.07.

2934 3. Aggravated battery or attempted aggravated battery  
 2935 under s. 784.045.

2936 4. Sexual battery or attempted sexual battery under s.  
 2937 794.011(2), (3), (4), or (8) (b) or (c).

2938 5. Lewd or lascivious battery or attempted lewd or  
 2939 lascivious battery under s. 800.04(4), lewd or lascivious  
 2940 molestation under s. 800.04(5) (b) or (c)2., lewd or lascivious  
 2941 conduct under s. 800.04(6) (b), or lewd or lascivious exhibition  
 2942 under s. 800.04(7) (b), ~~or lewd or lascivious exhibition on~~  
 2943 ~~computer under s. 847.0135(5) (b).~~

2944 6. Robbery or attempted robbery under s. 812.13,  
 2945 carjacking or attempted carjacking under s. 812.133, or home  
 2946 invasion robbery or attempted home invasion robbery under s.  
 2947 812.135.

2948 7. Lewd or lascivious offense upon or in the presence of  
 2949 an elderly or disabled person or attempted lewd or lascivious  
 2950 offense upon or in the presence of an elderly or disabled person

2951 | under s. 825.1025.

2952 |       8. Sexual performance by a child or attempted sexual

2953 | performance by a child under former s. 827.071 or s. 847.003.

2954 |       9. Computer pornography or child exploitation under s.

2955 | 847.0135 ~~847.0135(2) or (3)~~, ~~transmission of~~ child pornography

2956 | under s. 847.0137, or selling or buying of minors under s.

2957 | 847.0145.

2958 |       10. Poisoning food or water under s. 859.01.

2959 |       11. Abuse of a dead human body under s. 872.06.

2960 |       12. Any burglary offense or attempted burglary offense

2961 | that is either a first degree felony or second degree felony

2962 | under s. 810.02(2) or (3).

2963 |       13. Arson or attempted arson under s. 806.01(1).

2964 |       14. Aggravated assault under s. 784.021.

2965 |       15. Aggravated stalking under s. 784.048(3), (4), (5), or

2966 | (7).

2967 |       16. Aircraft piracy under s. 860.16.

2968 |       17. Unlawful throwing, placing, or discharging of a

2969 | destructive device or bomb under s. 790.161(2), (3), or (4).

2970 |       18. Treason under s. 876.32.

2971 |       19. Any offense committed in another jurisdiction which

2972 | would be an offense listed in this paragraph if that offense had

2973 | been committed in this state.

2974 |       Section 51. Paragraph (c) of subsection (1) of section

2975 | 948.062, Florida Statutes, is amended to read:

2976 948.062 Reviewing and reporting serious offenses committed  
 2977 by offenders placed on probation or community control.—

2978 (1) The department shall review the circumstances related  
 2979 to an offender placed on probation or community control who has  
 2980 been arrested while on supervision for the following offenses:

2981 (c) Any sexual performance by a child as provided in  
 2982 former s. 827.071 or s. 847.003;

2983 Section 52. Subsection (2) of section 948.101, Florida  
 2984 Statutes, is amended to read:

2985 948.101 Terms and conditions of community control.—

2986 (2) The enumeration of specific kinds of terms and  
 2987 conditions does not prevent the court from adding any other  
 2988 terms or conditions that the court considers proper. However,  
 2989 the sentencing court may only impose a condition of supervision  
 2990 allowing an offender convicted of s. 794.011, s. 800.04, former  
 2991 s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.  
 2992 847.0145 to reside in another state if the order stipulates that  
 2993 it is contingent upon the approval of the receiving state  
 2994 interstate compact authority. The court may rescind or modify at  
 2995 any time the terms and conditions theretofore imposed by it upon  
 2996 the offender in community control. However, if the court  
 2997 withholds adjudication of guilt or imposes a period of  
 2998 incarceration as a condition of community control, the period  
 2999 may not exceed 364 days, and incarceration shall be restricted  
 3000 to a county facility, a probation and restitution center under



3001 the jurisdiction of the Department of Corrections, or a  
 3002 residential treatment facility owned or operated by any entity  
 3003 providing such services.

3004 Section 53. Subsections (1) and (2), paragraphs (a) and  
 3005 (c) of subsection (3), and subsection (5) of section 948.30,  
 3006 Florida Statutes, are amended, and subsection (6) is added to  
 3007 that section, to read:

3008 948.30 Additional terms and conditions of probation or  
 3009 community control for certain sex offenses.—Conditions imposed  
 3010 pursuant to this section do not require oral pronouncement at  
 3011 the time of sentencing and shall be considered standard  
 3012 conditions of probation or community control for offenders  
 3013 specified in this section.

3014 (1) Effective for probationers or community controllees  
 3015 whose crime was committed on or after October 1, 1995, and who  
 3016 are placed under supervision for violation of chapter 794, s.  
 3017 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the  
 3018 court must impose the following conditions in addition to all  
 3019 other standard and special conditions imposed:

3020 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court  
 3021 may designate another 8-hour period if the offender's employment  
 3022 precludes the above specified time, and the alternative is  
 3023 recommended by the Department of Corrections. If the court  
 3024 determines that imposing a curfew would endanger the victim, the  
 3025 court may consider alternative sanctions.

3026 (b) If the victim was under the age of 18, a prohibition  
 3027 on living within 1,000 feet of a school, child care facility,  
 3028 park, playground, or other place where children regularly  
 3029 congregate, as prescribed by the court. The 1,000-foot distance  
 3030 shall be measured in a straight line from the offender's place  
 3031 of residence to the nearest boundary line of the school, child  
 3032 care facility, park, playground, or other place where children  
 3033 congregate. The distance may not be measured by a pedestrian  
 3034 route or automobile route. A probationer or community controllee  
 3035 who is subject to this paragraph may not be forced to relocate  
 3036 and does not violate his or her probation or community control  
 3037 if he or she is living in a residence that meets the  
 3038 requirements of this paragraph and a school, child care  
 3039 facility, park, playground, or other place where children  
 3040 regularly congregate is subsequently established within 1,000  
 3041 feet of his or her residence.

3042 (c) Active participation in and successful completion of a  
 3043 sex offender treatment program with qualified practitioners  
 3044 specifically trained to treat sex offenders, at the  
 3045 probationer's or community controllee's own expense. If a  
 3046 qualified practitioner is not available within a 50-mile radius  
 3047 of the probationer's or community controllee's residence, the  
 3048 offender shall participate in other appropriate therapy.

3049 (d) A prohibition on any contact with the victim, directly  
 3050 or indirectly, including through a third person, unless approved

3051 by the victim, a qualified practitioner in the sexual offender  
 3052 treatment program, and the sentencing court.

3053 (e) If the victim was under the age of 18, a prohibition  
 3054 on contact with a child under the age of 18 except as provided  
 3055 in this paragraph. The court may approve supervised contact with  
 3056 a child under the age of 18 if the approval is based upon a  
 3057 recommendation for contact issued by a qualified practitioner  
 3058 who is basing the recommendation on a risk assessment. Further,  
 3059 the sex offender must be currently enrolled in or have  
 3060 successfully completed a sex offender therapy program. The court  
 3061 may not grant supervised contact with a child if the contact is  
 3062 not recommended by a qualified practitioner and may deny  
 3063 supervised contact with a child at any time. When considering  
 3064 whether to approve supervised contact with a child, the court  
 3065 must review and consider the following:

3066 1. A risk assessment completed by a qualified  
 3067 practitioner. The qualified practitioner must prepare a written  
 3068 report that must include the findings of the assessment and  
 3069 address each of the following components:

- 3070 a. The sex offender's current legal status;
- 3071 b. The sex offender's history of adult charges with  
 3072 apparent sexual motivation;
- 3073 c. The sex offender's history of adult charges without  
 3074 apparent sexual motivation;
- 3075 d. The sex offender's history of juvenile charges,

3076 whenever available;

3077 e. The sex offender's offender treatment history,

3078 including consultations with the sex offender's treating, or

3079 most recent treating, therapist;

3080 f. The sex offender's current mental status;

3081 g. The sex offender's mental health and substance abuse

3082 treatment history as provided by the Department of Corrections;

3083 h. The sex offender's personal, social, educational, and

3084 work history;

3085 i. The results of current psychological testing of the sex

3086 offender if determined necessary by the qualified practitioner;

3087 j. A description of the proposed contact, including the

3088 location, frequency, duration, and supervisory arrangement;

3089 k. The child's preference and relative comfort level with

3090 the proposed contact, when age appropriate;

3091 l. The parent's or legal guardian's preference regarding

3092 the proposed contact; and

3093 m. The qualified practitioner's opinion, along with the

3094 basis for that opinion, as to whether the proposed contact would

3095 likely pose significant risk of emotional or physical harm to

3096 the child.

3097

3098 The written report of the assessment must be given to the court;

3099 2. A recommendation made as a part of the risk assessment

3100 report as to whether supervised contact with the child should be

3101 approved;

3102 3. A written consent signed by the child's parent or legal  
 3103 guardian, if the parent or legal guardian is not the sex  
 3104 offender, agreeing to the sex offender having supervised contact  
 3105 with the child after receiving full disclosure of the sex  
 3106 offender's present legal status, past criminal history, and the  
 3107 results of the risk assessment. The court may not approve  
 3108 contact with the child if the parent or legal guardian refuses  
 3109 to give written consent for supervised contact;

3110 4. A safety plan prepared by the qualified practitioner,  
 3111 who provides treatment to the offender, in collaboration with  
 3112 the sex offender, the child's parent or legal guardian, if the  
 3113 parent or legal guardian is not the sex offender, and the child,  
 3114 when age appropriate, which details the acceptable conditions of  
 3115 contact between the sex offender and the child. The safety plan  
 3116 must be reviewed and approved by the court; and

3117 5. Evidence that the child's parent or legal guardian  
 3118 understands the need for and agrees to the safety plan and has  
 3119 agreed to provide, or to designate another adult to provide,  
 3120 constant supervision any time the child is in contact with the  
 3121 offender.

3122  
 3123 The court may not appoint a person to conduct a risk assessment  
 3124 and may not accept a risk assessment from a person who has not  
 3125 demonstrated to the court that he or she has met the

3126 requirements of a qualified practitioner as defined in this  
3127 section.

3128 (f) If the victim was under age 18, a prohibition on  
3129 working for pay or as a volunteer at any place where children  
3130 regularly congregate, including, but not limited to, schools,  
3131 child care facilities, parks, playgrounds, pet stores,  
3132 libraries, zoos, theme parks, and malls.

3133 (g) Unless otherwise indicated in the treatment plan  
3134 provided by a qualified practitioner in the sexual offender  
3135 treatment program, a prohibition on viewing, accessing, owning,  
3136 or possessing any obscene, pornographic, or sexually stimulating  
3137 visual or auditory material, including telephone, electronic  
3138 media, computer programs, or computer services that are relevant  
3139 to the offender's deviant behavior pattern.

3140 (h) Effective for probationers and community controllees  
3141 whose crime is committed on or after July 1, 2005, a prohibition  
3142 on accessing the Internet or other computer services until a  
3143 qualified practitioner in the offender's sex offender treatment  
3144 program, after a risk assessment is completed, approves and  
3145 implements a safety plan for the offender's accessing or using  
3146 the Internet or other computer services.

3147 (i) A requirement that the probationer or community  
3148 controllee must submit a specimen of blood or other approved  
3149 biological specimen to the Department of Law Enforcement to be  
3150 registered with the DNA data bank.

3151 (j) A requirement that the probationer or community  
 3152 controllee make restitution to the victim, as ordered by the  
 3153 court under s. 775.089, for all necessary medical and related  
 3154 professional services relating to physical, psychiatric, and  
 3155 psychological care.

3156 (k) Submission to a warrantless search by the community  
 3157 control or probation officer of the probationer's or community  
 3158 controllee's person, residence, or vehicle.

3159 (2) Effective for a probationer or community controllee  
 3160 whose crime was committed on or after October 1, 1997, and who  
 3161 is placed on community control or sex offender probation for a  
 3162 violation of chapter 794, s. 800.04, former s. 827.071, s.  
 3163 847.0135(5), or s. 847.0145, in addition to any other provision  
 3164 of this section, the court must impose the following conditions  
 3165 of probation or community control:

3166 (a) As part of a treatment program, participation at least  
 3167 annually in polygraph examinations to obtain information  
 3168 necessary for risk management and treatment and to reduce the  
 3169 sex offender's denial mechanisms. A polygraph examination must  
 3170 be conducted by a polygrapher who is a member of a national or  
 3171 state polygraph association and who is certified as a  
 3172 postconviction sex offender polygrapher, where available, and  
 3173 shall be paid for by the probationer or community controllee.  
 3174 The results of the polygraph examination shall be provided to  
 3175 the probationer's or community controllee's probation officer

3176 and qualified practitioner and shall not be used as evidence in  
 3177 court to prove that a violation of community supervision has  
 3178 occurred.

3179 (b) Maintenance of a driving log and a prohibition against  
 3180 driving a motor vehicle alone without the prior approval of the  
 3181 supervising officer.

3182 (c) A prohibition against obtaining or using a post office  
 3183 box without the prior approval of the supervising officer.

3184 (d) If there was sexual contact, a submission to, at the  
 3185 probationer's or community controllee's expense, an HIV test  
 3186 with the results to be released to the victim or the victim's  
 3187 parent or guardian.

3188 (e) Electronic monitoring when deemed necessary by the  
 3189 community control or probation officer and his or her  
 3190 supervisor, and ordered by the court at the recommendation of  
 3191 the Department of Corrections.

3192 (3) Effective for a probationer or community controllee  
 3193 whose crime was committed on or after September 1, 2005, and  
 3194 who:

3195 (a) Is placed on probation or community control for a  
 3196 violation of chapter 794, s. 800.04(4), (5), or (6), former s.  
 3197 827.071, or s. 847.0145 and the unlawful sexual activity  
 3198 involved a victim 15 years of age or younger and the offender is  
 3199 18 years of age or older;

3200 (c) Has previously been convicted of a violation of



3201 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.  
 3202 847.0145 and the unlawful sexual activity involved a victim 15  
 3203 years of age or younger and the offender is 18 years of age or  
 3204 older,

3205  
 3206 the court must order, in addition to any other provision of this  
 3207 section, mandatory electronic monitoring as a condition of the  
 3208 probation or community control supervision.

3209 (5) Effective for a probationer or community controllee  
 3210 whose crime was committed on or after October 1, 2014, and who  
 3211 is placed on probation or community control for a violation of  
 3212 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.  
 3213 847.0145, in addition to all other conditions imposed, the court  
 3214 must impose a condition prohibiting the probationer or community  
 3215 controllee from viewing, accessing, owning, or possessing any  
 3216 obscene, pornographic, or sexually stimulating visual or  
 3217 auditory material unless otherwise indicated in the treatment  
 3218 plan provided by a qualified practitioner in the sexual offender  
 3219 treatment program. Visual or auditory material includes, but is  
 3220 not limited to, telephone, electronic media, computer programs,  
 3221 and computer services.

3222 (6) Effective for a probationer or community controllee  
 3223 whose crime was committed on or after October 1, 2018, and who  
 3224 is placed under supervision for violation of s. 847.003 or s.  
 3225 847.0137(2), the court must impose the conditions specified in

3226 subsections (1)-(5) in addition to all other standard and  
 3227 special conditions imposed.

3228 Section 54. Subsection (1) of section 948.32, Florida  
 3229 Statutes, is amended to read:

3230 948.32 Requirements of law enforcement agency upon arrest  
 3231 of persons for certain sex offenses.—

3232 (1) When any state or local law enforcement agency  
 3233 investigates or arrests a person for committing, or attempting,  
 3234 soliciting, or conspiring to commit, a violation of s.  
 3235 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,  
 3236 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.  
 3237 847.0135, 847.0137(2), or s. 847.0145, the law enforcement  
 3238 agency shall contact the Department of Corrections to verify  
 3239 whether the person under investigation or under arrest is on  
 3240 probation, community control, parole, conditional release, or  
 3241 control release.

3242 Section 55. Paragraph (e) of subsection (3) and subsection  
 3243 (10) of section 960.03, Florida Statutes, are amended to read:

3244 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
 3245 960.01-960.28, unless the context otherwise requires, the term:

3246 (3) "Crime" means:

3247 (e) A violation of former s. 827.071, s. 847.003, s.  
 3248 847.0135, s. 847.0137, or s. 847.0138, related to online sexual  
 3249 exploitation and child pornography.

3250 (10) "Identified victim of child pornography" means any

3251 person who, while under the age of 18, is depicted in any visual  
 3252 depiction ~~image or movie~~ of child pornography, as defined in s.  
 3253 847.0137, and who is identified through a report generated by a  
 3254 law enforcement agency and provided to the National Center for  
 3255 Missing and Exploited Children's Child Victim Identification  
 3256 Program.

3257 Section 56. Section 960.197, Florida Statutes, is amended  
 3258 to read:

3259 960.197 Assistance to victims of online sexual  
 3260 exploitation and child pornography.—

3261 (1) Notwithstanding the criteria set forth in s. 960.13  
 3262 for crime victim compensation awards, the department may award  
 3263 compensation for counseling and other mental health services to  
 3264 treat psychological injury or trauma to:

3265 (a) A child younger than 18 years of age who suffers  
 3266 psychiatric or psychological injury as a direct result of online  
 3267 sexual exploitation under former ~~any provision of~~ s. 827.071, s.  
 3268 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does  
 3269 not otherwise sustain a personal injury or death; or

3270 (b) Any person who, while younger than age 18, was  
 3271 depicted in any visual depiction ~~image or movie, regardless of~~  
 3272 ~~length~~, of child pornography as defined in s. 847.0137 ~~847.001~~,  
 3273 who has been identified by a law enforcement agency or the  
 3274 National Center for Missing and Exploited Children as an  
 3275 identified victim of child pornography, who suffers psychiatric

3276 or psychological injury as a direct result of the crime, and who  
 3277 does not otherwise sustain a personal injury or death.

3278 (2) Compensation under this section is not contingent upon  
 3279 pursuit of a criminal investigation or prosecution.

3280 Section 57. Paragraph (d) of subsection (4) of section  
 3281 985.04, Florida Statutes, is amended to read:

3282 985.04 Oaths; records; confidential information.—

3283 (4)

3284 (d) The department shall disclose to the school  
 3285 superintendent the presence of any child in the care and custody  
 3286 or under the jurisdiction or supervision of the department who  
 3287 has a known history of criminal sexual behavior with other  
 3288 juveniles; is alleged to have committed juvenile sexual abuse as  
 3289 defined in s. 39.01; or has pled guilty or nolo contendere to,  
 3290 or has been found to have committed, a violation of chapter 794,  
 3291 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.  
 3292 847.0133, s. 847.0135(5), or s. 847.0137, regardless of  
 3293 adjudication. Any employee of a district school board who  
 3294 knowingly and willfully discloses such information to an  
 3295 unauthorized person commits a misdemeanor of the second degree,  
 3296 punishable as provided in s. 775.082 or s. 775.083.

3297 Section 58. Paragraph (a) of subsection (1) of section  
 3298 985.475, Florida Statutes, is amended to read:

3299 985.475 Juvenile sexual offenders.—

3300 (1) CRITERIA.—A "juvenile sexual offender" means:

3301 (a) A juvenile who has been found by the court under s.  
 3302 985.35 to have committed a violation of chapter 794, chapter  
 3303 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,  
 3304 or s. 847.0137(2);

3305 Section 59. Paragraphs (mm) and (oo) of subsection (1) of  
 3306 section 1012.315, Florida Statutes, are amended to read:

3307 1012.315 Disqualification from employment.—A person is  
 3308 ineligible for educator certification, and instructional  
 3309 personnel and school administrators, as defined in s. 1012.01,  
 3310 are ineligible for employment in any position that requires  
 3311 direct contact with students in a district school system,  
 3312 charter school, or private school that accepts scholarship  
 3313 students under s. 1002.39 or s. 1002.395, if the person,  
 3314 instructional personnel, or school administrator has been  
 3315 convicted of:

3316 (1) Any felony offense prohibited under any of the  
 3317 following statutes:

3318 (mm) Former s. Section ~~827.071~~, relating to sexual  
 3319 performance by a child.

3320 (oo) Chapter 847, relating to obscenity and child  
 3321 exploitation.

3322 Section 60. Paragraphs (e), (f), and (h) of subsection (3)  
 3323 of section 921.0022, Florida Statutes, are amended to read:

3324 921.0022 Criminal Punishment Code; offense severity  
 3325 ranking chart.—

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| 3326 | (3)                | OFFENSE SEVERITY | RANKING CHART  |
|------|--------------------|------------------|--|
| 3327 | (e)                | LEVEL 5          |  |
| 3328 |                    |                  |  |
| 3329 | Florida Statute    | Felony Degree    | Description  |
| 3330 | 316.027 (2) (a)    | 3rd              | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.  |
| 3331 | 316.1935 (4) (a)   | 2nd              | Aggravated fleeing or eluding.   |
| 3332 | 316.80 (2)         | 2nd              | Unlawful conveyance of fuel; obtaining fuel fraudulently.  |
| 3333 | 322.34 (6)         | 3rd              | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 3334 | 327.30 (5)         | 3rd              | Vessel accidents involving personal injury; leaving scene.   |
|      | 379.365 (2) (c) 1. | 3rd              | Violation of rules relating to:  |

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

3335

379.367 (4)

3rd

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

3336

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

3337

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| 3338 | 381.0041 (11) (b)  | 3rd | Donate blood, plasma, or organs knowing HIV positive.   |
| 3339 | 440.10 (1) (g)     | 2nd | Failure to obtain workers' compensation coverage.   |
| 3340 | 440.105 (5)        | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims.   |
| 3341 | 440.381 (2)        | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 3342 | 624.401 (4) (b) 2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.               |
| 3343 | 626.902 (1) (c)    | 2nd | Representing an unauthorized insurer; repeat offender.  |
|      | 790.01 (2)         | 3rd | Carrying a concealed firearm.   |



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| 3344 | 790.162        | 2nd | Threat to throw or discharge destructive device.   |
| 3345 | 790.163 (1)    | 2nd | False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner. |
| 3346 | 790.221 (1)    | 2nd | Possession of short-barreled shotgun or machine gun.   |
| 3347 | 790.23         | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices.                    |
| 3348 | 796.05 (1)     | 2nd | Live on earnings of a prostitute; 1st offense.   |
| 3349 | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years of age.                                    |
| 3350 | 800.04 (7) (b) | 2nd | Lewd or lascivious exhibition; offender 18 years of age or   |

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| 3351 | 806.111 (1)        | 3rd | older.<br>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 3352 | 812.0145 (2) (b)   | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.                   |
| 3353 | 812.015 (8)        | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts.               |
| 3354 | 812.019 (1)        | 2nd | Stolen property; dealing in or trafficking in.   |
| 3355 | 812.131 (2) (b)    | 3rd | Robbery by sudden snatching.   |
| 3356 | 812.16 (2)         | 3rd | Owning, operating, or conducting a chop shop.  |
| 3357 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000.  |

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| 3358 | 817.234 (11) (b)                       | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000.   |
| 3359 | 817.2341 (1) ,<br>(2) (a) &<br>(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.  |
| 3360 | 817.568 (2) (b)                        | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons. |
| 3361 | 817.611 (2) (a)                        | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents.  |

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| 3362 | 817.625 (2) (b)        | 2nd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.  |
| 3363 | 825.1025 (4)           | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.   |
| 3364 | <del>827.071 (4)</del> | 2nd | <del>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</del>          |
| 3365 | <del>827.071 (5)</del> | 3rd | <del>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</del> |
| 3366 | 839.13 (2) (b)         | 2nd | Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or                                  |

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| 3367 |  |            | death.   |
|      | 843.01   | 3rd        | Resist officer with violence to person; resist arrest with violence.                     |
| 3368 |  |            |  |
|      | 847.0135 (5) (b)   | 2nd        | Lewd or lascivious exhibition using computer; offender 18 years or older.                |
| 3369 |  |            |  |
|      | <u>847.0137 (2) (a)</u>  | <u>2nd</u> | <u>Possess child pornography with intent to promote.</u>                                 |
| 3370 |  |            |  |
|      | <u>847.0137 (2) (b)</u>  | <u>3rd</u> | <u>Possess, control, or intentionally view child pornography.</u>                        |
| 3371 |  |            |  |
|      | <u>847.0137 (3)</u><br><del>847.0137</del><br><del>(2) &amp; (3)</del> | 3rd        | Transmission of <u>child</u> pornography by electronic device or equipment.              |
| 3372 |  |            |  |
|      | 847.0138<br>(2) & (3)  | 3rd        | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 3373 |  |            |  |

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| 3374 | 874.05 (1) (b)    | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense.   |
| 3375 | 874.05 (2) (a)    | 2nd | Encouraging or recruiting person under 13 years of age to join a criminal gang.  |
| 3376 | 893.13 (1) (a) 1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).   |
|      | 893.13 (1) (c) 2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned |

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|------|----------------|-----|---|
| 3377 | 893.13(1)(d)1. | 1st | <p>recreational facility or<br/>community center.</p> <p>Sell, manufacture, or deliver<br/>cocaine (or other s.<br/>893.03(1)(a), (1)(b), (1)(d),<br/>(2)(a), (2)(b), or (2)(c)4.<br/>drugs) within 1,000 feet of<br/>university.</p>   |
| 3378 | 893.13(1)(e)2. | 2nd | <p>Sell, manufacture, or deliver<br/>cannabis or other drug<br/>prohibited under s.<br/>893.03(1)(c), (2)(c)1.,<br/>(2)(c)2., (2)(c)3., (2)(c)5.,<br/>(2)(c)6., (2)(c)7., (2)(c)8.,<br/>(2)(c)9., (3), or (4) within<br/>1,000 feet of property used for<br/>religious services or a<br/>specified business site.</p> |
| 3379 | 893.13(1)(f)1. | 1st | <p>Sell, manufacture, or deliver<br/>cocaine (or other s.<br/>893.03(1)(a), (1)(b), (1)(d),<br/>or (2)(a), (2)(b), or (2)(c)4.</p>  |

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| 3380 |                  |               | drugs) within 1,000 feet of public housing facility.                                     |
| 3381 | 893.13 (4) (b)   | 2nd           | Use or hire of minor; deliver to minor other controlled substance.                       |
| 3382 |                  |               |  |
| 3383 | 893.1351 (1)     | 3rd           | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance. |
| 3384 | (f) LEVEL 6      |               |  |
| 3385 | Florida Statute  | Felony Degree | Description  |
| 3386 | 316.027 (2) (b)  | 2nd           | Leaving the scene of a crash involving serious bodily injury.                            |
| 3387 | 316.193 (2) (b)  | 3rd           | Felony DUI, 4th or subsequent conviction.  |
|      | 400.9935 (4) (c) | 2nd           | Operating a clinic, or offering services requiring licensure,                            |



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| 3388 |                 |     | without a license.   |
|      | 499.0051 (2)    | 2nd | Knowing forgery of transaction history, transaction information, or transaction statement. |
| 3389 |                 |     |  |
|      | 499.0051 (3)    | 2nd | Knowing purchase or receipt of prescription drug from unauthorized person.                 |
| 3390 |                 |     |  |
|      | 499.0051 (4)    | 2nd | Knowing sale or transfer of prescription drug to unauthorized person.                      |
| 3391 |                 |     |  |
|      | 775.0875 (1)    | 3rd | Taking firearm from law enforcement officer.   |
| 3392 |                 |     |  |
|      | 784.021 (1) (a) | 3rd | Aggravated assault; deadly weapon without intent to kill.                                  |
| 3393 |                 |     |  |
|      | 784.021 (1) (b) | 3rd | Aggravated assault; intent to commit felony.   |
| 3394 |                 |     |  |
|      | 784.041         | 3rd | Felony battery; domestic   |

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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|      |                 |     | battery by strangulation.   |
| 3395 | 784.048 (3)     | 3rd | Aggravated stalking; credible threat.                               |
| 3396 | 784.048 (5)     | 3rd | Aggravated stalking of person under 16.                             |
| 3397 | 784.07 (2) (c)  | 2nd | Aggravated assault on law enforcement officer.                      |
| 3398 | 784.074 (1) (b) | 2nd | Aggravated assault on sexually violent predators facility staff.    |
| 3399 | 784.08 (2) (b)  | 2nd | Aggravated assault on a person 65 years of age or older.            |
| 3400 | 784.081 (2)     | 2nd | Aggravated assault on specified official or employee.               |
| 3401 | 784.082 (2)     | 2nd | Aggravated assault by detained person on visitor or other detainee. |
| 3402 |                 |     |   |

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| 3403 | 784.083 (2)     | 2nd | Aggravated assault on code inspector.  |
| 3404 | 787.02 (2)      | 3rd | False imprisonment; restraining with purpose other than those in s. 787.01.  |
| 3405 | 790.115 (2) (d) | 2nd | Discharging firearm or weapon on school property.  |
| 3406 | 790.161 (2)     | 2nd | Make, possess, or throw destructive device with intent to do bodily harm or damage property.   |
| 3407 | 790.164 (1)     | 2nd | False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner. |
|      | 790.19          | 2nd | Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.   |

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| 3408 | 794.011 (8) (a) | 3rd | Solicitation of minor to participate in sexual activity by custodial adult.   |
| 3409 | 794.05 (1)      | 2nd | Unlawful sexual activity with specified minor.  |
| 3410 | 800.04 (5) (d)  | 3rd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years. |
| 3411 | 800.04 (6) (b)  | 2nd | Lewd or lascivious conduct; offender 18 years of age or older.  |
| 3412 | 806.031 (2)     | 2nd | Arson resulting in great bodily harm to firefighter or any other person.  |
| 3413 | 810.02 (3) (c)  | 2nd | Burglary of occupied structure; unarmed; no assault or battery.   |
| 3414 | 810.145 (8) (b) | 2nd | Video voyeurism; certain minor  |

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|      |                    |     | victims; 2nd or subsequent offense.   |
| 3415 | 812.014 (2) (b) 1. | 2nd | Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree. |
| 3416 | 812.014 (6)        | 2nd | Theft; property stolen \$3,000 or more; coordination of others.                       |
| 3417 | 812.015 (9) (a)    | 2nd | Retail theft; property stolen \$300 or more; second or subsequent conviction.         |
| 3418 | 812.015 (9) (b)    | 2nd | Retail theft; property stolen \$3,000 or more; coordination of others.                |
| 3419 | 812.13 (2) (c)     | 2nd | Robbery, no firearm or other weapon (strong-arm robbery).                             |
| 3420 | 817.4821 (5)       | 2nd | Possess cloning paraphernalia with intent to create cloned cellular telephones.       |

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| 3421 | 817.505 (4) (b)                  | 2nd | Patient brokering; 10 or more patients.  |
| 3422 | 825.102 (1)                      | 3rd | Abuse of an elderly person or disabled adult.  |
| 3423 | 825.102 (3) (c)                  | 3rd | Neglect of an elderly person or disabled adult.  |
| 3424 | 825.1025 (3)                     | 3rd | Lewd or lascivious molestation of an elderly person or disabled adult.                           |
| 3425 | 825.103 (3) (c)                  | 3rd | Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.     |
| 3426 | 827.03 (2) (c)                   | 3rd | Abuse of a child.  |
| 3427 | 827.03 (2) (d)                   | 3rd | Neglect of a child.  |
| 3428 | <del>827.071 (2) &amp; (3)</del> | 2nd | <del>Use or induce a child in a sexual performance, or promote or direct such performance.</del> |

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| 3429 | 836.05         | 2nd        | Threats; extortion.  |
| 3430 | 836.10         | 2nd        | Written threats to kill or do<br>bodily injury.  |
| 3431 | 843.12         | 3rd        | Aids or assists person to<br>escape.   |
| 3432 | <u>847.003</u> | <u>2nd</u> | <u>Use or induce a child in a<br/>sexual performance, or promote<br/>or direct such performance.</u>                       |
| 3433 | 847.011        | 3rd        | Distributing, offering to<br>distribute, or possessing with<br>intent to distribute obscene<br>materials depicting minors. |
| 3434 | 847.012        | 3rd        | Knowingly using a minor in the<br>production of materials harmful<br>to minors.  |
| 3435 | 847.0135(2)    | 3rd        | Facilitates sexual conduct of<br>or with a minor or the visual<br>depiction of such conduct.                               |

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| 3436 | 914.23            | 2nd | Retaliation against a witness, victim, or informant, with bodily injury.  |
| 3437 | 944.35 (3) (a) 2. | 3rd | Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm. |
| 3438 | 944.40            | 2nd | Escapes.  |
| 3439 | 944.46            | 3rd | Harboring, concealing, aiding escaped prisoners.  |
| 3440 | 944.47 (1) (a) 5. | 2nd | Introduction of contraband (firearm, weapon, or explosive) into correctional facility.  |
| 3441 | 951.22 (1)        | 3rd | Intoxicating drug, firearm, or weapon introduced into county facility.  |
| 3442 |                   |     |   |



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|------|--------------------|--------|--|
| 3443 | (h) LEVEL 8        |        |  |
| 3444 | Florida            | Felony |  |
|      | Statute            | Degree | Description  |
| 3445 | 316.193            | 2nd    | DUI manslaughter.  |
|      | (3) (c) 3.a.       |        |  |
| 3446 | 316.1935 (4) (b)   | 1st    | Aggravated fleeing or attempted eluding with serious bodily injury or death.                                       |
| 3447 | 327.35 (3) (c) 3.  | 2nd    | Vessel BUI manslaughter.   |
| 3448 | 499.0051 (6)       | 1st    | Knowing trafficking in contraband prescription drugs.  |
| 3449 | 499.0051 (7)       | 1st    | Knowing forgery of prescription labels or prescription drug labels.  |
| 3450 | 560.123 (8) (b) 2. | 2nd    | Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money |

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|------|--------------------|-----|---|
| 3451 | 560.125 (5) (b)    | 2nd | <p>transmitter.</p> <p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>  |
| 3452 | 655.50 (10) (b) 2. | 2nd | <p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>  |
| 3453 | 777.03 (2) (a)     | 1st | <p>Accessory after the fact, capital felony.</p>  |
| 3454 | 782.04 (4)         | 2nd | <p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or</p> |

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| 3455 |                   |     | unlawfully discharging bomb.   |
|      | 782.051 (2)       | 1st | Attempted felony murder while<br>perpetrating or attempting to<br>perpetrate a felony not<br>enumerated in s. 782.04(3). |
| 3456 |                   |     |  |
|      | 782.071 (1) (b)   | 1st | Committing vehicular homicide<br>and failing to render aid or<br>give information.                                       |
| 3457 |                   |     |  |
|      | 782.072 (2)       | 1st | Committing vessel homicide and<br>failing to render aid or give<br>information.  |
| 3458 |                   |     |  |
|      | 787.06 (3) (a) 1. | 1st | Human trafficking for labor and<br>services of a child.  |
| 3459 |                   |     |  |
|      | 787.06 (3) (b)    | 1st | Human trafficking using<br>coercion for commercial sexual<br>activity of an adult.                                       |
| 3460 |                   |     |  |
|      | 787.06 (3) (c) 2. | 1st | Human trafficking using<br>coercion for labor and services<br>of an unauthorized alien adult.                            |

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3461 | 787.06(3)(e)1. 1st Human trafficking for labor and  
 services by the transfer or  
 transport of a child from  
 outside Florida to within the  
 state.

3462 | 787.06(3)(f)2. 1st Human trafficking using  
 coercion for commercial sexual  
 activity by the transfer or  
 transport of any adult from  
 outside Florida to within the  
 state.

3463 | 790.161(3) 1st Discharging a destructive  
 device which results in bodily  
 harm or property damage.

3464 | 794.011(5)(a) 1st Sexual battery; victim 12 years  
 of age or older but younger  
 than 18 years; offender 18  
 years or older; offender does  
 not use physical force likely  
 to cause serious injury.

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| 3466 | 794.011 (5) (b) | 2nd | Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.                                |
| 3467 | 794.011 (5) (c) | 2nd | Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.                     |
| 3468 | 794.011 (5) (d) | 1st | Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense. |
| 3469 | 794.08 (3)      | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this state.  |
|      | 800.04 (4) (b)  | 2nd | Lewd or lascivious battery.   |

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| 3470 | 800.04 (4) (c)     | 1st      | Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense. |
| 3471 | 806.01 (1)         | 1st      | Maliciously damage dwelling or structure by fire or explosive, believing person in structure.              |
| 3472 | 810.02 (2) (a)     | 1st, PBL | Burglary with assault or battery.  |
| 3473 | 810.02 (2) (b)     | 1st, PBL | Burglary; armed with explosives or dangerous weapon.   |
| 3474 | 810.02 (2) (c)     | 1st      | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.          |
| 3475 | 812.014 (2) (a) 2. | 1st      | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.                              |
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| 3477 | 812.13 (2) (b)     | 1st | Robbery with a weapon.   |
| 3478 | 812.135 (2) (c)    | 1st | Home-invasion robbery, no<br>firearm, deadly weapon, or<br>other weapon.                                   |
| 3479 | 817.505 (4) (c)    | 1st | Patient brokering; 20 or more<br>patients.   |
| 3480 | 817.535 (2) (b)    | 2nd | Filing false lien or other<br>unauthorized document; second<br>or subsequent offense.                      |
| 3481 | 817.535 (3) (a)    | 2nd | Filing false lien or other<br>unauthorized document; property<br>owner is a public officer or<br>employee. |
| 3482 | 817.535 (4) (a) 1. | 2nd | Filing false lien or other<br>unauthorized document;<br>defendant is incarcerated or<br>under supervision. |
|      | 817.535 (5) (a)    | 2nd | Filing false lien or other<br>unauthorized document; owner of  |

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|------|-----------------|-----|---|
| 3483 |                 |     | the property incurs financial loss as a result of the false instrument.                     |
|      | 817.568 (6)     | 2nd | Fraudulent use of personal identification information of an individual under the age of 18. |
| 3484 |                 |     |   |
|      | 817.611 (2) (c) | 1st | Traffic in or possess 50 or more counterfeit credit cards or related documents.             |
| 3485 |                 |     |   |
|      | 825.102 (2)     | 1st | Aggravated abuse of an elderly person or disabled adult.                                    |
| 3486 |                 |     |   |
|      | 825.1025 (2)    | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult.                        |
| 3487 |                 |     |   |
|      | 825.103 (3) (a) | 1st | Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.  |
| 3488 |                 |     |   |
|      | 837.02 (2)      | 2nd | Perjury in official proceedings   |



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|      |                     |            |  |
|------|---------------------|------------|--|
| 3489 | 837.021 (2)         | 2nd        | relating to prosecution of a capital felony.   |
| 3490 | <u>847.0135 (3)</u> | <u>2nd</u> | <u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u> |
| 3491 | 860.121 (2) (c)     | 1st        | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.                         |
| 3492 | 860.16              | 1st        | Aircraft piracy.   |
| 3493 | 893.13 (1) (b)      | 1st        | Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .                          |
| 3494 |                     |            |  |

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|      |                      |     |   |
|------|----------------------|-----|---|
| 3495 | 893.13 (2) (b)       | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b). |
| 3496 | 893.13 (6) (c)       | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).  |
| 3497 | 893.135 (1) (a) 2.   | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.                  |
| 3498 | 893.135 (1) (b) 1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams.                     |
| 3499 | 893.135 (1) (c) 1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams.                 |
| 3500 | 893.135 (1) (c) 2.c. | 1st | Trafficking in hydrocodone, 50 grams or more, less than 200 grams.                    |
|      | 893.135              | 1st | Trafficking in oxycodone, 25  |

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|      |                   |     |   |
|------|-------------------|-----|---|
| 3501 | (1) (c) 3.c.      |     | grams or more, less than 100 grams.                                       |
|      | 893.135           | 1st | Trafficking in fentanyl, 14 grams or more, less than 28 grams.            |
| 3502 | (1) (c) 4.b. (II) |     |   |
|      | 893.135           | 1st | Trafficking in phencyclidine, 200 grams or more, less than 400 grams.     |
| 3503 | (1) (d) 1.b.      |     |   |
|      | 893.135           | 1st | Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms. |
| 3504 | (1) (e) 1.b.      |     |   |
|      | 893.135           | 1st | Trafficking in amphetamine, 28 grams or more, less than 200 grams.        |
| 3505 | (1) (f) 1.b.      |     |   |
|      | 893.135           | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.       |
| 3506 | (1) (g) 1.b.      |     |   |
|      | 893.135           | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 5                         |
|      | (1) (h) 1.b.      |     |   |

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|      |                         |     |  |
|------|-------------------------|-----|--|
|      |                         |     | kilograms or more, less than 10 kilograms.   |
| 3507 | 893.135<br>(1) (j) 1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.                            |
| 3508 | 893.135<br>(1) (k) 2.b. | 1st | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.                                |
| 3509 | 893.135<br>(1) (m) 2.c. | 1st | Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.                    |
| 3510 | 893.135<br>(1) (n) 2.b. | 1st | Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.                       |
| 3511 | 893.1351 (3)            | 1st | Possession of a place used to manufacture controlled substance when minor is present or resides there. |
| 3512 | 895.03 (1)              | 1st | Use or invest proceeds derived   |

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|      |   |     |  |
|------|---|-----|--|
| 3513 | 895.03 (2)  | 1st | from pattern of racketeering activity.   |
| 3514 | 895.03 (3)  | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.   |
| 3515 | 896.101 (5) (b)   | 2nd | Conduct or participate in any enterprise through pattern of racketeering activity.   |
| 3516 | 896.104 (4) (a) 2.  | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.  |
| 3517 |   |     | Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000. |
| 3518 | Section 61. <u>The Division of Law Revision and Information</u> |     |  |

3519 is directed to rename chapter 847, Florida Statutes, as  
 3520 "Obscenity; Child Exploitation."

3521 Section 62. For the purpose of incorporating the amendment  
 3522 made by this act to section 39.0139, Florida Statutes, in a  
 3523 reference thereto, paragraph (a) of subsection (9) of section  
 3524 39.402, Florida Statutes, is reenacted to read:

3525 39.402 Placement in a shelter.—

3526 (9) (a) At any shelter hearing, the department shall  
 3527 provide to the court a recommendation for scheduled contact  
 3528 between the child and parents, if appropriate. The court shall  
 3529 determine visitation rights absent a clear and convincing  
 3530 showing that visitation is not in the best interest of the  
 3531 child. Any order for visitation or other contact must conform to  
 3532 s. 39.0139. If visitation is ordered but will not commence  
 3533 within 72 hours of the shelter hearing, the department shall  
 3534 provide justification to the court.

3535 Section 63. For the purpose of incorporating the amendment  
 3536 made by this act to section 39.0139, Florida Statutes, in a  
 3537 reference thereto, subsection (6) of section 39.506, Florida  
 3538 Statutes, is reenacted to read:

3539 39.506 Arraignment hearings.—

3540 (6) At any arraignment hearing, if the child is in an out-  
 3541 of-home placement, the court shall order visitation rights  
 3542 absent a clear and convincing showing that visitation is not in  
 3543 the best interest of the child. Any order for visitation or

3544 other contact must conform to the provisions of s. 39.0139.

3545 Section 64. For the purpose of incorporating the amendment  
 3546 made by this act to section 775.21, Florida Statutes, in a  
 3547 reference thereto, paragraph (b) of subsection (6) of section  
 3548 39.509, Florida Statutes, is reenacted to read:

3549 39.509 Grandparents rights.—Notwithstanding any other  
 3550 provision of law, a maternal or paternal grandparent as well as  
 3551 a stepgrandparent is entitled to reasonable visitation with his  
 3552 or her grandchild who has been adjudicated a dependent child and  
 3553 taken from the physical custody of the parent unless the court  
 3554 finds that such visitation is not in the best interest of the  
 3555 child or that such visitation would interfere with the goals of  
 3556 the case plan. Reasonable visitation may be unsupervised and,  
 3557 where appropriate and feasible, may be frequent and continuing.  
 3558 Any order for visitation or other contact must conform to the  
 3559 provisions of s. 39.0139.

3560 (6) In determining whether grandparental visitation is not  
 3561 in the child's best interest, consideration may be given to the  
 3562 following:

3563 (b) The designation by a court as a sexual predator as  
 3564 defined in s. 775.21 or a substantially similar designation  
 3565 under laws of another jurisdiction.

3566 Section 65. For the purpose of incorporating the amendment  
 3567 made by this act to section 39.0139, Florida Statutes, in a  
 3568 reference thereto, paragraph (d) of subsection (3) of section

3569 | 39.521, Florida Statutes, is reenacted to read:

3570 |       39.521 Disposition hearings; powers of disposition.—

3571 |       (3) When any child is adjudicated by a court to be  
 3572 | dependent, the court shall determine the appropriate placement  
 3573 | for the child as follows:

3574 |       (d) If the child cannot be safely placed in a nonlicensed  
 3575 | placement, the court shall commit the child to the temporary  
 3576 | legal custody of the department. Such commitment invests in the  
 3577 | department all rights and responsibilities of a legal custodian.  
 3578 | The department shall not return any child to the physical care  
 3579 | and custody of the person from whom the child was removed,  
 3580 | except for court-approved visitation periods, without the  
 3581 | approval of the court. Any order for visitation or other contact  
 3582 | must conform to the provisions of s. 39.0139. The term of such  
 3583 | commitment continues until terminated by the court or until the  
 3584 | child reaches the age of 18. After the child is committed to the  
 3585 | temporary legal custody of the department, all further  
 3586 | proceedings under this section are governed by this chapter.

3587 |  
 3588 | Protective supervision continues until the court terminates it  
 3589 | or until the child reaches the age of 18, whichever date is  
 3590 | first. Protective supervision shall be terminated by the court  
 3591 | whenever the court determines that permanency has been achieved  
 3592 | for the child, whether with a parent, another relative, or a  
 3593 | legal custodian, and that protective supervision is no longer



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

3604 Section 66. For the purpose of incorporating the amendment  
 3605 made by this act to section 775.21, Florida Statutes, in  
 3606 references thereto, paragraphs (d) and (n) of subsection (1) of  
 3607 section 39.806, Florida Statutes, are reenacted to read:

3608 39.806 Grounds for termination of parental rights.—

3609 (1) Grounds for the termination of parental rights may be  
 3610 established under any of the following circumstances:

3611 (d) When the parent of a child is incarcerated and either:

3612 1. The period of time for which the parent is expected to  
 3613 be incarcerated will constitute a significant portion of the  
 3614 child's minority. When determining whether the period of time is  
 3615 significant, the court shall consider the child's age and the  
 3616 child's need for a permanent and stable home. The period of time  
 3617 begins on the date that the parent enters into incarceration;

3618 2. The incarcerated parent has been determined by the

3619 court to be a violent career criminal as defined in s. 775.084,  
 3620 a habitual violent felony offender as defined in s. 775.084, or  
 3621 a sexual predator as defined in s. 775.21; has been convicted of  
 3622 first degree or second degree murder in violation of s. 782.04  
 3623 or a sexual battery that constitutes a capital, life, or first  
 3624 degree felony violation of s. 794.011; or has been convicted of  
 3625 an offense in another jurisdiction which is substantially  
 3626 similar to one of the offenses listed in this paragraph. As used  
 3627 in this section, the term "substantially similar offense" means  
 3628 any offense that is substantially similar in elements and  
 3629 penalties to one of those listed in this subparagraph, and that  
 3630 is in violation of a law of any other jurisdiction, whether that  
 3631 of another state, the District of Columbia, the United States or  
 3632 any possession or territory thereof, or any foreign  
 3633 jurisdiction; or

3634 3. The court determines by clear and convincing evidence  
 3635 that continuing the parental relationship with the incarcerated  
 3636 parent would be harmful to the child and, for this reason, that  
 3637 termination of the parental rights of the incarcerated parent is  
 3638 in the best interest of the child. When determining harm, the  
 3639 court shall consider the following factors:

- 3640 a. The age of the child.
- 3641 b. The relationship between the child and the parent.
- 3642 c. The nature of the parent's current and past provision  
 3643 for the child's developmental, cognitive, psychological, and

3644 physical needs.

3645 d. The parent's history of criminal behavior, which may  
3646 include the frequency of incarceration and the unavailability of  
3647 the parent to the child due to incarceration.

3648 e. Any other factor the court deems relevant.

3649 (n) The parent is convicted of an offense that requires  
3650 the parent to register as a sexual predator under s. 775.21.

3651 Section 67. For the purpose of incorporating the amendment  
3652 made by this act to section 775.21, Florida Statutes, in a  
3653 reference thereto, paragraph (b) of subsection (4) of section  
3654 63.089, Florida Statutes, is reenacted to read:

3655 63.089 Proceeding to terminate parental rights pending  
3656 adoption; hearing; grounds; dismissal of petition; judgment.—

3657 (4) FINDING OF ABANDONMENT.—A finding of abandonment  
3658 resulting in a termination of parental rights must be based upon  
3659 clear and convincing evidence that a parent or person having  
3660 legal custody has abandoned the child in accordance with the  
3661 definition contained in s. 63.032. A finding of abandonment may  
3662 also be based upon emotional abuse or a refusal to provide  
3663 reasonable financial support, when able, to a birth mother  
3664 during her pregnancy or on whether the person alleged to have  
3665 abandoned the child, while being able, failed to establish  
3666 contact with the child or accept responsibility for the child's  
3667 welfare.

3668 (b) The child has been abandoned when the parent of a

3669 | child is incarcerated on or after October 1, 2001, in a federal,  
 3670 | state, or county correctional institution and:

3671 |       1. The period of time for which the parent has been or is  
 3672 | expected to be incarcerated will constitute a significant  
 3673 | portion of the child's minority. In determining whether the  
 3674 | period of time is significant, the court shall consider the  
 3675 | child's age and the child's need for a permanent and stable  
 3676 | home. The period of time begins on the date that the parent  
 3677 | enters into incarceration;

3678 |       2. The incarcerated parent has been determined by a court  
 3679 | of competent jurisdiction to be a violent career criminal as  
 3680 | defined in s. 775.084, a habitual violent felony offender as  
 3681 | defined in s. 775.084, convicted of child abuse as defined in s.  
 3682 | 827.03, or a sexual predator as defined in s. 775.21; has been  
 3683 | convicted of first degree or second degree murder in violation  
 3684 | of s. 782.04 or a sexual battery that constitutes a capital,  
 3685 | life, or first degree felony violation of s. 794.011; or has  
 3686 | been convicted of a substantially similar offense in another  
 3687 | jurisdiction. As used in this section, the term "substantially  
 3688 | similar offense" means any offense that is substantially similar  
 3689 | in elements and penalties to one of those listed in this  
 3690 | subparagraph, and that is in violation of a law of any other  
 3691 | jurisdiction, whether that of another state, the District of  
 3692 | Columbia, the United States or any possession or territory  
 3693 | thereof, or any foreign jurisdiction; or

3694           3. The court determines by clear and convincing evidence  
 3695 that continuing the parental relationship with the incarcerated  
 3696 parent would be harmful to the child and, for this reason,  
 3697 termination of the parental rights of the incarcerated parent is  
 3698 in the best interests of the child.

3699           Section 68. For the purpose of incorporating the amendment  
 3700 made by this act to section 775.21, Florida Statutes, in a  
 3701 reference thereto, subsection (3) of section 63.092, Florida  
 3702 Statutes, is reenacted to read:

3703           63.092 Report to the court of intended placement by an  
 3704 adoption entity; at-risk placement; preliminary study.—

3705           (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
 3706 the intended adoptive home, a preliminary home study must be  
 3707 performed by a licensed child-placing agency, a child-caring  
 3708 agency registered under s. 409.176, a licensed professional, or  
 3709 an agency described in s. 61.20(2), unless the adoptee is an  
 3710 adult or the petitioner is a stepparent or a relative. If the  
 3711 adoptee is an adult or the petitioner is a stepparent or a  
 3712 relative, a preliminary home study may be required by the court  
 3713 for good cause shown. The department is required to perform the  
 3714 preliminary home study only if there is no licensed child-  
 3715 placing agency, child-caring agency registered under s. 409.176,  
 3716 licensed professional, or agency described in s. 61.20(2), in  
 3717 the county where the prospective adoptive parents reside. The  
 3718 preliminary home study must be made to determine the suitability

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

- 3729 (a) An interview with the intended adoptive parents;
- 3730 (b) Records checks of the department's central abuse  
 3731 registry and criminal records correspondence checks under s.  
 3732 39.0138 through the Department of Law Enforcement on the  
 3733 intended adoptive parents;
- 3734 (c) An assessment of the physical environment of the home;
- 3735 (d) A determination of the financial security of the  
 3736 intended adoptive parents;
- 3737 (e) Documentation of counseling and education of the  
 3738 intended adoptive parents on adoptive parenting;
- 3739 (f) Documentation that information on adoption and the  
 3740 adoption process has been provided to the intended adoptive  
 3741 parents;
- 3742 (g) Documentation that information on support services  
 3743 available in the community has been provided to the intended

3744 adoptive parents; and

3745 (h) A copy of each signed acknowledgment of receipt of  
 3746 disclosure required by s. 63.085.

3747  
 3748 If the preliminary home study is favorable, a minor may be  
 3749 placed in the home pending entry of the judgment of adoption. A  
 3750 minor may not be placed in the home if the preliminary home  
 3751 study is unfavorable. If the preliminary home study is  
 3752 unfavorable, the adoption entity may, within 20 days after  
 3753 receipt of a copy of the written recommendation, petition the  
 3754 court to determine the suitability of the intended adoptive  
 3755 home. A determination as to suitability under this subsection  
 3756 does not act as a presumption of suitability at the final  
 3757 hearing. In determining the suitability of the intended adoptive  
 3758 home, the court must consider the totality of the circumstances  
 3759 in the home. A minor may not be placed in a home in which there  
 3760 resides any person determined by the court to be a sexual  
 3761 predator as defined in s. 775.21 or to have been convicted of an  
 3762 offense listed in s. 63.089(4)(b)2.

3763 Section 69. For the purpose of incorporating the  
 3764 amendments made by this act to sections 775.21 and 943.0435,  
 3765 Florida Statutes, in references thereto, paragraph (i) of  
 3766 subsection (3) and subsection (6) of section 68.07, Florida  
 3767 Statutes, are reenacted to read:

3768 68.07 Change of name.—

3769 (3) Each petition shall be verified and show:  
 3770 (i) Whether the petitioner has ever been required to  
 3771 register as a sexual predator under s. 775.21 or as a sexual  
 3772 offender under s. 943.0435.  
 3773 (6) The clerk of the court must, within 5 business days  
 3774 after the filing of the final judgment, send a report of the  
 3775 judgment to the Department of Law Enforcement on a form to be  
 3776 furnished by that department. If the petitioner is required to  
 3777 register as a sexual predator or a sexual offender pursuant to  
 3778 s. 775.21 or s. 943.0435, the clerk of court shall  
 3779 electronically notify the Department of Law Enforcement of the  
 3780 name change, in a manner prescribed by that department, within 2  
 3781 business days after the filing of the final judgment. The  
 3782 Department of Law Enforcement must send a copy of the report to  
 3783 the Department of Highway Safety and Motor Vehicles, which may  
 3784 be delivered by electronic transmission. The report must contain  
 3785 sufficient information to identify the petitioner, including the  
 3786 results of the criminal history records check if applicable, the  
 3787 new name of the petitioner, and the file number of the judgment.  
 3788 The Department of Highway Safety and Motor Vehicles shall  
 3789 monitor the records of any sexual predator or sexual offender  
 3790 whose name has been provided to it by the Department of Law  
 3791 Enforcement. If the sexual predator or sexual offender does not  
 3792 obtain a replacement driver license or identification card  
 3793 within the required time as specified in s. 775.21 or s.



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

3809 Section 70. For the purpose of incorporating the  
 3810 amendments made by this act to sections 775.21 and 943.0435,  
 3811 Florida Statutes, in references thereto, paragraph (b) of  
 3812 subsection (1) of section 92.55, Florida Statutes, is reenacted  
 3813 to read:

3814 92.55 Judicial or other proceedings involving victim or  
 3815 witness under the age of 18, a person who has an intellectual  
 3816 disability, or a sexual offense victim or witness; special  
 3817 protections; use of therapy animals or facility dogs.—

3818 (1) For purposes of this section, the term:

3819 (b) "Sexual offense" means any offense specified in s.  
 3820 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3821 Section 71. For the purpose of incorporating the amendment  
 3822 made by this act to section 16.56, Florida Statutes, in a  
 3823 reference thereto, paragraph (b) of subsection (1) of section  
 3824 92.605, Florida Statutes, is reenacted to read:

3825 92.605 Production of certain records by Florida businesses  
 3826 and out-of-state corporations.—

3827 (1) For the purposes of this section, the term:

3828 (b) "Applicant" means a law enforcement officer who is  
 3829 seeking a court order or subpoena under s. 16.56, s. 27.04, s.  
 3830 905.185, or s. 914.04 or who is issued a search warrant under s.  
 3831 933.01, or anyone who is authorized to issue a subpoena under  
 3832 the Florida Rules of Criminal Procedure.

3833 Section 72. For the purpose of incorporating the  
 3834 amendments made by this act to sections 775.21, 943.0435, and  
 3835 944.607, Florida Statutes, in references thereto, subsection (3)  
 3836 of section 322.141, Florida Statutes, is reenacted to read:

3837 322.141 Color or markings of certain licenses or  
 3838 identification cards.—

3839 (3) All licenses for the operation of motor vehicles or  
 3840 identification cards originally issued or reissued by the  
 3841 department to persons who are designated as sexual predators  
 3842 under s. 775.21 or subject to registration as sexual offenders  
 3843 under s. 943.0435 or s. 944.607, or who have a similar

3844 designation or are subject to a similar registration under the  
 3845 laws of another jurisdiction, shall have on the front of the  
 3846 license or identification card the following:

3847 (a) For a person designated as a sexual predator under s.  
 3848 775.21 or who has a similar designation under the laws of  
 3849 another jurisdiction, the marking "SEXUAL PREDATOR."

3850 (b) For a person subject to registration as a sexual  
 3851 offender under s. 943.0435 or s. 944.607, or subject to a  
 3852 similar registration under the laws of another jurisdiction, the  
 3853 marking "943.0435, F.S."

3854 Section 73. For the purpose of incorporating the amendment  
 3855 made by this act to section 775.0877, Florida Statutes, in a  
 3856 reference thereto, paragraph (h) of subsection (2) of section  
 3857 381.004, Florida Statutes, is reenacted to read:

3858 381.004 HIV testing.—

3859 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
 3860 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3861 (h) Paragraph (a) does not apply:

3862 1. When testing for sexually transmissible diseases is  
 3863 required by state or federal law, or by rule, including the  
 3864 following situations:

3865 a. HIV testing pursuant to s. 796.08 of persons convicted  
 3866 of prostitution or of procuring another to commit prostitution.

3867 b. HIV testing of inmates pursuant to s. 945.355 before  
 3868 their release from prison by reason of parole, accumulation of

3869 gain-time credits, or expiration of sentence.

3870 c. Testing for HIV by a medical examiner in accordance

3871 with s. 406.11.

3872 d. HIV testing of pregnant women pursuant to s. 384.31.

3873 2. To those exceptions provided for blood, plasma, organs,

3874 skin, semen, or other human tissue pursuant to s. 381.0041.

3875 3. For the performance of an HIV-related test by licensed

3876 medical personnel in bona fide medical emergencies if the test

3877 results are necessary for medical diagnostic purposes to provide

3878 appropriate emergency care or treatment to the person being

3879 tested and the patient is unable to consent, as supported by

3880 documentation in the medical record. Notification of test

3881 results in accordance with paragraph (c) is required.

3882 4. For the performance of an HIV-related test by licensed

3883 medical personnel for medical diagnosis of acute illness where,

3884 in the opinion of the attending physician, providing

3885 notification would be detrimental to the patient, as supported

3886 by documentation in the medical record, and the test results are

3887 necessary for medical diagnostic purposes to provide appropriate

3888 care or treatment to the person being tested. Notification of

3889 test results in accordance with paragraph (c) is required if it

3890 would not be detrimental to the patient. This subparagraph does

3891 not authorize the routine testing of patients for HIV infection

3892 without notification.

3893 5. If HIV testing is performed as part of an autopsy for

3894 | which consent was obtained pursuant to s. 872.04.

3895 |         6. For the performance of an HIV test upon a defendant  
 3896 | pursuant to the victim's request in a prosecution for any type  
 3897 | of sexual battery where a blood sample is taken from the  
 3898 | defendant voluntarily, pursuant to court order for any purpose,  
 3899 | or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,  
 3900 | the results of an HIV test performed shall be disclosed solely  
 3901 | to the victim and the defendant, except as provided in ss.  
 3902 | 775.0877, 951.27, and 960.003.

3903 |         7. If an HIV test is mandated by court order.

3904 |         8. For epidemiological research pursuant to s. 381.0031,  
 3905 | for research consistent with institutional review boards created  
 3906 | by 45 C.F.R. part 46, or for the performance of an HIV-related  
 3907 | test for the purpose of research, if the testing is performed in  
 3908 | a manner by which the identity of the test subject is not known  
 3909 | and may not be retrieved by the researcher.

3910 |         9. If human tissue is collected lawfully without the  
 3911 | consent of the donor for corneal removal as authorized by s.  
 3912 | 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3913 |         10. For the performance of an HIV test upon an individual  
 3914 | who comes into contact with medical personnel in such a way that  
 3915 | a significant exposure has occurred during the course of  
 3916 | employment, within the scope of practice, or during the course  
 3917 | of providing emergency medical assistance to the individual. The  
 3918 | term "medical personnel" includes a licensed or certified health

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

3926 a. The occurrence of a significant exposure shall be  
 3927 documented by medical personnel under the supervision of a  
 3928 licensed physician and recorded only in the personnel record of  
 3929 the medical personnel.

3930 b. Costs of an HIV test shall be borne by the medical  
 3931 personnel or the employer of the medical personnel. However,  
 3932 costs of testing or treatment not directly related to the  
 3933 initial HIV tests or costs of subsequent testing or treatment  
 3934 may not be borne by the medical personnel or the employer of the  
 3935 medical personnel.

3936 c. In order to use the provisions of this subparagraph,  
 3937 the medical personnel must be tested for HIV pursuant to this  
 3938 section or provide the results of an HIV test taken within 6  
 3939 months before the significant exposure if such test results are  
 3940 negative.

3941 d. A person who receives the results of an HIV test  
 3942 pursuant to this subparagraph shall maintain the confidentiality  
 3943 of the information received and of the persons tested. Such

3944 confidential information is exempt from s. 119.07(1).

3945 e. If the source of the exposure is not available and will  
 3946 not voluntarily present himself or herself to a health facility  
 3947 to be tested for HIV, the medical personnel or the employer of  
 3948 such person acting on behalf of the employee may seek a court  
 3949 order directing the source of the exposure to submit to HIV  
 3950 testing. A sworn statement by a physician licensed under chapter  
 3951 458 or chapter 459 that a significant exposure has occurred and  
 3952 that, in the physician's medical judgment, testing is medically  
 3953 necessary to determine the course of treatment constitutes  
 3954 probable cause for the issuance of an order by the court. The  
 3955 results of the test shall be released to the source of the  
 3956 exposure and to the person who experienced the exposure.

3957 11. For the performance of an HIV test upon an individual  
 3958 who comes into contact with nonmedical personnel in such a way  
 3959 that a significant exposure has occurred while the nonmedical  
 3960 personnel provides emergency medical assistance during a medical  
 3961 emergency. For the purposes of this subparagraph, a medical  
 3962 emergency means an emergency medical condition outside of a  
 3963 hospital or health care facility that provides physician care.  
 3964 The test may be performed only during the course of treatment  
 3965 for the medical emergency.

3966 a. The occurrence of a significant exposure shall be  
 3967 documented by medical personnel under the supervision of a  
 3968 licensed physician and recorded in the medical record of the

3969 nonmedical personnel.

3970       b. Costs of any HIV test shall be borne by the nonmedical  
 3971 personnel or the employer of the nonmedical personnel. However,  
 3972 costs of testing or treatment not directly related to the  
 3973 initial HIV tests or costs of subsequent testing or treatment  
 3974 may not be borne by the nonmedical personnel or the employer of  
 3975 the nonmedical personnel.

3976       c. In order to use the provisions of this subparagraph,  
 3977 the nonmedical personnel shall be tested for HIV pursuant to  
 3978 this section or shall provide the results of an HIV test taken  
 3979 within 6 months before the significant exposure if such test  
 3980 results are negative.

3981       d. A person who receives the results of an HIV test  
 3982 pursuant to this subparagraph shall maintain the confidentiality  
 3983 of the information received and of the persons tested. Such  
 3984 confidential information is exempt from s. 119.07(1).

3985       e. If the source of the exposure is not available and will  
 3986 not voluntarily present himself or herself to a health facility  
 3987 to be tested for HIV, the nonmedical personnel or the employer  
 3988 of the nonmedical personnel acting on behalf of the employee may  
 3989 seek a court order directing the source of the exposure to  
 3990 submit to HIV testing. A sworn statement by a physician licensed  
 3991 under chapter 458 or chapter 459 that a significant exposure has  
 3992 occurred and that, in the physician's medical judgment, testing  
 3993 is medically necessary to determine the course of treatment



3994 constitutes probable cause for the issuance of an order by the  
 3995 court. The results of the test shall be released to the source  
 3996 of the exposure and to the person who experienced the exposure.

3997 12. For the performance of an HIV test by the medical  
 3998 examiner or attending physician upon an individual who expired  
 3999 or could not be resuscitated while receiving emergency medical  
 4000 assistance or care and who was the source of a significant  
 4001 exposure to medical or nonmedical personnel providing such  
 4002 assistance or care.

4003 a. HIV testing may be conducted only after appropriate  
 4004 medical personnel under the supervision of a licensed physician  
 4005 documents in the medical record of the medical personnel or  
 4006 nonmedical personnel that there has been a significant exposure  
 4007 and that, in accordance with the written protocols based on the  
 4008 National Centers for Disease Control and Prevention guidelines  
 4009 on HIV postexposure prophylaxis and in the physician's medical  
 4010 judgment, the information is medically necessary to determine  
 4011 the course of treatment for the medical personnel or nonmedical  
 4012 personnel.

4013 b. Costs of an HIV test performed under this subparagraph  
 4014 may not be charged to the deceased or to the family of the  
 4015 deceased person.

4016 c. For this subparagraph to be applicable, the medical  
 4017 personnel or nonmedical personnel must be tested for HIV under  
 4018 this section or must provide the results of an HIV test taken

4019 within 6 months before the significant exposure if such test  
 4020 results are negative.

4021 d. A person who receives the results of an HIV test  
 4022 pursuant to this subparagraph shall comply with paragraph (e).

4023 13. For the performance of an HIV-related test medically  
 4024 indicated by licensed medical personnel for medical diagnosis of  
 4025 a hospitalized infant as necessary to provide appropriate care  
 4026 and treatment of the infant if, after a reasonable attempt, a  
 4027 parent cannot be contacted to provide consent. The medical  
 4028 records of the infant must reflect the reason consent of the  
 4029 parent was not initially obtained. Test results shall be  
 4030 provided to the parent when the parent is located.

4031 14. For the performance of HIV testing conducted to  
 4032 monitor the clinical progress of a patient previously diagnosed  
 4033 to be HIV positive.

4034 15. For the performance of repeated HIV testing conducted  
 4035 to monitor possible conversion from a significant exposure.

4036 Section 74. For the purpose of incorporating the amendment  
 4037 made by this act to section 775.0877, Florida Statutes, in  
 4038 references thereto, paragraph (c) of subsection (1) and  
 4039 subsection (3) of section 384.29, Florida Statutes, are  
 4040 reenacted to read:

4041 384.29 Confidentiality.—

4042 (1) All information and records held by the department or  
 4043 its authorized representatives relating to known or suspected

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

4050 (c) When made to medical personnel, appropriate state  
 4051 agencies, public health agencies, or courts of appropriate  
 4052 jurisdiction, to enforce the provisions of this chapter or s.  
 4053 775.0877 and related rules;

4054 (3) No employee of the department or its authorized  
 4055 representatives shall be examined in a civil, criminal, special,  
 4056 or other proceeding as to the existence or contents of pertinent  
 4057 records of a person examined or treated for a sexually  
 4058 transmissible disease by the department or its authorized  
 4059 representatives, or of the existence or contents of such reports  
 4060 received from a private physician or private health facility,  
 4061 without the consent of the person examined and treated for such  
 4062 diseases, except in proceedings under ss. 384.27 and 384.28 or  
 4063 involving offenders pursuant to s. 775.0877.

4064 Section 75. For the purpose of incorporating the amendment  
 4065 made by this act to section 39.01, Florida Statutes, in  
 4066 references thereto, paragraphs (b) and (e) of subsection (2) of  
 4067 section 390.01114, Florida Statutes, are reenacted to read:

4068 390.01114 Parental Notice of Abortion Act.—

4069 (2) DEFINITIONS.—As used in this section, the term:  
 4070 (b) "Child abuse" means abandonment, abuse, harm, mental  
 4071 injury, neglect, physical injury, or sexual abuse of a child as  
 4072 those terms are defined in ss. 39.01, 827.04, and 984.03.  
 4073 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.  
 4074 Section 76. For the purpose of incorporating the amendment  
 4075 made by this act to section 39.01, Florida Statutes, in  
 4076 references thereto, paragraph (h) of subsection (4) and  
 4077 subsections (7) and (9) of section 393.067, Florida Statutes,  
 4078 are reenacted to read:  
 4079 393.067 Facility licensure.—  
 4080 (4) The application shall be under oath and shall contain  
 4081 the following:  
 4082 (h) Certification that the staff of the facility or  
 4083 program will receive training to detect, report, and prevent  
 4084 sexual abuse, abuse, neglect, exploitation, and abandonment, as  
 4085 defined in ss. 39.01 and 415.102, of residents and clients.  
 4086 (7) The agency shall adopt rules establishing minimum  
 4087 standards for facilities and programs licensed under this  
 4088 section, including rules requiring facilities and programs to  
 4089 train staff to detect, report, and prevent sexual abuse, abuse,  
 4090 neglect, exploitation, and abandonment, as defined in ss. 39.01  
 4091 and 415.102, of residents and clients, minimum standards of  
 4092 quality and adequacy of client care, incident reporting  
 4093 requirements, and uniform firesafety standards established by

4094 the State Fire Marshal which are appropriate to the size of the  
 4095 facility or of the component centers or units of the program.

4096 (9) The agency may conduct unannounced inspections to  
 4097 determine compliance by foster care facilities, group home  
 4098 facilities, residential habilitation centers, and comprehensive  
 4099 transitional education programs with the applicable provisions  
 4100 of this chapter and the rules adopted pursuant hereto, including  
 4101 the rules adopted for training staff of a facility or a program  
 4102 to detect, report, and prevent sexual abuse, abuse, neglect,  
 4103 exploitation, and abandonment, as defined in ss. 39.01 and  
 4104 415.102, of residents and clients. The facility or program shall  
 4105 make copies of inspection reports available to the public upon  
 4106 request.

4107 Section 77. For the purpose of incorporating the amendment  
 4108 made by this act to section 39.01, Florida Statutes, in a  
 4109 reference thereto, paragraph (p) of subsection (4) of section  
 4110 394.495, Florida Statutes, is reenacted to read:

4111 394.495 Child and adolescent mental health system of care;  
 4112 programs and services.—

4113 (4) The array of services may include, but is not limited  
 4114 to:

4115 (p) Trauma-informed services for children who have  
 4116 suffered sexual exploitation as defined in s. 39.01(71)(g).

4117 Section 78. For the purpose of incorporating the amendment  
 4118 made by this act to section 943.0435, Florida Statutes, in a

4119 reference thereto, paragraph (a) of subsection (2) of section  
 4120 394.9125, Florida Statutes, is reenacted to read:

4121 394.9125 State attorney; authority to refer a person for  
 4122 civil commitment.—

4123 (2) A state attorney may refer a person to the department  
 4124 for civil commitment proceedings if the person:

4125 (a) Is required to register as a sexual offender pursuant  
 4126 to s. 943.0435;

4127 Section 79. For the purpose of incorporating the  
 4128 amendments made by this act to sections 775.21, 943.0435, and  
 4129 943.04354, Florida Statutes, in references thereto, paragraphs  
 4130 (a) and (c) of subsection (2) of section 397.4872, Florida  
 4131 Statutes, are reenacted to read:

4132 397.4872 Exemption from disqualification; publication.—

4133 (2) The department may exempt a person from ss. 397.487(6)  
 4134 and 397.4871(5) if it has been at least 3 years since the person  
 4135 has completed or been lawfully released from confinement,  
 4136 supervision, or sanction for the disqualifying offense. An  
 4137 exemption from the disqualifying offenses may not be given under  
 4138 any circumstances for any person who is a:

4139 (a) Sexual predator pursuant to s. 775.21;

4140 (c) Sexual offender pursuant to s. 943.0435, unless the  
 4141 requirement to register as a sexual offender has been removed  
 4142 pursuant to s. 943.04354.

4143 Section 80. For the purpose of incorporating the

4144 amendments made by this act to sections 775.21, 943.0435, and  
 4145 943.04354, Florida Statutes, in references thereto, paragraph  
 4146 (b) of subsection (4) of section 435.07, Florida Statutes, is  
 4147 reenacted to read:

4148       435.07 Exemptions from disqualification.—Unless otherwise  
 4149 provided by law, the provisions of this section apply to  
 4150 exemptions from disqualification for disqualifying offenses  
 4151 revealed pursuant to background screenings required under this  
 4152 chapter, regardless of whether those disqualifying offenses are  
 4153 listed in this chapter or other laws.

4154       (4)

4155       (b) Disqualification from employment under this chapter  
 4156 may not be removed from, nor may an exemption be granted to, any  
 4157 person who is a:

- 4158           1. Sexual predator as designated pursuant to s. 775.21;
- 4159           2. Career offender pursuant to s. 775.261; or
- 4160           3. Sexual offender pursuant to s. 943.0435, unless the  
 4161 requirement to register as a sexual offender has been removed  
 4162 pursuant to s. 943.04354.

4163       Section 81. For the purpose of incorporating the amendment  
 4164 made by this act to section 775.21, Florida Statutes, in a  
 4165 reference thereto, subsection (9) of section 507.07, Florida  
 4166 Statutes, is reenacted to read:

4167       507.07 Violations.—It is a violation of this chapter:

4168       (9) For a mover or a moving broker to knowingly refuse or

4169 fail to disclose in writing to a customer before a household  
 4170 move that the mover, or an employee or subcontractor of the  
 4171 mover or moving broker, who has access to the dwelling or  
 4172 property of the customer, including access to give a quote for  
 4173 the move, has been convicted of a felony listed in s.  
 4174 775.21(4)(a)1. or convicted of a similar offense of another  
 4175 jurisdiction, regardless of when such felony offense was  
 4176 committed.

4177 Section 82. For the purpose of incorporating the amendment  
 4178 made by this act to section 895.02, Florida Statutes, in a  
 4179 reference thereto, paragraph (g) of subsection (3) of section  
 4180 655.50, Florida Statutes, is reenacted to read:

4181 655.50 Florida Control of Money Laundering and Terrorist  
 4182 Financing in Financial Institutions Act.—

4183 (3) As used in this section, the term:

4184 (g) "Specified unlawful activity" means "racketeering  
 4185 activity" as defined in s. 895.02.

4186 Section 83. For the purpose of incorporating the amendment  
 4187 made by this act to section 784.046, Florida Statutes, in a  
 4188 reference thereto, paragraph (e) of subsection (1) of section  
 4189 741.313, Florida Statutes, is reenacted to read:

4190 741.313 Unlawful action against employees seeking  
 4191 protection.—

4192 (1) As used in this section, the term:

4193 (e) "Sexual violence" means sexual violence, as defined in



4194 s. 784.046, or any crime the underlying factual basis of which  
 4195 has been found by a court to include an act of sexual violence.

4196 Section 84. For the purpose of incorporating the amendment  
 4197 made by this act to section 947.1405, Florida Statutes, in a  
 4198 reference thereto, paragraph (j) of subsection (4) of section  
 4199 775.084, Florida Statutes, is reenacted to read:

4200 775.084 Violent career criminals; habitual felony  
 4201 offenders and habitual violent felony offenders; three-time  
 4202 violent felony offenders; definitions; procedure; enhanced  
 4203 penalties or mandatory minimum prison terms.—

4204 (4)

4205 (j) The provisions of s. 947.1405 shall apply to persons  
 4206 sentenced as habitual felony offenders and persons sentenced as  
 4207 habitual violent felony offenders.

4208 Section 85. For the purpose of incorporating the amendment  
 4209 made by this act to section 943.0435, Florida Statutes, in a  
 4210 reference thereto, subsection (2) of section 775.0862, Florida  
 4211 Statutes, is reenacted to read:

4212 775.0862 Sexual offenses against students by authority  
 4213 figures; reclassification.—

4214 (2) The felony degree of a violation of an offense listed  
 4215 in s. 943.0435(1)(h)1.a., unless the offense is a violation of  
 4216 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
 4217 as provided in this section if the offense is committed by an  
 4218 authority figure of a school against a student of the school.

4219 Section 86. For the purpose of incorporating the  
 4220 amendments made by this act to sections 775.21, 943.0435, and  
 4221 944.607, Florida Statutes, in references thereto, paragraphs (e)  
 4222 and (f) of subsection (4) of section 775.13, Florida Statutes,  
 4223 are reenacted to read:

4224 775.13 Registration of convicted felons, exemptions;  
 4225 penalties.—

4226 (4) This section does not apply to an offender:

4227 (e) Who is a sexual predator and has registered as  
 4228 required under s. 775.21;

4229 (f) Who is a sexual offender and has registered as  
 4230 required in s. 943.0435 or s. 944.607; or

4231 Section 87. For the purpose of incorporating the  
 4232 amendments made by this act to sections 943.0435, 944.607,  
 4233 947.1405, and 948.30, Florida Statutes, in references thereto,  
 4234 paragraph (b) of subsection (3), paragraph (d) of subsection  
 4235 (5), paragraph (f) of subsection (6), and paragraph (c) of  
 4236 subsection (10) of section 775.21, Florida Statutes, are  
 4237 reenacted to read:

4238 775.21 The Florida Sexual Predators Act.—

4239 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4240 (b) The high level of threat that a sexual predator  
 4241 presents to the public safety, and the long-term effects  
 4242 suffered by victims of sex offenses, provide the state with  
 4243 sufficient justification to implement a strategy that includes:

4244 1. Incarcerating sexual predators and maintaining adequate  
 4245 facilities to ensure that decisions to release sexual predators  
 4246 into the community are not made on the basis of inadequate  
 4247 space.

4248 2. Providing for specialized supervision of sexual  
 4249 predators who are in the community by specially trained  
 4250 probation officers with low caseloads, as described in ss.  
 4251 947.1405(7) and 948.30. The sexual predator is subject to  
 4252 specified terms and conditions implemented at sentencing or at  
 4253 the time of release from incarceration, with a requirement that  
 4254 those who are financially able must pay all or part of the costs  
 4255 of supervision.

4256 3. Requiring the registration of sexual predators, with a  
 4257 requirement that complete and accurate information be maintained  
 4258 and accessible for use by law enforcement authorities,  
 4259 communities, and the public.

4260 4. Providing for community and public notification  
 4261 concerning the presence of sexual predators.

4262 5. Prohibiting sexual predators from working with  
 4263 children, either for compensation or as a volunteer.

4264 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
 4265 as a sexual predator as follows:

4266 (d) A person who establishes or maintains a residence in  
 4267 this state and who has not been designated as a sexual predator  
 4268 by a court of this state but who has been designated as a sexual

4269 predator, as a sexually violent predator, or by another sexual  
4270 offender designation in another state or jurisdiction and was,  
4271 as a result of such designation, subjected to registration or  
4272 community or public notification, or both, or would be if the  
4273 person was a resident of that state or jurisdiction, without  
4274 regard to whether the person otherwise meets the criteria for  
4275 registration as a sexual offender, shall register in the manner  
4276 provided in s. 943.0435 or s. 944.607 and shall be subject to  
4277 community and public notification as provided in s. 943.0435 or  
4278 s. 944.607. A person who meets the criteria of this section is  
4279 subject to the requirements and penalty provisions of s.  
4280 943.0435 or s. 944.607 until the person provides the department  
4281 with an order issued by the court that designated the person as  
4282 a sexual predator, as a sexually violent predator, or by another  
4283 sexual offender designation in the state or jurisdiction in  
4284 which the order was issued which states that such designation  
4285 has been removed or demonstrates to the department that such  
4286 designation, if not imposed by a court, has been removed by  
4287 operation of law or court order in the state or jurisdiction in  
4288 which the designation was made, and provided such person no  
4289 longer meets the criteria for registration as a sexual offender  
4290 under the laws of this state.

4291 (6) REGISTRATION.—

4292 (f) Within 48 hours after the registration required under  
4293 paragraph (a) or paragraph (e), a sexual predator who is not

4294 incarcerated and who resides in the community, including a  
 4295 sexual predator under the supervision of the Department of  
 4296 Corrections, shall register in person at a driver license office  
 4297 of the Department of Highway Safety and Motor Vehicles and shall  
 4298 present proof of registration unless a driver license or an  
 4299 identification card that complies with the requirements of s.  
 4300 322.141(3) was previously secured or updated under s. 944.607.  
 4301 At the driver license office the sexual predator shall:  
 4302       1. If otherwise qualified, secure a Florida driver  
 4303 license, renew a Florida driver license, or secure an  
 4304 identification card. The sexual predator shall identify himself  
 4305 or herself as a sexual predator who is required to comply with  
 4306 this section, provide his or her place of permanent, temporary,  
 4307 or transient residence, including a rural route address and a  
 4308 post office box, and submit to the taking of a photograph for  
 4309 use in issuing a driver license, a renewed license, or an  
 4310 identification card, and for use by the department in  
 4311 maintaining current records of sexual predators. A post office  
 4312 box may not be provided in lieu of a physical residential  
 4313 address. If the sexual predator's place of residence is a motor  
 4314 vehicle, trailer, mobile home, or manufactured home, as defined  
 4315 in chapter 320, the sexual predator shall also provide to the  
 4316 Department of Highway Safety and Motor Vehicles the vehicle  
 4317 identification number; the license tag number; the registration  
 4318 number; and a description, including color scheme, of the motor

4319 vehicle, trailer, mobile home, or manufactured home. If a sexual  
 4320 predator's place of residence is a vessel, live-aboard vessel,  
 4321 or houseboat, as defined in chapter 327, the sexual predator  
 4322 shall also provide to the Department of Highway Safety and Motor  
 4323 Vehicles the hull identification number; the manufacturer's  
 4324 serial number; the name of the vessel, live-aboard vessel, or  
 4325 houseboat; the registration number; and a description, including  
 4326 color scheme, of the vessel, live-aboard vessel, or houseboat.

4327         2. Pay the costs assessed by the Department of Highway  
 4328 Safety and Motor Vehicles for issuing or renewing a driver  
 4329 license or an identification card as required by this section.  
 4330 The driver license or identification card issued to the sexual  
 4331 predator must comply with s. 322.141(3).

4332         3. Provide, upon request, any additional information  
 4333 necessary to confirm the identity of the sexual predator,  
 4334 including a set of fingerprints.

4335         (10) PENALTIES.—

4336         (c) Any person who misuses public records information  
 4337 relating to a sexual predator, as defined in this section, or a  
 4338 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
 4339 secure a payment from such a predator or offender; who knowingly  
 4340 distributes or publishes false information relating to such a  
 4341 predator or offender which the person misrepresents as being  
 4342 public records information; or who materially alters public  
 4343 records information with the intent to misrepresent the

4344 information, including documents, summaries of public records  
 4345 information provided by law enforcement agencies, or public  
 4346 records information displayed by law enforcement agencies on  
 4347 websites or provided through other means of communication,  
 4348 commits a misdemeanor of the first degree, punishable as  
 4349 provided in s. 775.082 or s. 775.083.

4350 Section 88. For the purpose of incorporating the  
 4351 amendments made by this act to section 943.0435, 944.606, and  
 4352 944.607, Florida Statutes, in references thereto, subsection (2)  
 4353 of section 775.24, Florida Statutes, is reenacted to read:

4354 775.24 Duty of the court to uphold laws governing sexual  
 4355 predators and sexual offenders.—

4356 (2) If a person meets the criteria in this chapter for  
 4357 designation as a sexual predator or meets the criteria in s.  
 4358 943.0435, s. 944.606, s. 944.607, or any other law for  
 4359 classification as a sexual offender, the court may not enter an  
 4360 order, for the purpose of approving a plea agreement or for any  
 4361 other reason, which:

4362 (a) Exempts a person who meets the criteria for  
 4363 designation as a sexual predator or classification as a sexual  
 4364 offender from such designation or classification, or exempts  
 4365 such person from the requirements for registration or community  
 4366 and public notification imposed upon sexual predators and sexual  
 4367 offenders;

4368 (b) Restricts the compiling, reporting, or release of

4369 public records information that relates to sexual predators or  
 4370 sexual offenders; or

4371 (c) Prevents any person or entity from performing its  
 4372 duties or operating within its statutorily conferred authority  
 4373 as such duty or authority relates to sexual predators or sexual  
 4374 offenders.

4375 Section 89. For the purpose of incorporating the  
 4376 amendments made by this act to sections 775.21, 943.0435,  
 4377 944.606, and 944.607, Florida Statutes, in references thereto,  
 4378 section 775.25, Florida Statutes, is reenacted to read:

4379 775.25 Prosecutions for acts or omissions.—A sexual  
 4380 predator or sexual offender who commits any act or omission in  
 4381 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
 4382 944.607, or former s. 947.177 may be prosecuted for the act or  
 4383 omission in the county in which the act or omission was  
 4384 committed, in the county of the last registered address of the  
 4385 sexual predator or sexual offender, in the county in which the  
 4386 conviction occurred for the offense or offenses that meet the  
 4387 criteria for designating a person as a sexual predator or sexual  
 4388 offender, in the county where the sexual predator or sexual  
 4389 offender was released from incarceration, or in the county of  
 4390 the intended address of the sexual predator or sexual offender  
 4391 as reported by the predator or offender prior to his or her  
 4392 release from incarceration. In addition, a sexual predator may  
 4393 be prosecuted for any such act or omission in the county in



4394 | which he or she was designated a sexual predator.

4395 |       Section 90. For the purpose of incorporating the  
4396 | amendments made by this act to sections 775.21, 943.0435, and  
4397 | 944.607, Florida Statutes, in references thereto, paragraph (b)  
4398 | of subsection (3) of section 775.261, Florida Statutes, is  
4399 | reenacted to read:

4400 |       775.261 The Florida Career Offender Registration Act.—

4401 |       (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4402 |       (b) This section does not apply to any person who has been  
4403 | designated as a sexual predator and required to register under  
4404 | s. 775.21 or who is required to register as a sexual offender  
4405 | under s. 943.0435 or s. 944.607. However, if a person is no  
4406 | longer required to register as a sexual predator under s. 775.21  
4407 | or as a sexual offender under s. 943.0435 or s. 944.607, the  
4408 | person must register as a career offender under this section if  
4409 | the person is otherwise designated as a career offender as  
4410 | provided in this section.

4411 |       Section 91. For the purpose of incorporating the amendment  
4412 | made by this act to section 847.001, Florida Statutes, in a  
4413 | reference thereto, paragraph (d) of subsection (2) of section  
4414 | 784.049, Florida Statutes, is reenacted to read:

4415 |       784.049 Sexual cyberharassment.—

4416 |       (2) As used in this section, the term:

4417 |       (d) "Sexually explicit image" means any image depicting  
4418 | nudity, as defined in s. 847.001, or depicting a person engaging

4419 | in sexual conduct, as defined in s. 847.001.

4420 |       Section 92. For the purpose of incorporating the amendment  
 4421 | made by this act to section 794.0115, Florida Statutes, in  
 4422 | references thereto, paragraph (a) of subsection (2) and  
 4423 | subsections (3), (4), and (5) of section 794.011, Florida  
 4424 | Statutes, are reenacted to read:

4425 |       794.011 Sexual battery.—

4426 |       (2) (a) A person 18 years of age or older who commits  
 4427 | sexual battery upon, or in an attempt to commit sexual battery  
 4428 | injures the sexual organs of, a person less than 12 years of age  
 4429 | commits a capital felony, punishable as provided in ss. 775.082  
 4430 | and 921.141.

4431 |       (3) A person who commits sexual battery upon a person 12  
 4432 | years of age or older, without that person's consent, and in the  
 4433 | process thereof uses or threatens to use a deadly weapon or uses  
 4434 | actual physical force likely to cause serious personal injury  
 4435 | commits a life felony, punishable as provided in s. 775.082, s.  
 4436 | 775.083, s. 775.084, or s. 794.0115.

4437 |       (4) (a) A person 18 years of age or older who commits  
 4438 | sexual battery upon a person 12 years of age or older but  
 4439 | younger than 18 years of age without that person's consent,  
 4440 | under any of the circumstances listed in paragraph (e), commits  
 4441 | a felony of the first degree, punishable by a term of years not  
 4442 | exceeding life or as provided in s. 775.082, s. 775.083, s.  
 4443 | 775.084, or s. 794.0115.

4444 (b) A person 18 years of age or older who commits sexual  
 4445 battery upon a person 18 years of age or older without that  
 4446 person's consent, under any of the circumstances listed in  
 4447 paragraph (e), commits a felony of the first degree, punishable  
 4448 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
 4449 794.0115.

4450 (c) A person younger than 18 years of age who commits  
 4451 sexual battery upon a person 12 years of age or older without  
 4452 that person's consent, under any of the circumstances listed in  
 4453 paragraph (e), commits a felony of the first degree, punishable  
 4454 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
 4455 794.0115.

4456 (d) A person commits a felony of the first degree,  
 4457 punishable by a term of years not exceeding life or as provided  
 4458 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the  
 4459 person commits sexual battery upon a person 12 years of age or  
 4460 older without that person's consent, under any of the  
 4461 circumstances listed in paragraph (e), and such person was  
 4462 previously convicted of a violation of:

4463 1. Section 787.01(2) or s. 787.02(2) when the violation  
 4464 involved a victim who was a minor and, in the course of  
 4465 committing that violation, the defendant committed against the  
 4466 minor a sexual battery under this chapter or a lewd act under s.  
 4467 800.04 or s. 847.0135(5);

4468 2. Section 787.01(3)(a)2. or 3.;

- 4469           3. Section 787.02(3)(a)2. or 3.;
- 4470           4. Section 800.04;
- 4471           5. Section 825.1025;
- 4472           6. Section 847.0135(5); or
- 4473           7. This chapter, excluding subsection (10) of this
- 4474 section.
- 4475           (e) The following circumstances apply to paragraphs (a)-
- 4476 (d):
- 4477           1. The victim is physically helpless to resist.
- 4478           2. The offender coerces the victim to submit by
- 4479 threatening to use force or violence likely to cause serious
- 4480 personal injury on the victim, and the victim reasonably
- 4481 believes that the offender has the present ability to execute
- 4482 the threat.
- 4483           3. The offender coerces the victim to submit by
- 4484 threatening to retaliate against the victim, or any other
- 4485 person, and the victim reasonably believes that the offender has
- 4486 the ability to execute the threat in the future.
- 4487           4. The offender, without the prior knowledge or consent of
- 4488 the victim, administers or has knowledge of someone else
- 4489 administering to the victim any narcotic, anesthetic, or other
- 4490 intoxicating substance that mentally or physically incapacitates
- 4491 the victim.
- 4492           5. The victim is mentally defective, and the offender has
- 4493 reason to believe this or has actual knowledge of this fact.

4494 6. The victim is physically incapacitated.

4495 7. The offender is a law enforcement officer, correctional  
 4496 officer, or correctional probation officer as defined in s.  
 4497 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified  
 4498 under s. 943.1395 or is an elected official exempt from such  
 4499 certification by virtue of s. 943.253, or any other person in a  
 4500 position of control or authority in a probation, community  
 4501 control, controlled release, detention, custodial, or similar  
 4502 setting, and such officer, official, or person is acting in such  
 4503 a manner as to lead the victim to reasonably believe that the  
 4504 offender is in a position of control or authority as an agent or  
 4505 employee of government.

4506 (5)(a) A person 18 years of age or older who commits  
 4507 sexual battery upon a person 12 years of age or older but  
 4508 younger than 18 years of age, without that person's consent, and  
 4509 in the process does not use physical force and violence likely  
 4510 to cause serious personal injury commits a felony of the first  
 4511 degree, punishable as provided in s. 775.082, s. 775.083, s.  
 4512 775.084, or s. 794.0115.

4513 (b) A person 18 years of age or older who commits sexual  
 4514 battery upon a person 18 years of age or older, without that  
 4515 person's consent, and in the process does not use physical force  
 4516 and violence likely to cause serious personal injury commits a  
 4517 felony of the second degree, punishable as provided in s.  
 4518 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4519 (c) A person younger than 18 years of age who commits  
 4520 sexual battery upon a person 12 years of age or older, without  
 4521 that person's consent, and in the process does not use physical  
 4522 force and violence likely to cause serious personal injury  
 4523 commits a felony of the second degree, punishable as provided in  
 4524 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4525 (d) A person commits a felony of the first degree,  
 4526 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
 4527 s. 794.0115 if the person commits sexual battery upon a person  
 4528 12 years of age or older, without that person's consent, and in  
 4529 the process does not use physical force and violence likely to  
 4530 cause serious personal injury and the person was previously  
 4531 convicted of a violation of:

4532 1. Section 787.01(2) or s. 787.02(2) when the violation  
 4533 involved a victim who was a minor and, in the course of  
 4534 committing that violation, the defendant committed against the  
 4535 minor a sexual battery under this chapter or a lewd act under s.  
 4536 800.04 or s. 847.0135(5);

4537 2. Section 787.01(3)(a)2. or 3.;

4538 3. Section 787.02(3)(a)2. or 3.;

4539 4. Section 800.04;

4540 5. Section 825.1025;

4541 6. Section 847.0135(5); or

4542 7. This chapter, excluding subsection (10) of this  
 4543 section.

4544 Section 93. For the purpose of incorporating the amendment  
 4545 made by this act to section 92.56, Florida Statutes, in a  
 4546 reference thereto, section 794.03, Florida Statutes, is  
 4547 reenacted to read:

4548 794.03 Unlawful to publish or broadcast information  
 4549 identifying sexual offense victim.—No person shall print,  
 4550 publish, or broadcast, or cause or allow to be printed,  
 4551 published, or broadcast, in any instrument of mass communication  
 4552 the name, address, or other identifying fact or information of  
 4553 the victim of any sexual offense within this chapter, except as  
 4554 provided in s. 119.071(2)(h) or unless the court determines that  
 4555 such information is no longer confidential and exempt pursuant  
 4556 to s. 92.56. An offense under this section shall constitute a  
 4557 misdemeanor of the second degree, punishable as provided in s.  
 4558 775.082 or s. 775.083.

4559 Section 94. For the purpose of incorporating the amendment  
 4560 made by this act to section 775.21, Florida Statutes, in a  
 4561 reference thereto, subsection (1) of section 794.075, Florida  
 4562 Statutes, is reenacted to read:

4563 794.075 Sexual predators; erectile dysfunction drugs.—

4564 (1) A person may not possess a prescription drug, as  
 4565 defined in s. 499.003(40), for the purpose of treating erectile  
 4566 dysfunction if the person is designated as a sexual predator  
 4567 under s. 775.21.

4568 Section 95. For the purpose of incorporating the amendment

4569 | made by this act to section 960.03, Florida Statutes, in  
 4570 | references thereto, paragraph (b) of subsection (1) and  
 4571 | subsections (2) and (3) of section 847.002, Florida Statutes,  
 4572 | are reenacted to read:

4573 |       847.002 Child pornography prosecutions.—

4574 |       (1) Any law enforcement officer who, pursuant to a  
 4575 | criminal investigation, recovers images or movies of child  
 4576 | pornography shall:

4577 |       (b) Request the law enforcement agency contact information  
 4578 | from the Child Victim Identification Program for any images or  
 4579 | movies recovered which contain an identified victim of child  
 4580 | pornography as defined in s. 960.03.

4581 |       (2) Any law enforcement officer submitting a case for  
 4582 | prosecution which involves the production, promotion, or  
 4583 | possession of child pornography shall submit to the designated  
 4584 | prosecutor the law enforcement agency contact information  
 4585 | provided by the Child Victim Identification Program at the  
 4586 | National Center for Missing and Exploited Children, for any  
 4587 | images or movies involved in the case which contain the  
 4588 | depiction of an identified victim of child pornography as  
 4589 | defined in s. 960.03.

4590 |       (3) In every filed case involving an identified victim of  
 4591 | child pornography, as defined in s. 960.03, the prosecuting  
 4592 | agency shall enter the following information into the Victims in  
 4593 | Child Pornography Tracking Repeat Exploitation database



4594 maintained by the Office of the Attorney General:

4595 (a) The case number and agency file number.

4596 (b) The named defendant.

4597 (c) The circuit court division and county.

4598 (d) Current court dates and the status of the case.

4599 (e) Contact information for the prosecutor assigned.

4600 (f) Verification that the prosecutor is or is not in  
4601 possession of a victim impact statement and will use the  
4602 statement in sentencing.

4603 Section 96. For the purpose of incorporating the amendment  
4604 made by this act to section 847.001, Florida Statutes, in a  
4605 reference thereto, paragraph (b) of subsection (3) of section  
4606 847.012, Florida Statutes, is reenacted to read:

4607 847.012 Harmful materials; sale or distribution to minors  
4608 or using minors in production prohibited; penalty.—

4609 (3) A person may not knowingly sell, rent, or loan for  
4610 monetary consideration to a minor:

4611 (b) Any book, pamphlet, magazine, printed matter however  
4612 reproduced, or sound recording that contains any matter defined  
4613 in s. 847.001, explicit and detailed verbal descriptions or  
4614 narrative accounts of sexual excitement, or sexual conduct and  
4615 that is harmful to minors.

4616 Section 97. For the purpose of incorporating the amendment  
4617 made by this act to section 92.56, Florida Statutes, in a  
4618 reference thereto, subsection (3) of section 847.01357, Florida

4619 Statutes, is reenacted to read:

4620 847.01357 Exploited children's civil remedy.—

4621 (3) Any victim who has a bona fide claim under this  
 4622 section shall, upon request, be provided a pseudonym, pursuant  
 4623 to s. 92.56(3), which shall be issued and maintained by the  
 4624 Department of Legal Affairs for use in all legal pleadings. This  
 4625 identifier shall be fully recognized in all courts in this state  
 4626 as a valid legal identity.

4627 Section 98. For the purpose of incorporating the amendment  
 4628 made by this act to section 847.001, Florida Statutes, in a  
 4629 reference thereto, subsections (2) and (3) of section 847.0138,  
 4630 Florida Statutes, are reenacted to read:

4631 847.0138 Transmission of material harmful to minors to a  
 4632 minor by electronic device or equipment prohibited; penalties.—

4633 (2) Notwithstanding ss. 847.012 and 847.0133, any person  
 4634 who knew or believed that he or she was transmitting an image,  
 4635 information, or data that is harmful to minors, as defined in s.  
 4636 847.001, to a specific individual known by the defendant to be a  
 4637 minor commits a felony of the third degree, punishable as  
 4638 provided in s. 775.082, s. 775.083, or s. 775.084.

4639 (3) Notwithstanding ss. 847.012 and 847.0133, any person  
 4640 in any jurisdiction other than this state who knew or believed  
 4641 that he or she was transmitting an image, information, or data  
 4642 that is harmful to minors, as defined in s. 847.001, to a  
 4643 specific individual known by the defendant to be a minor commits

4644 a felony of the third degree, punishable as provided in s.  
 4645 775.082, s. 775.083, or s. 775.084.

4646  
 4647 The provisions of this section do not apply to subscription-  
 4648 based transmissions such as list servers.

4649 Section 99. For the purpose of incorporating the  
 4650 amendments made by this act to sections 16.56 and 895.02,  
 4651 Florida Statutes, in references thereto, paragraph (h) of  
 4652 subsection (2) and subsection (10) of section 896.101, Florida  
 4653 Statutes, are reenacted to read:

4654 896.101 Florida Money Laundering Act; definitions;  
 4655 penalties; injunctions; seizure warrants; immunity.-

4656 (2) As used in this section, the term:

4657 (h) "Specified unlawful activity" means any "racketeering  
 4658 activity" as defined in s. 895.02.

4659 (10) Any financial institution, licensed money services  
 4660 business, or other person served with and complying with the  
 4661 terms of a warrant, temporary injunction, or other court order,  
 4662 including any subpoena issued under s. 16.56 or s. 27.04,  
 4663 obtained in furtherance of an investigation of any crime in this  
 4664 section, including any crime listed as specified unlawful  
 4665 activity under this section or any felony violation of chapter  
 4666 560, has immunity from criminal liability and is not liable to  
 4667 any person for any lawful action taken in complying with the  
 4668 warrant, temporary injunction, or other court order, including

4669 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena  
 4670 issued under s. 16.56 or s. 27.04 contains a nondisclosure  
 4671 provision, any financial institution, licensed money services  
 4672 business, employee or officer of a financial institution or  
 4673 licensed money services business, or any other person may not  
 4674 notify, directly or indirectly, any customer of that financial  
 4675 institution or money services business whose records are being  
 4676 sought by the subpoena, or any other person named in the  
 4677 subpoena, about the existence or the contents of that subpoena  
 4678 or about information that has been furnished to the state  
 4679 attorney or statewide prosecutor who issued the subpoena or  
 4680 other law enforcement officer named in the subpoena in response  
 4681 to the subpoena.

4682 Section 100. For the purpose of incorporating the  
 4683 amendments made by this act to sections 775.21 and 948.06,  
 4684 Florida Statutes, in references thereto, paragraphs (b) and (c)  
 4685 of subsection (1) of section 903.0351, Florida Statutes, are  
 4686 reenacted to read:

4687 903.0351 Restrictions on pretrial release pending  
 4688 probation-violation hearing or community-control-violation  
 4689 hearing.—

4690 (1) In the instance of an alleged violation of felony  
 4691 probation or community control, bail or any other form of  
 4692 pretrial release shall not be granted prior to the resolution of  
 4693 the probation-violation hearing or the community-control-

4694 violation hearing to:

4695 (b) A person who is on felony probation or community  
 4696 control for any offense committed on or after the effective date  
 4697 of this act and who is arrested for a qualifying offense as  
 4698 defined in s. 948.06(8)(c); or

4699 (c) A person who is on felony probation or community  
 4700 control and has previously been found by a court to be a  
 4701 habitual violent felony offender as defined in s. 775.084(1)(b),  
 4702 a three-time violent felony offender as defined in s.  
 4703 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 4704 arrested for committing a qualifying offense as defined in s.  
 4705 948.06(8)(c) on or after the effective date of this act.

4706 Section 101. For the purpose of incorporating the  
 4707 amendments made by this act to sections 775.21 and 943.0435,  
 4708 Florida Statutes, in references thereto, paragraph (m) of  
 4709 subsection (2) of section 903.046, Florida Statutes, is  
 4710 reenacted to read:

4711 903.046 Purpose of and criteria for bail determination.—

4712 (2) When determining whether to release a defendant on  
 4713 bail or other conditions, and what that bail or those conditions  
 4714 may be, the court shall consider:

4715 (m) Whether the defendant, other than a defendant whose  
 4716 only criminal charge is a misdemeanor offense under chapter 316,  
 4717 is required to register as a sexual offender under s. 943.0435  
 4718 or a sexual predator under s. 775.21; and, if so, he or she is

4719 not eligible for release on bail or surety bond until the first  
 4720 appearance on the case in order to ensure the full participation  
 4721 of the prosecutor and the protection of the public.

4722 Section 102. For the purpose of incorporating the  
 4723 amendment made by this act to section 895.02, Florida Statutes,  
 4724 in a reference thereto, subsection (3) of section 905.34,  
 4725 Florida Statutes, is reenacted to read:

4726 905.34 Powers and duties; law applicable.—The jurisdiction  
 4727 of a statewide grand jury impaneled under this chapter shall  
 4728 extend throughout the state. The subject matter jurisdiction of  
 4729 the statewide grand jury shall be limited to the offenses of:

4730 (3) Any violation of the provisions of the Florida RICO  
 4731 (Racketeer Influenced and Corrupt Organization) Act, including  
 4732 any offense listed in the definition of racketeering activity in  
 4733 s. 895.02(8)(a), providing such listed offense is investigated  
 4734 in connection with a violation of s. 895.03 and is charged in a  
 4735 separate count of an information or indictment containing a  
 4736 count charging a violation of s. 895.03, the prosecution of  
 4737 which listed offense may continue independently if the  
 4738 prosecution of the violation of s. 895.03 is terminated for any  
 4739 reason;

4740  
 4741 or any attempt, solicitation, or conspiracy to commit any  
 4742 violation of the crimes specifically enumerated above, when any  
 4743 such offense is occurring, or has occurred, in two or more

4744 judicial circuits as part of a related transaction or when any  
 4745 such offense is connected with an organized criminal conspiracy  
 4746 affecting two or more judicial circuits. The statewide grand  
 4747 jury may return indictments and presentments irrespective of the  
 4748 county or judicial circuit where the offense is committed or  
 4749 triable. If an indictment is returned, it shall be certified and  
 4750 transferred for trial to the county where the offense was  
 4751 committed. The powers and duties of, and law applicable to,  
 4752 county grand juries shall apply to a statewide grand jury except  
 4753 when such powers, duties, and law are inconsistent with the  
 4754 provisions of ss. 905.31-905.40.

4755 Section 103. For the purpose of incorporating the  
 4756 amendments made by this act to sections 775.21 and 847.0135,  
 4757 Florida Statutes, in references thereto, paragraph (g) of  
 4758 subsection (3) of section 921.0022, Florida Statutes, is  
 4759 reenacted to read:

4760 921.0022 Criminal Punishment Code; offense severity  
 4761 ranking chart.—

4762 (3) OFFENSE SEVERITY RANKING CHART

4763 (g) LEVEL 7

4764

| Florida<br>Statute | Felony<br>Degree | Description               |
|--------------------|------------------|---------------------------|
| 316.027(2)(c)      | 1st              | Accident involving death, |

4765

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|      |                         |     |  |
|------|-------------------------|-----|--|
| 4766 |                         |     | failure to stop; leaving scene.  |
|      | 316.193 (3) (c) 2.      | 3rd | DUI resulting in serious bodily injury.  |
| 4767 |                         |     |  |
|      | 316.1935 (3) (b)        | 1st | Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 4768 |                         |     |  |
|      | 327.35 (3) (c) 2.       | 3rd | Vessel BUI resulting in serious bodily injury.   |
| 4769 |                         |     |  |
|      | 402.319 (2)             | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.   |
| 4770 |                         |     |  |
|      | 409.920<br>(2) (b) 1.a. | 3rd | Medicaid provider fraud; \$10,000 or less.   |



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|      |                         |     |   |
|------|-------------------------|-----|---|
| 4771 | 409.920<br>(2) (b) 1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000.                          |
| 4772 | 456.065 (2)             | 3rd | Practicing a health care profession without a license.  |
| 4773 | 456.065 (2)             | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 4774 | 458.327 (1)             | 3rd | Practicing medicine without a license.  |
| 4775 | 459.013 (1)             | 3rd | Practicing osteopathic medicine without a license.  |
| 4776 | 460.411 (1)             | 3rd | Practicing chiropractic medicine without a license.   |
| 4777 | 461.012 (1)             | 3rd | Practicing podiatric medicine without a license.  |
| 4778 |                         |     |   |

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|      |             |     |  |
|------|-------------|-----|--|
| 4779 | 462.17      | 3rd | Practicing naturopathy without a license.                      |
| 4780 | 463.015 (1) | 3rd | Practicing optometry without a license.                        |
| 4781 | 464.016 (1) | 3rd | Practicing nursing without a license.                          |
| 4782 | 465.015 (2) | 3rd | Practicing pharmacy without a license.                         |
| 4783 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license.      |
| 4784 | 467.201     | 3rd | Practicing midwifery without a license.                        |
| 4785 | 468.366     | 3rd | Delivering respiratory care services without a license.        |
| 4786 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |

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|      |                    |     |   |
|------|--------------------|-----|---|
| 4787 | 483.901 (7)        | 3rd | Practicing medical physics without a license.   |
| 4788 | 484.013 (1) (c)    | 3rd | Preparing or dispensing optical devices without a prescription.   |
| 4789 | 484.053            | 3rd | Dispensing hearing aids without a license.  |
| 4790 | 494.0018 (2)       | 1st | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 4791 | 560.123 (8) (b) 1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.                                      |
|      | 560.125 (5) (a)    | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than   |

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|      |                    |     |   |
|------|--------------------|-----|---|
| 4792 | 655.50 (10) (b) 1. | 3rd | <p>\$20,000.</p> <p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>   |
| 4793 | 775.21 (10) (a)    | 3rd | <p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p> |
| 4794 | 775.21 (10) (b)    | 3rd | <p>Sexual predator working where children regularly congregate.</p>   |
| 4795 | 775.21 (10) (g)    | 3rd | <p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>               |
| 4796 | 782.051 (3)        | 2nd | <p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted</p>                |

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|      |                 |     |   |
|------|-----------------|-----|---|
| 4797 |                 |     | felony.   |
|      | 782.07(1)       | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).                     |
| 4798 |                 |     |   |
|      | 782.071         | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 4799 |                 |     |   |
|      | 782.072         | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).                           |
| 4800 |                 |     |   |
|      | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement.   |
| 4801 |                 |     |   |
|      | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon.  |
| 4802 |                 |     |   |

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| 4803 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant.              |
| 4804 | 784.048 (4)     | 3rd | Aggravated stalking; violation of injunction or court order.        |
| 4805 | 784.048 (7)     | 3rd | Aggravated stalking; violation of court order.                      |
| 4806 | 784.07 (2) (d)  | 1st | Aggravated battery on law enforcement officer.                      |
| 4807 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff.    |
| 4808 | 784.08 (2) (a)  | 1st | Aggravated battery on a person 65 years of age or older.            |
| 4809 | 784.081 (1)     | 1st | Aggravated battery on specified official or employee.               |
|      | 784.082 (1)     | 1st | Aggravated battery by detained person on visitor or other detainee. |

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| 4810 | 784.083 (1)       | 1st | Aggravated battery on code inspector.  |
| 4811 | 787.06 (3) (a) 2. | 1st | Human trafficking using coercion for labor and services of an adult.   |
| 4812 | 787.06 (3) (e) 2. | 1st | Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state. |
| 4813 | 790.07 (4)        | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).   |
| 4814 | 790.16 (1)        | 1st | Discharge of a machine gun under specified circumstances.  |
| 4815 | 790.165 (2)       | 2nd | Manufacture, sell, possess, or deliver hoax bomb.  |
| 4816 |                   |     |  |

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| 4817 | 790.165 (3) | 2nd      | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.                         |
| 4818 | 790.166 (3) | 2nd      | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.  |
| 4819 | 790.166 (4) | 2nd      | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.     |
| 4820 | 790.23      | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.                              |
|      | 794.08 (4)  | 3rd      | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |



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| 4821 | 796.05 (1)        | 1st | Live on earnings of a prostitute; 2nd offense.   |
| 4822 | 796.05 (1)        | 1st | Live on earnings of a prostitute; 3rd and subsequent offense.  |
| 4823 | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.  |
| 4824 | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.                               |
| 4825 | 800.04 (5) (e)    | 1st | Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |

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| 4826 | 806.01 (2)         | 2nd | Maliciously damage structure by fire or explosive.  |
| 4827 | 810.02 (3) (a)     | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery.  |
| 4828 | 810.02 (3) (b)     | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery.  |
| 4829 | 810.02 (3) (d)     | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery.  |
| 4830 | 810.02 (3) (e)     | 2nd | Burglary of authorized emergency vehicle.   |
| 4831 | 812.014 (2) (a) 1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |

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| 4832 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.                            |
| 4833 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft.                                      |
| 4834 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle.                              |
| 4835 | 812.0145 (2) (a)   | 1st | Theft from person 65 years of age or older; \$50,000 or more.  |
| 4836 | 812.019 (2)        | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 4837 | 812.131 (2) (a)    | 2nd | Robbery by sudden snatching.   |
| 4838 | 812.133 (2) (b)    | 1st | Carjacking; no firearm, deadly weapon, or other weapon.  |

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| 4839 | 817.034 (4) (a) 1.               | 1st | Communications fraud, value greater than \$50,000.   |
| 4840 | 817.234 (8) (a)                  | 2nd | Solicitation of motor vehicle accident victims with intent to defraud.   |
| 4841 | 817.234 (9)                      | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision.  |
| 4842 | 817.234 (11) (c)                 | 1st | Insurance fraud; property value \$100,000 or more.   |
| 4843 | 817.2341<br>(2) (b) &<br>(3) (b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 4844 | 817.535 (2) (a)                  | 3rd | Filing false lien or other unauthorized document.  |

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| 4845 | 817.611 (2) (b) | 2nd | Traffic in or possess 15 to 49 counterfeit credit cards or related documents.                                      |
| 4846 | 825.102 (3) (b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.            |
| 4847 | 825.103 (3) (b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000. |
| 4848 | 827.03 (2) (b)  | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement.  |
| 4849 | 827.04 (3)      | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older.                                  |
| 4850 | 837.05 (2)      | 3rd | Giving false information about alleged capital felony to a law   |

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| 4851 |                 |     | enforcement officer.  |
| 4852 | 838.015         | 2nd | Bribery.  |
| 4853 | 838.016         | 2nd | Unlawful compensation or reward for official behavior.                          |
| 4854 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant.  |
| 4855 | 838.22          | 2nd | Bid tampering.  |
| 4856 | 843.0855 (2)    | 3rd | Impersonation of a public officer or employee.                                  |
| 4857 | 843.0855 (3)    | 3rd | Unlawful simulation of legal process.   |
| 4858 | 843.0855 (4)    | 3rd | Intimidation of a public officer or employee.                                   |
| 4859 | 847.0135 (3)    | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |

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| 4860 | 847.0135(4)    | 2nd      | Traveling to meet a minor to commit an unlawful sex act.   |
| 4861 | 872.06         | 2nd      | Abuse of a dead human body.  |
| 4862 | 874.05(2)(b)   | 1st      | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.   |
| 4863 | 874.10         | 1st, PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.   |
|      | 893.13(1)(c)1. | 1st      | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or |

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| 4864 | 893.13(1)(e)1.        | 1st | community center.<br>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. |
| 4865 | 893.13(4)(a)          | 1st | Use or hire of minor; deliver to minor other controlled substance.  |
| 4866 | 893.135(1)(a)1.       | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.  |
| 4867 | 893.135<br>(1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams.  |
| 4868 | 893.135<br>(1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14   |



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| 4869 |                  |     | grams.                          |
|      | 893.135          | 1st | Trafficking in hydrocodone, 14  |
|      | (1) (c) 2.a.     |     | grams or more, less than 28     |
|      |                  |     | grams.                          |
| 4870 |                  |     |                                 |
|      | 893.135          | 1st | Trafficking in hydrocodone, 28  |
|      | (1) (c) 2.b.     |     | grams or more, less than 50     |
|      |                  |     | grams.                          |
| 4871 |                  |     |                                 |
|      | 893.135          | 1st | Trafficking in oxycodone, 7     |
|      | (1) (c) 3.a.     |     | grams or more, less than 14     |
|      |                  |     | grams.                          |
| 4872 |                  |     |                                 |
|      | 893.135          | 1st | Trafficking in oxycodone, 14    |
|      | (1) (c) 3.b.     |     | grams or more, less than 25     |
|      |                  |     | grams.                          |
| 4873 |                  |     |                                 |
|      | 893.135          | 1st | Trafficking in fentanyl, 4      |
|      | (1) (c) 4.b. (I) |     | grams or more, less than 14     |
|      |                  |     | grams.                          |
| 4874 |                  |     |                                 |
|      | 893.135          | 1st | Trafficking in phencyclidine,   |
|      | (1) (d) 1.a.     |     | 28 grams or more, less than 200 |
|      |                  |     | grams.                          |

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| 4875 | 893.135 (1) (e) 1.      | 1st | Trafficking in methaqualone,<br>200 grams or more, less than 5<br>kilograms.                         |
| 4876 | 893.135 (1) (f) 1.      | 1st | Trafficking in amphetamine, 14<br>grams or more, less than 28<br>grams.                              |
| 4877 | 893.135<br>(1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4<br>grams or more, less than 14<br>grams.                             |
| 4878 | 893.135<br>(1) (h) 1.a. | 1st | Trafficking in gamma-<br>hydroxybutyric acid (GHB), 1<br>kilogram or more, less than 5<br>kilograms. |
| 4879 | 893.135<br>(1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol,<br>1 kilogram or more, less than 5<br>kilograms.                      |
| 4880 | 893.135<br>(1) (k) 2.a. | 1st | Trafficking in Phenethylamines,<br>10 grams or more, less than 200<br>grams.                         |

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| 4881 | 893.135<br>(1) (m) 2.a. | 1st | Trafficking in synthetic<br>cannabinoids, 280 grams or<br>more, less than 500 grams.  |
| 4882 | 893.135<br>(1) (m) 2.b. | 1st | Trafficking in synthetic<br>cannabinoids, 500 grams or<br>more, less than 1,000 grams.  |
| 4883 | 893.135<br>(1) (n) 2.a. | 1st | Trafficking in n-benzyl<br>phenethylamines, 14 grams or<br>more, less than 100 grams.   |
| 4884 | 893.1351 (2)            | 2nd | Possession of place for<br>trafficking in or manufacturing<br>of controlled substance.  |
| 4885 | 896.101 (5) (a)         | 3rd | Money laundering, financial<br>transactions exceeding \$300 but<br>less than \$20,000.  |
| 4886 | 896.104 (4) (a) 1.      | 3rd | Structuring transactions to<br>evade reporting or registration<br>requirements, financial<br>transactions exceeding \$300 but |

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| 4887 | 943.0435(4)(c) | 2nd | less than \$20,000.<br>Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 4888 | 943.0435(8)    | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.  |
| 4889 | 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements.   |
| 4890 | 943.0435(13)   | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.      |
| 4891 | 943.0435(14)   | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false      |

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| 4892 | 944.607 (9)      | 3rd | <p>registration information.</p> <p>Sexual offender; failure to comply with reporting requirements.</p>   |
| 4893 | 944.607 (10) (a) | 3rd | <p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>  |
| 4894 | 944.607 (12)     | 3rd | <p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>                           |
| 4895 | 944.607 (13)     | 3rd | <p>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</p> |
| 4896 | 985.4815 (10)    | 3rd | <p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>  |
| 4897 |                  |     |   |

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4898 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

4899

4900 Section 104. For the purpose of incorporating the

4901 amendment made by this act to section 775.21, Florida Statutes,

4902 in a reference thereto, paragraph (o) of subsection (6) of

4903 section 921.141, Florida Statutes, is reenacted to read:

4904 921.141 Sentence of death or life imprisonment for capital

4905 felonies; further proceedings to determine sentence.—

4906 (6) AGGRAVATING FACTORS.—Aggravating factors shall be

4907 limited to the following:

4908 (o) The capital felony was committed by a person

4909 designated as a sexual predator pursuant to s. 775.21 or a

4910 person previously designated as a sexual predator who had the

4911 sexual predator designation removed.

4912 Section 105. For the purpose of incorporating the

4913 amendments made by this act to sections 775.21, 944.606, and

4914 944.607, Florida Statutes, in references thereto, subsection  
 4915 (3), paragraph (a) of subsection (4), and subsection (5) of  
 4916 section 943.0435, Florida Statutes, are reenacted to read:

4917 943.0435 Sexual offenders required to register with the  
 4918 department; penalty.—

4919 (3) Within 48 hours after the report required under  
 4920 subsection (2), a sexual offender shall report in person at a  
 4921 driver license office of the Department of Highway Safety and  
 4922 Motor Vehicles, unless a driver license or identification card  
 4923 that complies with the requirements of s. 322.141(3) was  
 4924 previously secured or updated under s. 944.607. At the driver  
 4925 license office the sexual offender shall:

4926 (a) If otherwise qualified, secure a Florida driver  
 4927 license, renew a Florida driver license, or secure an  
 4928 identification card. The sexual offender shall identify himself  
 4929 or herself as a sexual offender who is required to comply with  
 4930 this section and shall provide proof that the sexual offender  
 4931 reported as required in subsection (2). The sexual offender  
 4932 shall provide any of the information specified in subsection  
 4933 (2), if requested. The sexual offender shall submit to the  
 4934 taking of a photograph for use in issuing a driver license,  
 4935 renewed license, or identification card, and for use by the  
 4936 department in maintaining current records of sexual offenders.

4937 (b) Pay the costs assessed by the Department of Highway  
 4938 Safety and Motor Vehicles for issuing or renewing a driver

4939 license or identification card as required by this section. The  
 4940 driver license or identification card issued must be in  
 4941 compliance with s. 322.141(3).

4942 (c) Provide, upon request, any additional information  
 4943 necessary to confirm the identity of the sexual offender,  
 4944 including a set of fingerprints.

4945 (4) (a) Each time a sexual offender's driver license or  
 4946 identification card is subject to renewal, and, without regard  
 4947 to the status of the offender's driver license or identification  
 4948 card, within 48 hours after any change in the offender's  
 4949 permanent, temporary, or transient residence or change in the  
 4950 offender's name by reason of marriage or other legal process,  
 4951 the offender shall report in person to a driver license office,  
 4952 and is subject to the requirements specified in subsection (3).  
 4953 The Department of Highway Safety and Motor Vehicles shall  
 4954 forward to the department all photographs and information  
 4955 provided by sexual offenders. Notwithstanding the restrictions  
 4956 set forth in s. 322.142, the Department of Highway Safety and  
 4957 Motor Vehicles may release a reproduction of a color-photograph  
 4958 or digital-image license to the Department of Law Enforcement  
 4959 for purposes of public notification of sexual offenders as  
 4960 provided in this section and ss. 943.043 and 944.606. A sexual  
 4961 offender who is unable to secure or update a driver license or  
 4962 an identification card with the Department of Highway Safety and  
 4963 Motor Vehicles as provided in subsection (3) and this subsection



4964 shall also report any change in the sexual offender's permanent,  
 4965 temporary, or transient residence or change in the offender's  
 4966 name by reason of marriage or other legal process within 48  
 4967 hours after the change to the sheriff's office in the county  
 4968 where the offender resides or is located and provide  
 4969 confirmation that he or she reported such information to the  
 4970 Department of Highway Safety and Motor Vehicles. The reporting  
 4971 requirements under this paragraph do not negate the requirement  
 4972 for a sexual offender to obtain a Florida driver license or an  
 4973 identification card as required in this section.

4974 (5) This section does not apply to a sexual offender who  
 4975 is also a sexual predator, as defined in s. 775.21. A sexual  
 4976 predator must register as required under s. 775.21.

4977 Section 106. For the purpose of incorporating the  
 4978 amendments made by this act to sections 943.0435, 944.606, and  
 4979 944.607, Florida Statutes, in references thereto, subsection (2)  
 4980 of section 943.0436, Florida Statutes, is reenacted to read:

4981 943.0436 Duty of the court to uphold laws governing sexual  
 4982 predators and sexual offenders.—

4983 (2) If a person meets the criteria in chapter 775 for  
 4984 designation as a sexual predator or meets the criteria in s.  
 4985 943.0435, s. 944.606, s. 944.607, or any other law for  
 4986 classification as a sexual offender, the court may not enter an  
 4987 order, for the purpose of approving a plea agreement or for any  
 4988 other reason, which:

4989 (a) Exempts a person who meets the criteria for  
 4990 designation as a sexual predator or classification as a sexual  
 4991 offender from such designation or classification, or exempts  
 4992 such person from the requirements for registration or community  
 4993 and public notification imposed upon sexual predators and sexual  
 4994 offenders;

4995 (b) Restricts the compiling, reporting, or release of  
 4996 public records information that relates to sexual predators or  
 4997 sexual offenders; or

4998 (c) Prevents any person or entity from performing its  
 4999 duties or operating within its statutorily conferred authority  
 5000 as such duty or authority relates to sexual predators or sexual  
 5001 offenders.

5002 Section 107. For the purpose of incorporating the  
 5003 amendment made by this act to section 847.0135, Florida  
 5004 Statutes, in a reference thereto, paragraph (g) of subsection  
 5005 (2) of section 943.325, Florida Statutes, is reenacted to read:  
 5006 943.325 DNA database.—

5007 (2) DEFINITIONS.—As used in this section, the term:

5008 (g) "Qualifying offender" means any person, including  
 5009 juveniles and adults, who is:

5010 1.a. Committed to a county jail;

5011 b. Committed to or under the supervision of the Department  
 5012 of Corrections, including persons incarcerated in a private  
 5013 correctional institution operated under contract pursuant to s.

5014 944.105;

5015 c. Committed to or under the supervision of the Department

5016 of Juvenile Justice;

5017 d. Transferred to this state under the Interstate Compact

5018 on Juveniles, part XIII of chapter 985; or

5019 e. Accepted under Article IV of the Interstate Corrections

5020 Compact, part III of chapter 941; and who is:

5021 2.a. Convicted of any felony offense or attempted felony

5022 offense in this state or of a similar offense in another

5023 jurisdiction;

5024 b. Convicted of a misdemeanor violation of s. 784.048, s.

5025 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an

5026 offense that was found, pursuant to s. 874.04, to have been

5027 committed for the purpose of benefiting, promoting, or

5028 furthering the interests of a criminal gang as defined in s.

5029 874.03; or

5030 c. Arrested for any felony offense or attempted felony

5031 offense in this state.

5032 Section 108. For the purpose of incorporating the

5033 amendment made by this act to section 847.001, Florida Statutes,

5034 in a reference thereto, subsection (2) of section 944.11,

5035 Florida Statutes, is reenacted to read:

5036 944.11 Department to regulate admission of books.—

5037 (2) The department shall have the authority to prohibit

5038 admission of reading materials or publications with content

5039 | which depicts sexual conduct as defined by s. 847.001 or  
 5040 | presents nudity in such a way as to create the appearance that  
 5041 | sexual conduct is imminent. The department shall have the  
 5042 | authority to prohibit admission of such materials at a  
 5043 | particular state correctional facility upon a determination by  
 5044 | the department that such material or publications would be  
 5045 | detrimental to the safety, security, order or rehabilitative  
 5046 | interests of a particular state correctional facility or would  
 5047 | create a risk of disorder at a particular state correctional  
 5048 | facility.

5049 |       Section 109. For the purpose of incorporating the  
 5050 | amendments made by this act to sections 775.21 and 943.0435,  
 5051 | Florida Statutes, in references thereto, paragraph (a) of  
 5052 | subsection (4) and subsection (9) of section 944.607, Florida  
 5053 | Statutes, are reenacted to read:

5054 |       944.607 Notification to Department of Law Enforcement of  
 5055 | information on sexual offenders.—

5056 |       (4) A sexual offender, as described in this section, who  
 5057 | is under the supervision of the Department of Corrections but is  
 5058 | not incarcerated shall register with the Department of  
 5059 | Corrections within 3 business days after sentencing for a  
 5060 | registrable offense and otherwise provide information as  
 5061 | required by this subsection.

5062 |       (a) The sexual offender shall provide his or her name;  
 5063 | date of birth; social security number; race; sex; height;

5064 weight; hair and eye color; tattoos or other identifying marks;  
 5065 all electronic mail addresses and Internet identifiers required  
 5066 to be provided pursuant to s. 943.0435(4)(e); employment  
 5067 information required to be provided pursuant to s.  
 5068 943.0435(4)(e); all home telephone numbers and cellular  
 5069 telephone numbers required to be provided pursuant to s.  
 5070 943.0435(4)(e); the make, model, color, vehicle identification  
 5071 number (VIN), and license tag number of all vehicles owned;  
 5072 permanent or legal residence and address of temporary residence  
 5073 within the state or out of state while the sexual offender is  
 5074 under supervision in this state, including any rural route  
 5075 address or post office box; if no permanent or temporary  
 5076 address, any transient residence within the state; and address,  
 5077 location or description, and dates of any current or known  
 5078 future temporary residence within the state or out of state. The  
 5079 sexual offender shall also produce his or her passport, if he or  
 5080 she has a passport, and, if he or she is an alien, shall produce  
 5081 or provide information about documents establishing his or her  
 5082 immigration status. The sexual offender shall also provide  
 5083 information about any professional licenses he or she has. The  
 5084 Department of Corrections shall verify the address of each  
 5085 sexual offender in the manner described in ss. 775.21 and  
 5086 943.0435. The department shall report to the Department of Law  
 5087 Enforcement any failure by a sexual predator or sexual offender  
 5088 to comply with registration requirements.

5089 (9) A sexual offender, as described in this section, who  
 5090 is under the supervision of the Department of Corrections but  
 5091 who is not incarcerated shall, in addition to the registration  
 5092 requirements provided in subsection (4), register and obtain a  
 5093 distinctive driver license or identification card in the manner  
 5094 provided in s. 943.0435(3), (4), and (5), unless the sexual  
 5095 offender is a sexual predator, in which case he or she shall  
 5096 register and obtain a distinctive driver license or  
 5097 identification card as required under s. 775.21. A sexual  
 5098 offender who fails to comply with the requirements of s.  
 5099 943.0435 is subject to the penalties provided in s. 943.0435(9).

5100 Section 110. For the purpose of incorporating the  
 5101 amendments made by this act to sections 775.21 and 944.607,  
 5102 Florida Statutes, in references thereto, subsection (7) of  
 5103 section 944.608, Florida Statutes, is reenacted to read:

5104 944.608 Notification to Department of Law Enforcement of  
 5105 information on career offenders.—

5106 (7) A career offender who is under the supervision of the  
 5107 department but who is not incarcerated shall, in addition to the  
 5108 registration requirements provided in subsection (3), register  
 5109 in the manner provided in s. 775.261(4)(c), unless the career  
 5110 offender is a sexual predator, in which case he or she shall  
 5111 register as required under s. 775.21, or is a sexual offender,  
 5112 in which case he or she shall register as required in s.  
 5113 944.607. A career offender who fails to comply with the

5114 requirements of s. 775.261(4) is subject to the penalties  
 5115 provided in s. 775.261(8).

5116 Section 111. For the purpose of incorporating the  
 5117 amendment made by this act to section 775.21, Florida Statutes,  
 5118 in a reference thereto, subsection (4) of section 944.609,  
 5119 Florida Statutes, is reenacted to read:

5120 944.609 Career offenders; notification upon release.—

5121 (4) The department or any law enforcement agency may  
 5122 notify the community and the public of a career offender's  
 5123 presence in the community. However, with respect to a career  
 5124 offender who has been found to be a sexual predator under s.  
 5125 775.21, the Department of Law Enforcement or any other law  
 5126 enforcement agency must inform the community and the public of  
 5127 the career offender's presence in the community, as provided in  
 5128 s. 775.21.

5129 Section 112. For the purpose of incorporating the  
 5130 amendment made by this act to section 947.1405, Florida  
 5131 Statutes, in a reference thereto, subsection (1) of section  
 5132 944.70, Florida Statutes, is reenacted to read:

5133 944.70 Conditions for release from incarceration.—

5134 (1) (a) A person who is convicted of a crime committed on  
 5135 or after October 1, 1983, but before January 1, 1994, may be  
 5136 released from incarceration only:

- 5137 1. Upon expiration of the person's sentence;
- 5138 2. Upon expiration of the person's sentence as reduced by

5139 accumulated gain-time;

5140 3. As directed by an executive order granting clemency;

5141 4. Upon attaining the provisional release date;

5142 5. Upon placement in a conditional release program

5143 pursuant to s. 947.1405; or

5144 6. Upon the granting of control release pursuant to s.

5145 947.146.

5146 (b) A person who is convicted of a crime committed on or

5147 after January 1, 1994, may be released from incarceration only:

5148 1. Upon expiration of the person's sentence;

5149 2. Upon expiration of the person's sentence as reduced by

5150 accumulated meritorious or incentive gain-time;

5151 3. As directed by an executive order granting clemency;

5152 4. Upon placement in a conditional release program

5153 pursuant to s. 947.1405 or a conditional medical release program

5154 pursuant to s. 947.149; or

5155 5. Upon the granting of control release, including

5156 emergency control release, pursuant to s. 947.146.

5157 Section 113. For the purpose of incorporating the

5158 amendment made by this act to section 947.1405, Florida

5159 Statutes, in a reference thereto, paragraph (f) of subsection

5160 (1) of section 947.13, Florida Statutes, is reenacted to read:

5161 947.13 Powers and duties of commission.—

5162 (1) The commission shall have the powers and perform the

5163 duties of:



5164 (f) Establishing the terms and conditions of persons  
 5165 released on conditional release under s. 947.1405, and  
 5166 determining subsequent ineligibility for conditional release due  
 5167 to a violation of the terms or conditions of conditional release  
 5168 and taking action with respect to such a violation.

5169 Section 114. For the purpose of incorporating the  
 5170 amendments made by this act to sections 775.21, 943.0435, and  
 5171 943.4354, Florida Statutes, in references thereto, paragraph (c)  
 5172 of subsection (2) and subsection (12) of section 947.1405,  
 5173 Florida Statutes, are reenacted to read:

5174 947.1405 Conditional release program.—

5175 (2) Any inmate who:

5176 (c) Is found to be a sexual predator under s. 775.21 or  
 5177 former s. 775.23,

5178  
 5179 shall, upon reaching the tentative release date or provisional  
 5180 release date, whichever is earlier, as established by the  
 5181 Department of Corrections, be released under supervision subject  
 5182 to specified terms and conditions, including payment of the cost  
 5183 of supervision pursuant to s. 948.09. Such supervision shall be  
 5184 applicable to all sentences within the overall term of sentences  
 5185 if an inmate's overall term of sentences includes one or more  
 5186 sentences that are eligible for conditional release supervision  
 5187 as provided herein. Effective July 1, 1994, and applicable for  
 5188 offenses committed on or after that date, the commission may

5189 | require, as a condition of conditional release, that the  
 5190 | releasee make payment of the debt due and owing to a county or  
 5191 | municipal detention facility under s. 951.032 for medical care,  
 5192 | treatment, hospitalization, or transportation received by the  
 5193 | releasee while in that detention facility. The commission, in  
 5194 | determining whether to order such repayment and the amount of  
 5195 | such repayment, shall consider the amount of the debt, whether  
 5196 | there was any fault of the institution for the medical expenses  
 5197 | incurred, the financial resources of the releasee, the present  
 5198 | and potential future financial needs and earning ability of the  
 5199 | releasee, and dependents, and other appropriate factors. If any  
 5200 | inmate placed on conditional release supervision is also subject  
 5201 | to probation or community control, resulting from a probationary  
 5202 | or community control split sentence within the overall term of  
 5203 | sentences, the Department of Corrections shall supervise such  
 5204 | person according to the conditions imposed by the court and the  
 5205 | commission shall defer to such supervision. If the court revokes  
 5206 | probation or community control and resentences the offender to a  
 5207 | term of incarceration, such revocation also constitutes a  
 5208 | sufficient basis for the revocation of the conditional release  
 5209 | supervision on any nonprobationary or noncommunity control  
 5210 | sentence without further hearing by the commission. If any such  
 5211 | supervision on any nonprobationary or noncommunity control  
 5212 | sentence is revoked, such revocation may result in a forfeiture  
 5213 | of all gain-time, and the commission may revoke the resulting

5214 deferred conditional release supervision or take other action it  
 5215 considers appropriate. If the term of conditional release  
 5216 supervision exceeds that of the probation or community control,  
 5217 then, upon expiration of the probation or community control,  
 5218 authority for the supervision shall revert to the commission and  
 5219 the supervision shall be subject to the conditions imposed by  
 5220 the commission. A panel of no fewer than two commissioners shall  
 5221 establish the terms and conditions of any such release. If the  
 5222 offense was a controlled substance violation, the conditions  
 5223 shall include a requirement that the offender submit to random  
 5224 substance abuse testing intermittently throughout the term of  
 5225 conditional release supervision, upon the direction of the  
 5226 correctional probation officer as defined in s. 943.10(3). The  
 5227 commission shall also determine whether the terms and conditions  
 5228 of such release have been violated and whether such violation  
 5229 warrants revocation of the conditional release.

5230 (12) In addition to all other conditions imposed, for a  
 5231 releasee who is subject to conditional release for a crime that  
 5232 was committed on or after May 26, 2010, and who has been  
 5233 convicted at any time of committing, or attempting, soliciting,  
 5234 or conspiring to commit, any of the criminal offenses listed in  
 5235 s. 943.0435(1)(h)1.a.(I), or a similar offense in another  
 5236 jurisdiction against a victim who was under 18 years of age at  
 5237 the time of the offense, if the releasee has not received a  
 5238 pardon for any felony or similar law of another jurisdiction

5239 necessary for the operation of this subsection, if a conviction  
 5240 of a felony or similar law of another jurisdiction necessary for  
 5241 the operation of this subsection has not been set aside in any  
 5242 postconviction proceeding, or if the releasee has not been  
 5243 removed from the requirement to register as a sexual offender or  
 5244 sexual predator pursuant to s. 943.04354, the commission must  
 5245 impose the following conditions:

5246 (a) A prohibition on visiting schools, child care  
 5247 facilities, parks, and playgrounds without prior approval from  
 5248 the releasee's supervising officer. The commission may also  
 5249 designate additional prohibited locations to protect a victim.  
 5250 The prohibition ordered under this paragraph does not prohibit  
 5251 the releasee from visiting a school, child care facility, park,  
 5252 or playground for the sole purpose of attending a religious  
 5253 service as defined in s. 775.0861 or picking up or dropping off  
 5254 the releasee's child or grandchild at a child care facility or  
 5255 school.

5256 (b) A prohibition on distributing candy or other items to  
 5257 children on Halloween; wearing a Santa Claus costume, or other  
 5258 costume to appeal to children, on or preceding Christmas;  
 5259 wearing an Easter Bunny costume, or other costume to appeal to  
 5260 children, on or preceding Easter; entertaining at children's  
 5261 parties; or wearing a clown costume without prior approval from  
 5262 the commission.  
 5263

5264 Section 115. For the purpose of incorporating the  
 5265 amendment made by this act to section 947.1405, Florida  
 5266 Statutes, in references thereto, subsections (1), (2), and (7)  
 5267 of section 947.141, Florida Statutes, are reenacted to read:

5268 947.141 Violations of conditional release, control  
 5269 release, or conditional medical release or addiction-recovery  
 5270 supervision.—

5271 (1) If a member of the commission or a duly authorized  
 5272 representative of the commission has reasonable grounds to  
 5273 believe that an offender who is on release supervision under s.  
 5274 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
 5275 the terms and conditions of the release in a material respect,  
 5276 such member or representative may cause a warrant to be issued  
 5277 for the arrest of the releasee; if the offender was found to be  
 5278 a sexual predator, the warrant must be issued.

5279 (2) Upon the arrest on a felony charge of an offender who  
 5280 is on release supervision under s. 947.1405, s. 947.146, s.  
 5281 947.149, or s. 944.4731, the offender must be detained without  
 5282 bond until the initial appearance of the offender at which a  
 5283 judicial determination of probable cause is made. If the trial  
 5284 court judge determines that there was no probable cause for the  
 5285 arrest, the offender may be released. If the trial court judge  
 5286 determines that there was probable cause for the arrest, such  
 5287 determination also constitutes reasonable grounds to believe  
 5288 that the offender violated the conditions of the release. Within

5289 24 hours after the trial court judge's finding of probable  
 5290 cause, the detention facility administrator or designee shall  
 5291 notify the commission and the department of the finding and  
 5292 transmit to each a facsimile copy of the probable cause  
 5293 affidavit or the sworn offense report upon which the trial court  
 5294 judge's probable cause determination is based. The offender must  
 5295 continue to be detained without bond for a period not exceeding  
 5296 72 hours excluding weekends and holidays after the date of the  
 5297 probable cause determination, pending a decision by the  
 5298 commission whether to issue a warrant charging the offender with  
 5299 violation of the conditions of release. Upon the issuance of the  
 5300 commission's warrant, the offender must continue to be held in  
 5301 custody pending a revocation hearing held in accordance with  
 5302 this section.

5303 (7) If a law enforcement officer has probable cause to  
 5304 believe that an offender who is on release supervision under s.  
 5305 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
 5306 the terms and conditions of his or her release by committing a  
 5307 felony offense, the officer shall arrest the offender without a  
 5308 warrant, and a warrant need not be issued in the case.

5309 Section 116. For the purpose of incorporating the  
 5310 amendments made by this act to ss. 775.21 and 943.0435, Florida  
 5311 Statutes, in references thereto, paragraph (b) of subsection (2)  
 5312 of section 948.013, Florida Statutes, is reenacted to read:

5313 948.013 Administrative probation.—

5314 (2)  
 5315 (b) Effective for an offense committed on or after October  
 5316 1, 2017, a person is ineligible for placement on administrative  
 5317 probation if the person is sentenced to or is serving a term of  
 5318 probation or community control, regardless of the conviction or  
 5319 adjudication, for committing, or attempting, conspiring, or  
 5320 soliciting to commit, any of the felony offenses described in s.  
 5321 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

5322 Section 117. For the purpose of incorporating the  
 5323 amendment made by this act to section 775.21, Florida Statutes,  
 5324 in references thereto, paragraphs (b) and (d) of subsection (8)  
 5325 of section 948.06, Florida Statutes, are reenacted to read:

5326 948.06 Violation of probation or community control;  
 5327 revocation; modification; continuance; failure to pay  
 5328 restitution or cost of supervision.—

5329 (8)  
 5330 (b) For purposes of this section and ss. 903.0351,  
 5331 948.064, and 921.0024, the term "violent felony offender of  
 5332 special concern" means a person who is on:

5333 1. Felony probation or community control related to the  
 5334 commission of a qualifying offense committed on or after the  
 5335 effective date of this act;

5336 2. Felony probation or community control for any offense  
 5337 committed on or after the effective date of this act, and has  
 5338 previously been convicted of a qualifying offense;

5339 3. Felony probation or community control for any offense  
 5340 committed on or after the effective date of this act, and is  
 5341 found to have violated that probation or community control by  
 5342 committing a qualifying offense;

5343 4. Felony probation or community control and has  
 5344 previously been found by a court to be a habitual violent felony  
 5345 offender as defined in s. 775.084(1)(b) and has committed a  
 5346 qualifying offense on or after the effective date of this act;

5347 5. Felony probation or community control and has  
 5348 previously been found by a court to be a three-time violent  
 5349 felony offender as defined in s. 775.084(1)(c) and has committed  
 5350 a qualifying offense on or after the effective date of this act;  
 5351 or

5352 6. Felony probation or community control and has  
 5353 previously been found by a court to be a sexual predator under  
 5354 s. 775.21 and has committed a qualifying offense on or after the  
 5355 effective date of this act.

5356 (d) In the case of an alleged violation of probation or  
 5357 community control other than a failure to pay costs, fines, or  
 5358 restitution, the following individuals shall remain in custody  
 5359 pending the resolution of the probation or community control  
 5360 violation:

5361 1. A violent felony offender of special concern, as  
 5362 defined in this section;

5363 2. A person who is on felony probation or community



5364 control for any offense committed on or after the effective date  
 5365 of this act and who is arrested for a qualifying offense as  
 5366 defined in this section; or

5367 3. A person who is on felony probation or community  
 5368 control and has previously been found by a court to be a  
 5369 habitual violent felony offender as defined in s. 775.084(1)(b),  
 5370 a three-time violent felony offender as defined in s.  
 5371 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 5372 arrested for committing a qualifying offense as defined in this  
 5373 section on or after the effective date of this act.

5374  
 5375 The court shall not dismiss the probation or community control  
 5376 violation warrant pending against an offender enumerated in this  
 5377 paragraph without holding a recorded violation-of-probation  
 5378 hearing at which both the state and the offender are  
 5379 represented.

5380 Section 118. For the purpose of incorporating the  
 5381 amendments made by this act to sections 775.21, 943.0435, and  
 5382 944.607, Florida Statutes, in references thereto, section  
 5383 948.063, Florida Statutes, is reenacted to read:

5384 948.063 Violations of probation or community control by  
 5385 designated sexual offenders and sexual predators.—

5386 (1) If probation or community control for any felony  
 5387 offense is revoked by the court pursuant to s. 948.06(2)(e) and  
 5388 the offender is designated as a sexual offender pursuant to s.

5389 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
 5390 775.21 for unlawful sexual activity involving a victim 15 years  
 5391 of age or younger and the offender is 18 years of age or older,  
 5392 and if the court imposes a subsequent term of supervision  
 5393 following the revocation of probation or community control, the  
 5394 court must order electronic monitoring as a condition of the  
 5395 subsequent term of probation or community control.

5396 (2) If the probationer or offender is required to register  
 5397 as a sexual predator under s. 775.21 or as a sexual offender  
 5398 under s. 943.0435 or s. 944.607 for unlawful sexual activity  
 5399 involving a victim 15 years of age or younger and the  
 5400 probationer or offender is 18 years of age or older and has  
 5401 violated the conditions of his or her probation or community  
 5402 control, but the court does not revoke the probation or  
 5403 community control, the court shall nevertheless modify the  
 5404 probation or community control to include electronic monitoring  
 5405 for any probationer or offender not then subject to electronic  
 5406 monitoring.

5407 Section 119. For the purpose of incorporating the  
 5408 amendment made by this act to section 775.21, Florida Statutes,  
 5409 in a reference thereto, subsection (4) of section 948.064,  
 5410 Florida Statutes, is reenacted to read:

5411 948.064 Notification of status as a violent felony  
 5412 offender of special concern.—

5413 (4) The state attorney, or the statewide prosecutor if

5414 applicable, shall advise the court at each critical stage in the  
 5415 judicial process, at which the state attorney or statewide  
 5416 prosecutor is represented, whether an alleged or convicted  
 5417 offender is a violent felony offender of special concern; a  
 5418 person who is on felony probation or community control for any  
 5419 offense committed on or after the effective date of this act and  
 5420 who is arrested for a qualifying offense; or a person who is on  
 5421 felony probation or community control and has previously been  
 5422 found by a court to be a habitual violent felony offender as  
 5423 defined in s. 775.084(1)(b), a three-time violent felony  
 5424 offender as defined in s. 775.084(1)(c), or a sexual predator  
 5425 under s. 775.21, and who is arrested for committing a qualifying  
 5426 offense on or after the effective date of this act.

5427 Section 120. For the purpose of incorporating the  
 5428 amendment made by this act to section 948.06, Florida Statutes,  
 5429 in a reference thereto, paragraph (a) of subsection (7) of  
 5430 section 948.08, Florida Statutes, is reenacted to read:

5431 948.08 Pretrial intervention program.—

5432 (7) (a) Notwithstanding any provision of this section, a  
 5433 person who is charged with a felony, other than a felony listed  
 5434 in s. 948.06(8)(c), and identified as a veteran, as defined in  
 5435 s. 1.01, including a veteran who is discharged or released under  
 5436 a general discharge, or servicemember, as defined in s. 250.01,  
 5437 who suffers from a military service-related mental illness,  
 5438 traumatic brain injury, substance abuse disorder, or

5439 | psychological problem, is eligible for voluntary admission into  
 5440 | a pretrial veterans' treatment intervention program approved by  
 5441 | the chief judge of the circuit, upon motion of either party or  
 5442 | the court's own motion, except:

5443 |         1. If a defendant was previously offered admission to a  
 5444 | pretrial veterans' treatment intervention program at any time  
 5445 | before trial and the defendant rejected that offer on the  
 5446 | record, the court may deny the defendant's admission to such a  
 5447 | program.

5448 |         2. If a defendant previously entered a court-ordered  
 5449 | veterans' treatment program, the court may deny the defendant's  
 5450 | admission into the pretrial veterans' treatment program.

5451 |         Section 121. For the purpose of incorporating the  
 5452 | amendment made by this act to section 775.21, Florida Statutes,  
 5453 | in a reference thereto, subsection (3) of section 948.12,  
 5454 | Florida Statutes, is reenacted to read:

5455 |         948.12 Intensive supervision for postprison release of  
 5456 | violent offenders.—It is the finding of the Legislature that the  
 5457 | population of violent offenders released from state prison into  
 5458 | the community poses the greatest threat to the public safety of  
 5459 | the groups of offenders under community supervision. Therefore,  
 5460 | for the purpose of enhanced public safety, any offender released  
 5461 | from state prison who:

5462 |         (3) Has been found to be a sexual predator pursuant to s.  
 5463 | 775.21,

5464  
 5465 and who has a term of probation to follow the period of  
 5466 incarceration shall be provided intensive supervision by  
 5467 experienced correctional probation officers. Subject to specific  
 5468 appropriation by the Legislature, caseloads may be restricted to  
 5469 a maximum of 40 offenders per officer to provide for enhanced  
 5470 public safety as well as to effectively monitor conditions of  
 5471 electronic monitoring or curfews, if such was ordered by the  
 5472 court.

5473 Section 122. For the purpose of incorporating the  
 5474 amendments made by this act to sections 775.21 and 943.0435,  
 5475 Florida Statutes, in references thereto, paragraph (b) of  
 5476 subsection (3) and subsection (4) of section 948.30, Florida  
 5477 Statutes, are reenacted to read:

5478 948.30 Additional terms and conditions of probation or  
 5479 community control for certain sex offenses.—Conditions imposed  
 5480 pursuant to this section do not require oral pronouncement at  
 5481 the time of sentencing and shall be considered standard  
 5482 conditions of probation or community control for offenders  
 5483 specified in this section.

5484 (3) Effective for a probationer or community controllee  
 5485 whose crime was committed on or after September 1, 2005, and  
 5486 who:

5487 (a) Is placed on probation or community control for a  
 5488 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,

5489 or s. 847.0145 and the unlawful sexual activity involved a  
 5490 victim 15 years of age or younger and the offender is 18 years  
 5491 of age or older;

5492 (b) Is designated a sexual predator pursuant to s. 775.21;  
 5493 or

5494 (c) Has previously been convicted of a violation of  
 5495 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.  
 5496 847.0145 and the unlawful sexual activity involved a victim 15  
 5497 years of age or younger and the offender is 18 years of age or  
 5498 older,

5499  
 5500 the court must order, in addition to any other provision of this  
 5501 section, mandatory electronic monitoring as a condition of the  
 5502 probation or community control supervision.

5503 (4) In addition to all other conditions imposed, for a  
 5504 probationer or community controllee who is subject to  
 5505 supervision for a crime that was committed on or after May 26,  
 5506 2010, and who has been convicted at any time of committing, or  
 5507 attempting, soliciting, or conspiring to commit, any of the  
 5508 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a  
 5509 similar offense in another jurisdiction, against a victim who  
 5510 was under the age of 18 at the time of the offense; if the  
 5511 offender has not received a pardon for any felony or similar law  
 5512 of another jurisdiction necessary for the operation of this  
 5513 subsection, if a conviction of a felony or similar law of

5514 another jurisdiction necessary for the operation of this  
 5515 subsection has not been set aside in any postconviction  
 5516 proceeding, or if the offender has not been removed from the  
 5517 requirement to register as a sexual offender or sexual predator  
 5518 pursuant to s. 943.04354, the court must impose the following  
 5519 conditions:

5520 (a) A prohibition on visiting schools, child care  
 5521 facilities, parks, and playgrounds, without prior approval from  
 5522 the offender's supervising officer. The court may also designate  
 5523 additional locations to protect a victim. The prohibition  
 5524 ordered under this paragraph does not prohibit the offender from  
 5525 visiting a school, child care facility, park, or playground for  
 5526 the sole purpose of attending a religious service as defined in  
 5527 s. 775.0861 or picking up or dropping off the offender's  
 5528 children or grandchildren at a child care facility or school.

5529 (b) A prohibition on distributing candy or other items to  
 5530 children on Halloween; wearing a Santa Claus costume, or other  
 5531 costume to appeal to children, on or preceding Christmas;  
 5532 wearing an Easter Bunny costume, or other costume to appeal to  
 5533 children, on or preceding Easter; entertaining at children's  
 5534 parties; or wearing a clown costume; without prior approval from  
 5535 the court.

5536 Section 123. For the purpose of incorporating the  
 5537 amendments made by this act to sections 775.21, 943.0435,  
 5538 944.606, and 944.607, Florida Statutes, in references thereto,

5539 section 948.31, Florida Statutes, is reenacted to read:

5540       948.31 Evaluation and treatment of sexual predators and  
 5541 offenders on probation or community control.—The court may  
 5542 require any probationer or community controllee who is required  
 5543 to register as a sexual predator under s. 775.21 or sexual  
 5544 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
 5545 an evaluation, at the probationer or community controllee's  
 5546 expense, by a qualified practitioner to determine whether such  
 5547 probationer or community controllee needs sexual offender  
 5548 treatment. If the qualified practitioner determines that sexual  
 5549 offender treatment is needed and recommends treatment, the  
 5550 probationer or community controllee must successfully complete  
 5551 and pay for the treatment. Such treatment must be obtained from  
 5552 a qualified practitioner as defined in s. 948.001. Treatment may  
 5553 not be administered by a qualified practitioner who has been  
 5554 convicted or adjudicated delinquent of committing, or  
 5555 attempting, soliciting, or conspiring to commit, any offense  
 5556 that is listed in s. 943.0435(1)(h)1.a.(I).

5557       Section 124. For the purpose of incorporating the  
 5558 amendment made by this act to section 775.0877, Florida  
 5559 Statutes, in a reference thereto, section 951.27, Florida  
 5560 Statutes, is reenacted to read:

5561       951.27 Blood tests of inmates.—

5562       (1) Each county and each municipal detention facility  
 5563 shall have a written procedure developed, in consultation with



5564 the facility medical provider, establishing conditions under  
 5565 which an inmate will be tested for infectious disease, including  
 5566 human immunodeficiency virus pursuant to s. 775.0877, which  
 5567 procedure is consistent with guidelines of the Centers for  
 5568 Disease Control and Prevention and recommendations of the  
 5569 Correctional Medical Authority. It is not unlawful for the  
 5570 person receiving the test results to divulge the test results to  
 5571 the sheriff or chief correctional officer.

5572 (2) Except as otherwise provided in this subsection,  
 5573 serologic blood test results obtained pursuant to subsection (1)  
 5574 are confidential and exempt from the provisions of s. 119.07(1)  
 5575 and s. 24(a), Art. I of the State Constitution. However, such  
 5576 results may be provided to employees or officers of the sheriff  
 5577 or chief correctional officer who are responsible for the  
 5578 custody and care of the affected inmate and have a need to know  
 5579 such information, and as provided in ss. 775.0877 and 960.003.  
 5580 In addition, upon request of the victim or the victim's legal  
 5581 guardian, or the parent or legal guardian of the victim if the  
 5582 victim is a minor, the results of any HIV test performed on an  
 5583 inmate who has been arrested for any sexual offense involving  
 5584 oral, anal, or vaginal penetration by, or union with, the sexual  
 5585 organ of another, shall be disclosed to the victim or the  
 5586 victim's legal guardian, or to the parent or legal guardian of  
 5587 the victim if the victim is a minor. In such cases, the county  
 5588 or municipal detention facility shall furnish the test results

5589 to the Department of Health, which is responsible for disclosing  
 5590 the results to public health agencies as provided in s. 775.0877  
 5591 and to the victim or the victim's legal guardian, or the parent  
 5592 or legal guardian of the victim if the victim is a minor, as  
 5593 provided in s. 960.003(3).

5594 (3) The results of any serologic blood test on an inmate  
 5595 are a part of that inmate's permanent medical file. Upon  
 5596 transfer of the inmate to any other correctional facility, such  
 5597 file is also transferred, and all relevant authorized persons  
 5598 must be notified of positive HIV test results, as required in s.  
 5599 775.0877.

5600 Section 125. For the purpose of incorporating the  
 5601 amendment made by this act to section 775.0877, Florida  
 5602 Statutes, in references thereto, paragraphs (a) and (b) of  
 5603 subsection (2) and paragraph (a) of subsection (3) of section  
 5604 960.003, Florida Statutes, are reenacted to read:

5605 960.003 Hepatitis and HIV testing for persons charged with  
 5606 or alleged by petition for delinquency to have committed certain  
 5607 offenses; disclosure of results to victims.—

5608 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION  
 5609 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5610 (a) In any case in which a person has been charged by  
 5611 information or indictment with or alleged by petition for  
 5612 delinquency to have committed any offense enumerated in s.  
 5613 775.0877(1)(a)-(n), which involves the transmission of body

5614 fluids from one person to another, upon request of the victim or  
5615 the victim's legal guardian, or of the parent or legal guardian  
5616 of the victim if the victim is a minor, the court shall order  
5617 such person to undergo hepatitis and HIV testing within 48 hours  
5618 after the information, indictment, or petition for delinquency  
5619 is filed. In the event the victim or, if the victim is a minor,  
5620 the victim's parent or legal guardian requests hepatitis and HIV  
5621 testing after 48 hours have elapsed from the filing of the  
5622 indictment, information, or petition for delinquency, the  
5623 testing shall be done within 48 hours after the request.

5624 (b) However, when a victim of any sexual offense  
5625 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at  
5626 the time the offense was committed or when a victim of any  
5627 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.  
5628 825.1025 is a disabled adult or elderly person as defined in s.  
5629 825.1025 regardless of whether the offense involves the  
5630 transmission of bodily fluids from one person to another, then  
5631 upon the request of the victim or the victim's legal guardian,  
5632 or of the parent or legal guardian, the court shall order such  
5633 person to undergo hepatitis and HIV testing within 48 hours  
5634 after the information, indictment, or petition for delinquency  
5635 is filed. In the event the victim or, if the victim is a minor,  
5636 the victim's parent or legal guardian requests hepatitis and HIV  
5637 testing after 48 hours have elapsed from the filing of the  
5638 indictment, information, or petition for delinquency, the

5639 testing shall be done within 48 hours after the request. The  
5640 testing shall be performed under the direction of the Department  
5641 of Health in accordance with s. 381.004. The results of a  
5642 hepatitis and HIV test performed on a defendant or juvenile  
5643 offender pursuant to this subsection shall not be admissible in  
5644 any criminal or juvenile proceeding arising out of the alleged  
5645 offense.

5646 (3) DISCLOSURE OF RESULTS.—

5647 (a) The results of the test shall be disclosed no later  
5648 than 2 weeks after the court receives such results, under the  
5649 direction of the Department of Health, to the person charged  
5650 with or alleged by petition for delinquency to have committed or  
5651 to the person convicted of or adjudicated delinquent for any  
5652 offense enumerated in s. 775.0877(1)(a)-(n), which involves the  
5653 transmission of body fluids from one person to another, and,  
5654 upon request, to the victim or the victim's legal guardian, or  
5655 the parent or legal guardian of the victim if the victim is a  
5656 minor, and to public health agencies pursuant to s. 775.0877. If  
5657 the alleged offender is a juvenile, the test results shall also  
5658 be disclosed to the parent or guardian. When the victim is a  
5659 victim as described in paragraph (2)(b), the test results must  
5660 also be disclosed no later than 2 weeks after the court receives  
5661 such results, to the person charged with or alleged by petition  
5662 for delinquency to have committed or to the person convicted of  
5663 or adjudicated delinquent for any offense enumerated in s.

5664 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the  
 5665 offense involves the transmission of bodily fluids from one  
 5666 person to another, and, upon request, to the victim or the  
 5667 victim's legal guardian, or the parent or legal guardian of the  
 5668 victim, and to public health agencies pursuant to s. 775.0877.  
 5669 Otherwise, hepatitis and HIV test results obtained pursuant to  
 5670 this section are confidential and exempt from the provisions of  
 5671 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
 5672 shall not be disclosed to any other person except as expressly  
 5673 authorized by law or court order.

5674 Section 126. For the purpose of incorporating the  
 5675 amendment made by this act to section 39.01, Florida Statutes,  
 5676 in a reference thereto, subsection (5) of section 960.065,  
 5677 Florida Statutes, is reenacted to read:

5678 960.065 Eligibility for awards.—

5679 (5) A person is not ineligible for an award pursuant to  
 5680 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
 5681 person is a victim of sexual exploitation of a child as defined  
 5682 in s. 39.01(71)(g).

5683 Section 127. For the purpose of incorporating the  
 5684 amendment made by this act to section 39.01, Florida Statutes,  
 5685 in a reference thereto, subsection (2) of section 984.03,  
 5686 Florida Statutes, is reenacted to read:

5687 984.03 Definitions.—When used in this chapter, the term:

5688 (2) "Abuse" means any willful act that results in any

5689 physical, mental, or sexual injury that causes or is likely to  
 5690 cause the child's physical, mental, or emotional health to be  
 5691 significantly impaired. Corporal discipline of a child by a  
 5692 parent or guardian for disciplinary purposes does not in itself  
 5693 constitute abuse when it does not result in harm to the child as  
 5694 defined in s. 39.01.

5695 Section 128. For the purpose of incorporating the  
 5696 amendment made by this act to section 985.475, Florida Statutes,  
 5697 in a reference thereto, paragraph (c) of subsection (5) of  
 5698 section 985.0301, Florida Statutes, is reenacted to read:

5699 985.0301 Jurisdiction.—

5700 (5)

5701 (c) The court shall retain jurisdiction over a juvenile  
 5702 sexual offender, as defined in s. 985.475, who has been placed  
 5703 on community-based treatment alternative with supervision or who  
 5704 has been placed in a program or facility for juvenile sexual  
 5705 offenders, pursuant to s. 985.48, until the juvenile sexual  
 5706 offender reaches 21 years of age, specifically for the purpose  
 5707 of allowing the juvenile to complete the program.

5708 Section 129. For the purpose of incorporating the  
 5709 amendments made by this act to sections 775.21, 943.0435,  
 5710 944.606 and 944.607, Florida Statutes, in references thereto,  
 5711 paragraph (b) of subsection (6) of section 985.04, Florida  
 5712 Statutes, is reenacted to read:

5713 985.04 Oaths; records; confidential information.—

5714 (6)

5715 (b) Sexual offender and predator registration information

5716 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,

5717 and 985.4815 is a public record pursuant to s. 119.07(1) and as

5718 otherwise provided by law.

5719 Section 130. For the purpose of incorporating the

5720 amendment made by this act to section 985.475, Florida Statutes,

5721 in a reference thereto, paragraph (c) of subsection (1) of

5722 section 985.441, Florida Statutes, is reenacted to read:

5723 985.441 Commitment.—

5724 (1) The court that has jurisdiction of an adjudicated

5725 delinquent child may, by an order stating the facts upon which a

5726 determination of a sanction and rehabilitative program was made

5727 at the disposition hearing:

5728 (c) Commit the child to the department for placement in a

5729 program or facility for juvenile sexual offenders in accordance

5730 with s. 985.48, subject to specific appropriation for such a

5731 program or facility.

5732 1. The child may only be committed for such placement

5733 pursuant to determination that the child is a juvenile sexual

5734 offender under the criteria specified in s. 985.475.

5735 2. Any commitment of a juvenile sexual offender to a

5736 program or facility for juvenile sexual offenders must be for an

5737 indeterminate period of time, but the time may not exceed the

5738 maximum term of imprisonment that an adult may serve for the

5739 same offense.

5740 Section 131. For the purpose of incorporating the  
 5741 amendments made by this act to sections 775.21 and 943.0435  
 5742 Florida Statutes, in references thereto, subsection (9) of  
 5743 section 985.4815, Florida Statutes, is reenacted to read:

5744 985.4815 Notification to Department of Law Enforcement of  
 5745 information on juvenile sexual offenders.—

5746 (9) A sexual offender, as described in this section, who  
 5747 is under the care, jurisdiction, or supervision of the  
 5748 department but who is not incarcerated shall, in addition to the  
 5749 registration requirements provided in subsection (4), register  
 5750 in the manner provided in s. 943.0435(3), (4), and (5), unless  
 5751 the sexual offender is a sexual predator, in which case he or  
 5752 she shall register as required under s. 775.21. A sexual  
 5753 offender who fails to comply with the requirements of s.  
 5754 943.0435 is subject to the penalties provided in s. 943.0435(9).

5755 Section 132. For the purpose of incorporating the  
 5756 amendment made by this act to section 943.0435, Florida  
 5757 Statutes, in a reference thereto, paragraph (g) of subsection  
 5758 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5759 1012.467 Noninstructional contractors who are permitted  
 5760 access to school grounds when students are present; background  
 5761 screening requirements.—

5762 (2)

5763 (g) A noninstructional contractor for whom a criminal



5764 history check is required under this section may not have been  
 5765 convicted of any of the following offenses designated in the  
 5766 Florida Statutes, any similar offense in another jurisdiction,  
 5767 or any similar offense committed in this state which has been  
 5768 redesignated from a former provision of the Florida Statutes to  
 5769 one of the following offenses:

5770 1. Any offense listed in s. 943.0435(1)(h)1., relating to  
 5771 the registration of an individual as a sexual offender.

5772 2. Section 393.135, relating to sexual misconduct with  
 5773 certain developmentally disabled clients and the reporting of  
 5774 such sexual misconduct.

5775 3. Section 394.4593, relating to sexual misconduct with  
 5776 certain mental health patients and the reporting of such sexual  
 5777 misconduct.

5778 4. Section 775.30, relating to terrorism.

5779 5. Section 782.04, relating to murder.

5780 6. Section 787.01, relating to kidnapping.

5781 7. Any offense under chapter 800, relating to lewdness and  
 5782 indecent exposure.

5783 8. Section 826.04, relating to incest.

5784 9. Section 827.03, relating to child abuse, aggravated  
 5785 child abuse, or neglect of a child.

5786 Section 133. This act shall take effect October 1, 2018.