



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 ss. 794.056 and 796.001, F.S.;  
 60 conforming provisions to changes made by the act;  
 61 repealing s. 827.071, F.S., relating to sexual  
 62 performance by a child; amending s. 847.001, F.S.;  
 63 revising definitions; creating s. 847.003, F.S.;  
 64 providing definitions; prohibiting a person from using  
 65 a child in a sexual performance or promoting a sexual  
 66 performance by a child; providing penalties; amending  
 67 s. 847.0135, F.S.; providing for separate offenses of  
 68 computer pornography and child exploitation under  
 69 certain circumstances; conforming provisions to  
 70 changes made by the act; amending s. 847.01357, F.S.;  
 71 conforming provisions to changes made by the act;  
 72 amending s. 847.0137, F.S.; revising and providing  
 73 definitions; prohibiting a person from possessing,  
 74 with the intent to promote, child pornography;  
 75 prohibiting a person from knowingly possessing,

76 | controlling, or intentionally viewing child  
 77 | pornography; providing penalties; providing  
 78 | application and construction; providing for separate  
 79 | offenses of transmission of child pornography under  
 80 | certain circumstances; amending ss. 856.022, 895.02,  
 81 | 905.34, and 934.07, F.S.; conforming provisions to  
 82 | changes made by the act; amending s. 938.085, F.S.;  
 83 | revising the offenses for which a surcharge to be  
 84 | deposited into the Rape Crisis Program Trust Fund  
 85 | shall be imposed; conforming provisions to changes  
 86 | made by the act; amending s. 938.10, F.S.; revising  
 87 | the offenses for which an additional court cost shall  
 88 | be imposed; conforming provisions to changes made by  
 89 | the act; amending ss. 943.0435, 943.04354, 943.0585,  
 90 | 943.059, 944.606, 944.607, 947.1405, 948.013, 948.03,  
 91 | and 948.04, F.S.; conforming provisions to changes  
 92 | made by the act; amending s. 948.06, F.S.; revising  
 93 | the offenses that constitute a qualifying offense for  
 94 | purposes relating to a violation of probation or  
 95 | community control; conforming provisions to changes  
 96 | made by the act; amending ss. 948.062, 948.101,  
 97 | 948.30, 948.32, 960.03, and 960.197, F.S.; conforming  
 98 | provisions to changes made by the act; amending s.  
 99 | 985.04, F.S.; revising the types of offenses committed  
 100 | by a child in certain custody or supervision of the

101 Department of Juvenile Justice which require the  
 102 department to provide notice to the school  
 103 superintendent; conforming provisions to changes made  
 104 by the act; amending ss. 985.475 and 1012.315, F.S.;  
 105 conforming provisions to changes made by the act;  
 106 amending s. 921.0022, F.S.; ranking the offense of  
 107 solicitation of a child via a computer service while  
 108 misrepresenting one's age on the offense severity rank  
 109 chart; conforming provisions to changes made by the  
 110 act; providing a directive to the Division of Law  
 111 Revision and Information; reenacting ss. 39.402(9)(a),  
 112 39.506(6), 39.509(6)(b), 39.521(3)(d), 39.524(1),  
 113 39.806(1)(d) and (n), 63.089(4)(b), 63.092(3),  
 114 68.07(3)(i) and (6), 92.55(1)(b), 92.605(1)(b),  
 115 322.141(3), 381.004(2)(h), 384.29(1)(c) and (3),  
 116 390.01114(2)(b) and (e), 393.067(4)(h), (7), and (9),  
 117 394.495(4)(p), 394.9125(2)(a), 397.4872(2)(a) and (c),  
 118 409.1678(1)(c) and (6)(a) and (b), 435.07(4)(b),  
 119 655.50(3)(g), 741.313(1)(e), 775.084(4)(j),  
 120 775.0862(2), 775.13(4)(e), 775.21(3)(b), (5)(d),  
 121 (6)(f), and (10)(c), 775.24(2), 775.25, 775.261(3)(b),  
 122 784.049(2)(d), 794.011(2)(a), (3), (4), and (5),  
 123 794.03, 794.075(1), 847.002(1)(b), (2), and (3),  
 124 847.012(3)(b), 847.01357(3), 847.0138(2) and (3),  
 125 896.101(2)(g) and (10), 903.0351(1)(b) and (c),

126 903.046 (2) (m), 905.34 (3), 921.0022 (3) (g),  
 127 921.141 (6) (o), 921.187 (1) (n), 943.0435 (3), (4) (a), and  
 128 (5), 943.0436 (2), 943.325 (2) (g), 944.11 (2),  
 129 944.607 (4) (a) and (9), 944.608 (7), 944.609 (4),  
 130 944.70 (1), 947.13 (1) (f), 947.1405 (2) (c) and (12),  
 131 947.141 (1), (2), and (7), 948.06 (8) (b) and (d),  
 132 948.063, 948.064 (4), 948.08 (7) (a), 948.12 (3),  
 133 948.30 (3) (b) and (4), 948.31, 951.27, 960.003 (2) (a)  
 134 and (b) and (3) (a), 960.065 (5), 984.03 (2),  
 135 985.0301 (5) (c), 985.04 (6) (b), 985.441 (1) (c),  
 136 985.4815 (9), and 1012.467 (2) (g), relating to placement  
 137 in a shelter, arraignment hearings, grandparents  
 138 rights, disposition hearings, safe-harbor placement,  
 139 grounds for termination of parental rights,  
 140 proceedings to terminate parental rights pending  
 141 adoption, report to the court of intended placement by  
 142 an adoption entity, change of name, proceedings  
 143 involving certain victims or witnesses, production of  
 144 certain records, color or markings of certain licenses  
 145 or identification cards, HIV testing, confidentiality,  
 146 the Parental Notice of Abortion Act, facility  
 147 licensure, the child and adolescent mental health  
 148 system of care, authority of a State Attorney to refer  
 149 a person for civil commitment, exemption from  
 150 disqualification, specialized residential options for

151 children who are victims of sexual exploitation,  
152 exemptions from disqualification, Florida Control of  
153 Money Laundering and Terrorist Financing in Financial  
154 Institutions Act, unlawful action against employees  
155 seeking protection, violent career criminals, habitual  
156 felony offenders, and habitual violent felony  
157 offenders, sexual offenses against students by  
158 authority figures, registration of convicted felons,  
159 the Florida Sexual Predators Act, duty of the court  
160 to uphold laws governing sexual predators and sexual  
161 offenders, prosecutions for acts or omissions, career  
162 offender registration, sexual cyberharassment, sexual  
163 battery, publishing or broadcasting information  
164 identifying sexual offense victims, sexual predators  
165 and erectile dysfunction drugs, child pornography  
166 prosecutions, sale or distribution of harmful  
167 materials to minors or using minors in production,  
168 civil remedies for exploited children, transmission of  
169 material harmful to minors to a minor by electronic  
170 devices, the Florida Money Laundering Act,  
171 restrictions on pretrial release pending probation-  
172 violation hearings or community-control-violation  
173 hearings, purposes of and criteria for bail  
174 determination, the powers and duties of a statewide  
175 grand jury, the offense severity ranking chart of the

176 Criminal Punishment Code, sentence of death or life  
 177 imprisonment for capital felonies, disposition and  
 178 sentencing alternatives, sexual offenders required to  
 179 register with the Department of Law Enforcement, duty  
 180 of the court to uphold laws governing sexual predators  
 181 and sexual offenders, DNA database, regulation by the  
 182 Department of Corrections of the admission of books,  
 183 notification to the Department of Law Enforcement of  
 184 information on sexual offenders, notification to the  
 185 Department of Law Enforcement concerning career  
 186 offenders, career offenders and notification upon  
 187 release, conditions for release from incarceration,  
 188 powers and duties of commission, conditional release  
 189 program, violations of conditional release, control  
 190 release, or conditional medical release or addiction-  
 191 recovery supervision, violation of probation or  
 192 community control, violations of probation or  
 193 community control by designated sexual offenders and  
 194 predators, notification of status as a violent felony  
 195 offender of special concern, pretrial intervention  
 196 program, intensive supervision for postprison release  
 197 of violent offenders, additional terms and conditions  
 198 of probation or community control for certain sex  
 199 offenses, evaluation and treatment of sexual predators  
 200 and offenders on probation or community control, blood

201 tests of inmates, hepatitis and HIV testing for  
 202 persons charged with or alleged by petition for  
 203 delinquency to have committed certain offenses,  
 204 eligibility for victim assistance awards, definitions  
 205 relating to children and families in need of services,  
 206 jurisdiction, oaths, records, and confidential  
 207 information, commitment, notification to Department of  
 208 Law Enforcement of information on juvenile sexual  
 209 offenders, and contractors permitted access to school  
 210 grounds, respectively, to incorporate the amendments  
 211 made by the act in cross-references to amended  
 212 provisions; providing an effective date.

213

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

215

216 Section 1. Paragraph (a) of subsection (1) of section  
 217 16.56, Florida Statutes, is amended to read:

218 16.56 Office of Statewide Prosecution.—

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

223 (a) Investigate and prosecute the offenses of:

224 1. Bribery, burglary, criminal usury, extortion, gambling,  
 225 kidnapping, larceny, murder, prostitution, perjury, robbery,

- 226 carjacking, and home-invasion robbery;
- 227 2. Any crime involving narcotic or other dangerous drugs;
- 228 3. Any violation of the Florida RICO (Racketeer Influenced
- 229 and Corrupt Organization) Act, including any offense listed in
- 230 the definition of racketeering activity in s. 895.02(8)(a),
- 231 providing such listed offense is investigated in connection with
- 232 a violation of s. 895.03 and is charged in a separate count of
- 233 an information or indictment containing a count charging a
- 234 violation of s. 895.03, the prosecution of which listed offense
- 235 may continue independently if the prosecution of the violation
- 236 of s. 895.03 is terminated for any reason;
- 237 4. Any violation of the Florida Anti-Fencing Act;
- 238 5. Any violation of the Florida Antitrust Act of 1980, as
- 239 amended;
- 240 6. Any crime involving, or resulting in, fraud or deceit
- 241 upon any person;
- 242 7. Any violation of s. 847.0135, relating to computer
- 243 pornography and child exploitation ~~prevention~~, or any offense
- 244 related to a violation of former s. 827.071, s. 847.003, s.
- 245 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
- 246 crime is facilitated by or connected to the use of the Internet
- 247 or any device capable of electronic data storage or
- 248 transmission;
- 249 8. Any violation of chapter 815;
- 250 9. Any criminal violation of part I of chapter 499;

251 10. Any violation of the Florida Motor Fuel Tax Relief Act  
 252 of 2004;

253 11. Any criminal violation of s. 409.920 or s. 409.9201;

254 12. Any crime involving voter registration, voting, or  
 255 candidate or issue petition activities;

256 13. Any criminal violation of the Florida Money Laundering  
 257 Act;

258 14. Any criminal violation of the Florida Securities and  
 259 Investor Protection Act; or

260 15. Any violation of chapter 787, as well as any and all  
 261 offenses related to a violation of chapter 787;

262  
 263 or any attempt, solicitation, or conspiracy to commit any of the  
 264 crimes specifically enumerated above. The office shall have such  
 265 power only when any such offense is occurring, or has occurred,  
 266 in two or more judicial circuits as part of a related  
 267 transaction, or when any such offense is connected with an  
 268 organized criminal conspiracy affecting two or more judicial  
 269 circuits. Informations or indictments charging such offenses  
 270 shall contain general allegations stating the judicial circuits  
 271 and counties in which crimes are alleged to have occurred or the  
 272 judicial circuits and counties in which crimes affecting such  
 273 circuits or counties are alleged to have been connected with an  
 274 organized criminal conspiracy.

275 Section 2. Paragraph (c) of subsection (30) and paragraph

276 (g) of subsection (70) of section 39.01, Florida Statutes, are  
 277 amended to read:

278 39.01 Definitions.—When used in this chapter, unless the  
 279 context otherwise requires:

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

282 (c) Allows, encourages, or forces the sexual exploitation  
 283 of a child, which includes allowing, encouraging, or forcing a  
 284 child to:

- 285 1. Solicit for or engage in prostitution; or
- 286 2. Engage in a sexual performance, as defined by former s.  
 287 827.071 or s. 847.003 ~~chapter 827~~.

288 (70) "Sexual abuse of a child" for purposes of finding a  
 289 child to be dependent means one or more of the following acts:

290 (g) The sexual exploitation of a child, which includes the  
 291 act of a child offering to engage in or engaging in  
 292 prostitution, or the act of allowing, encouraging, or forcing a  
 293 child to:

- 294 1. Solicit for or engage in prostitution;
- 295 2. Engage in a sexual performance, as defined by former s.  
 296 827.071 or s. 847.003 ~~chapter 827~~; or
- 297 3. Participate in the trade of human trafficking as  
 298 provided in s. 787.06(3)(g).

299 Section 3. Paragraph (b) of subsection (4) of section  
 300 39.0132, Florida Statutes, is amended to read:

301 39.0132 Oaths, records, and confidential information.—

302 (4)

303 (b) The department shall disclose to the school  
 304 superintendent the presence of a ~~any~~ child in the care and  
 305 custody or under the jurisdiction or supervision of the  
 306 department who has a known history of criminal sexual behavior  
 307 with other juveniles; is an alleged juvenile sex offender, as  
 308 defined in s. 39.01; or has pled guilty or nolo contendere to,  
 309 or has been found to have committed, a violation of chapter 794,  
 310 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.  
 311 847.0133, s. 847.0135(5), or s. 847.0137, regardless of  
 312 adjudication. An ~~Any~~ employee of a district school board who  
 313 knowingly and willfully discloses such information to an  
 314 unauthorized person commits a misdemeanor of the second degree,  
 315 punishable as provided in s. 775.082 or s. 775.083.

316 Section 4. Paragraph (a) of subsection (3) of section  
 317 39.0139, Florida Statutes, is amended to read:

318 39.0139 Visitation or other contact; restrictions.—

319 (3) PRESUMPTION OF DETRIMENT.—

320 (a) A rebuttable presumption of detriment to a child is  
 321 created when:

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

325 2. A parent or caregiver has been found guilty of,

326 | regardless of adjudication, or has entered a plea of guilty or  
 327 | nolo contendere to, charges under the following statutes or  
 328 | substantially similar statutes of other jurisdictions:

329 |       a. Section 787.04, relating to removing minors from the  
 330 | state or concealing minors contrary to court order;

331 |       b. Section 794.011, relating to sexual battery;

332 |       c. Section 798.02, relating to lewd and lascivious  
 333 | behavior;

334 |       d. Chapter 800, relating to lewdness and indecent  
 335 | exposure;

336 |       e. Section 826.04, relating to incest; ~~or~~

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

338 |       g. Section 847.003, relating to sexual performance by a  
 339 | child;

340 |       h. Section 847.0135, excluding s. 847.0135(6), relating to  
 341 | computer pornography and child exploitation; or

342 |       i. Section 847.0137, relating to child pornography; or

343 |       3. A court of competent jurisdiction has determined a  
 344 | parent or caregiver to be a sexual predator as defined in s.  
 345 | 775.21 or a parent or caregiver has received a substantially  
 346 | similar designation under laws of another jurisdiction.

347 |       Section 5. Paragraph (b) of subsection (2) of section  
 348 | 39.301, Florida Statutes, is amended to read:

349 |       39.301 Initiation of protective investigations.—

350 |       (2)

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

353 1. A child is known or suspected to be the victim of child  
354 abuse, as defined in s. 827.03, or of neglect of a child, as  
355 defined in s. 827.03.

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

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

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

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

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

368 Section 6. Paragraph (a) of subsection (6) of section  
369 39.509, Florida Statutes, is amended to read:

370 39.509 Grandparents rights.—Notwithstanding any other  
371 provision of law, a maternal or paternal grandparent as well as  
372 a stepgrandparent is entitled to reasonable visitation with his  
373 or her grandchild who has been adjudicated a dependent child and  
374 taken from the physical custody of the parent unless the court  
375 finds that such visitation is not in the best interest of the

376 child or that such visitation would interfere with the goals of  
 377 the case plan. Reasonable visitation may be unsupervised and,  
 378 where appropriate and feasible, may be frequent and continuing.  
 379 Any order for visitation or other contact must conform to the  
 380 provisions of s. 39.0139.

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

384 (a) The finding of guilt, regardless of adjudication, or  
 385 entry or plea of guilty or nolo contendere to charges under the  
 386 following statutes, or similar statutes of other jurisdictions:  
 387 s. 787.04, relating to removing minors from the state or  
 388 concealing minors contrary to court order; s. 794.011, relating  
 389 to sexual battery; s. 798.02, relating to lewd and lascivious  
 390 behavior; chapter 800, relating to lewdness and indecent  
 391 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,  
 392 relating to the abuse of children; s. 847.003, relating to  
 393 sexual performance by a child; s. 847.0135, excluding s.  
 394 847.0135(6), relating to computer pornography and child  
 395 exploitation; or s. 847.0137, relating to child pornography.

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

398 90.404 Character evidence; when admissible.—

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

400 (b)1. In a criminal case in which the defendant is charged

401 with a crime involving child molestation, evidence of the  
 402 defendant's commission of other crimes, wrongs, or acts of child  
 403 molestation is admissible and may be considered for its bearing  
 404 on any matter to which it is relevant.

405 2. For the purposes of this paragraph, the term "child  
 406 molestation" means conduct proscribed by s. 787.025(2)(c), s.  
 407 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.  
 408 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.  
 409 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.  
 410 847.0137(2), s. 847.0145, or s. 985.701(1) when committed  
 411 against a person 16 years of age or younger.

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

417 2. For the purposes of this paragraph, the term "sexual  
 418 offense" means conduct proscribed by s. 787.025(2)(c), s.  
 419 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.  
 420 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,  
 421 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.  
 422 847.003, s. 847.0135(5), s. 847.0137(2), s. 847.0145, or s.  
 423 985.701(1).

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

426 92.56 Judicial proceedings and court records involving  
 427 sexual offenses and human trafficking.—

428 (2) A defendant charged with a crime described in s.  
 429 787.06(3)(a)1., (c)1., or (e)1.; s. 787.06(3)(b), (d), (f), or  
 430 (g); chapter 794; or chapter 800; ~~or~~ with child abuse or ~~or~~  
 431 aggravated child abuse, ~~or sexual performance by a child~~ as  
 432 described in chapter 827; with sexual performance by a child as  
 433 described in former s. 827.071; or with a sexual offense  
 434 described in chapter 847; may apply to the trial court for an  
 435 order of disclosure of information in court records held  
 436 confidential and exempt pursuant to s. 119.0714(1)(h) or  
 437 maintained as confidential and exempt pursuant to court order  
 438 under this section. Such identifying information concerning the  
 439 victim may be released to the defendant or his or her attorney  
 440 in order to prepare the defense. The confidential and exempt  
 441 status of this information may not be construed to prevent the  
 442 disclosure of the victim's identity to the defendant; however,  
 443 the defendant may not disclose the victim's identity to any  
 444 person other than the defendant's attorney or any other person  
 445 directly involved in the preparation of the defense. A willful  
 446 and knowing disclosure of the identity of the victim to any  
 447 other person by the defendant constitutes contempt.

448 (3) The state may use a pseudonym instead of the victim's  
 449 name to designate the victim of a crime described in s.  
 450 787.06(3)(a)1., (c)1., or (e)1.; in s. 787.06(3)(b), (d), (f),

451 or (g); ~~or in~~ chapter 794; or chapter 800; ~~or~~ of child abuse  
 452 ~~or~~ aggravated child abuse, ~~or sexual performance by a child as~~  
 453 described in chapter 827; of sexual performance by a child as  
 454 described in former s. 827.071; or of a sexual offense any  
 455 ~~crime involving the production, possession, or promotion of~~  
 456 ~~child pornography as~~ described in chapter 847, in all court  
 457 records and records of court proceedings, both civil and  
 458 criminal.

459 (5) This section does not prohibit the publication or  
 460 broadcast of the substance of trial testimony in a prosecution  
 461 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; ~~or~~  
 462 s. 787.06(3)(b), (d), (f), or (g); ~~or~~ chapter 794; ~~or~~ chapter  
 463 800; ~~for~~ a crime of child abuse ~~or~~ aggravated child abuse ~~or~~  
 464 ~~sexual performance by a child,~~ as described in chapter 827;  
 465 for sexual performance by a child as described in former s.  
 466 827.071; or of a sexual offense described in chapter 847, but  
 467 the publication or broadcast may not include an identifying  
 468 photograph, an identifiable voice, or the name or address of the  
 469 victim, unless the victim has consented in writing to the  
 470 publication and filed such consent with the court or unless the  
 471 court has declared such records not confidential and exempt as  
 472 provided for in subsection (1).

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

475 92.561 Prohibition on reproduction of child pornography.—

476 (1) In a criminal proceeding, any property or material  
 477 that portrays sexual performance by a child as defined in former  
 478 s. 827.071 or s. 847.003, or constitutes child pornography as  
 479 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in  
 480 the care, custody, and control of a law enforcement agency, the  
 481 state attorney, or the court.

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

484 92.565 Admissibility of confession in sexual abuse cases.—

485 (2) In any criminal action in which the defendant is  
 486 charged with a crime against a victim under s. 794.011; s.  
 487 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;  
 488 s. 827.04, involving sexual abuse; former s. 827.071; s.  
 489 847.003; ~~or~~ s. 847.0135(5); ~~or~~ or s. 847.0137(2), or any other  
 490 crime involving sexual abuse of another, or with any attempt,  
 491 solicitation, or conspiracy to commit any of these crimes, the  
 492 defendant's memorialized confession or admission is admissible  
 493 during trial without the state having to prove a corpus delicti  
 494 of the crime if the court finds in a hearing conducted outside  
 495 the presence of the jury that the state is unable to show the  
 496 existence of each element of the crime, and having so found,  
 497 further finds that the defendant's confession or admission is  
 498 trustworthy. Factors which may be relevant in determining  
 499 whether the state is unable to show the existence of each  
 500 element of the crime include, but are not limited to, the fact

501 that, at the time the crime was committed, the victim was:

502 (a) Physically helpless, mentally incapacitated, or  
 503 mentally defective, as those terms are defined in s. 794.011;

504 (b) Physically incapacitated due to age, infirmity, or any  
 505 other cause; or

506 (c) Less than 12 years of age.

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

509 435.04 Level 2 screening standards.—

510 (2) The security background investigations under this  
 511 section must ensure that no persons subject to the provisions of  
 512 this section have been arrested for and are awaiting final  
 513 disposition of, have been found guilty of, regardless of  
 514 adjudication, or entered a plea of nolo contendere or guilty to,  
 515 or have been adjudicated delinquent and the record has not been  
 516 sealed or expunged for, any offense prohibited under any of the  
 517 following provisions of state law or similar law of another  
 518 jurisdiction:

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

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

523 Section 12. Paragraph (c) of subsection (4) of section  
 524 435.07, Florida Statutes, is amended to read:

525 435.07 Exemptions from disqualification.—Unless otherwise

526 provided by law, the provisions of this section apply to  
 527 exemptions from disqualification for disqualifying offenses  
 528 revealed pursuant to background screenings required under this  
 529 chapter, regardless of whether those disqualifying offenses are  
 530 listed in this chapter or other laws.

531 (4)

532 (c) Disqualification from employment under this chapter  
 533 may not be removed from, and an exemption may not be granted to,  
 534 any current or prospective child care personnel, as defined in  
 535 s. 402.302(3), and such a person is disqualified from employment  
 536 as child care personnel, regardless of any previous exemptions  
 537 from disqualification, if the person has been registered as a  
 538 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has  
 539 been arrested for and is awaiting final disposition of, has been  
 540 convicted or found guilty of, or entered a plea of guilty or  
 541 nolo contendere to, regardless of adjudication, or has been  
 542 adjudicated delinquent and the record has not been sealed or  
 543 expunged for, any offense prohibited under any of the following  
 544 provisions of state law or a similar law of another  
 545 jurisdiction:

546 1. A felony offense prohibited under any of the following  
 547 statutes:

- 548 a. Chapter 741, relating to domestic violence.
- 549 b. Section 782.04, relating to murder.
- 550 c. Section 782.07, relating to manslaughter, aggravated

551 manslaughter of an elderly person or disabled adult, aggravated  
 552 manslaughter of a child, or aggravated manslaughter of an  
 553 officer, a firefighter, an emergency medical technician, or a  
 554 paramedic.

555 d. Section 784.021, relating to aggravated assault.

556 e. Section 784.045, relating to aggravated battery.

557 f. Section 787.01, relating to kidnapping.

558 g. Section 787.025, relating to luring or enticing a  
 559 child.

560 h. Section 787.04(2), relating to leading, taking,  
 561 enticing, or removing a minor beyond the state limits, or  
 562 concealing the location of a minor, with criminal intent pending  
 563 custody proceedings.

564 i. Section 787.04(3), relating to leading, taking,  
 565 enticing, or removing a minor beyond the state limits, or  
 566 concealing the location of a minor, with criminal intent pending  
 567 dependency proceedings or proceedings concerning alleged abuse  
 568 or neglect of a minor.

569 j. Section 794.011, relating to sexual battery.

570 k. Former s. 794.041, relating to sexual activity with or  
 571 solicitation of a child by a person in familial or custodial  
 572 authority.

573 l. Section 794.05, relating to unlawful sexual activity  
 574 with certain minors.

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

576 n. Section 806.01, relating to arson.  
 577 o. Section 826.04, relating to incest.  
 578 p. Section 827.03, relating to child abuse, aggravated  
 579 child abuse, or neglect of a child.  
 580 q. Section 827.04, relating to contributing to the  
 581 delinquency or dependency of a child.  
 582 r. Former s. Section 827.071 or s. 847.003, relating to  
 583 sexual performance by a child.  
 584 s. Chapter 847, relating to obscenity and child  
 585 exploitation ~~pornography~~.  
 586 t. Section 985.701, relating to sexual misconduct in  
 587 juvenile justice programs.  
 588 2. A misdemeanor offense prohibited under any of the  
 589 following statutes:  
 590 a. Section 784.03, relating to battery, if the victim of  
 591 the offense was a minor.  
 592 b. Section 787.025, relating to luring or enticing a  
 593 child.  
 594 c. Chapter 847, relating to obscenity and child  
 595 exploitation ~~pornography~~.  
 596 3. A criminal act committed in another state or under  
 597 federal law which, if committed in this state, constitutes an  
 598 offense prohibited under any statute listed in subparagraph 1.  
 599 or subparagraph 2.  
 600 Section 13. Paragraphs (o) and (q) of subsection (5) of

601 section 456.074, Florida Statutes, are amended, paragraphs (r)  
 602 and (s) of that subsection are redesignated as paragraphs (s)  
 603 and (t), respectively, and a new paragraph (r) is added to that  
 604 subsection, to read:

605 456.074 Certain health care practitioners; immediate  
 606 suspension of license.—

607 (5) The department shall issue an emergency order  
 608 suspending the license of a massage therapist or establishment  
 609 as defined in chapter 480 upon receipt of information that the  
 610 massage therapist, a person with an ownership interest in the  
 611 establishment, or, for a corporation that has more than \$250,000  
 612 of business assets in this state, the owner, officer, or  
 613 individual directly involved in the management of the  
 614 establishment has been convicted or found guilty of, or has  
 615 entered a plea of guilty or nolo contendere to, regardless of  
 616 adjudication, a violation of s. 796.07(2)(a) which is  
 617 reclassified under s. 796.07(7) or a felony offense under any of  
 618 the following provisions of state law or a similar provision in  
 619 another jurisdiction:

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

622 (q) Section 847.0135, relating to computer pornography and  
 623 child exploitation.

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

625 Section 14. Paragraphs (o) and (q) of subsection (7) of

626 section 480.041, Florida Statutes, are amended, paragraphs (r)  
 627 and (s) of that subsection are redesignated as paragraphs (s)  
 628 and (t), respectively, and a new paragraph (r) is added to that  
 629 subsection, to read:

630 480.041 Massage therapists; qualifications; licensure;  
 631 endorsement.—

632 (7) The board shall deny an application for a new or  
 633 renewal license if an applicant has been convicted or found  
 634 guilty of, or enters a plea of guilty or nolo contendere to,  
 635 regardless of adjudication, a violation of s. 796.07(2)(a) which  
 636 is reclassified under s. 796.07(7) or a felony offense under any  
 637 of the following provisions of state law or a similar provision  
 638 in another jurisdiction:

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

641 (q) Section 847.0135, relating to computer pornography and  
 642 child exploitation.

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

644 Section 15. Paragraph (o) of subsection (8) of section  
 645 480.043, Florida Statutes, is amended, paragraphs (r) and (s) of  
 646 that subsection are redesignated as paragraphs (s) and (t),  
 647 respectively, and a new paragraph (r) is added to that  
 648 subsection, to read:

649 480.043 Massage establishments; requisites; licensure;  
 650 inspection.—

651 (8) The department shall deny an application for a new or  
 652 renewal license if a person with an ownership interest in the  
 653 establishment or, for a corporation that has more than \$250,000  
 654 of business assets in this state, the owner, officer, or  
 655 individual directly involved in the management of the  
 656 establishment has been convicted or found guilty of, or entered  
 657 a plea of guilty or nolo contendere to, regardless of  
 658 adjudication, a violation of s. 796.07(2)(a) which is  
 659 reclassified under s. 796.07(7) or a felony offense under any of  
 660 the following provisions of state law or a similar provision in  
 661 another jurisdiction:

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

664 (q) Section 847.0135, relating to computer pornography and  
 665 child exploitation.

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

667 Section 16. Paragraph (b) of subsection (3) of section  
 668 743.067, Florida Statutes, is amended to read:

669 743.067 Unaccompanied homeless youths.—

670 (3) An unaccompanied homeless youth may:

671 (b) Notwithstanding s. 394.4625(1), consent to medical,  
 672 dental, psychological, substance abuse, and surgical diagnosis  
 673 and treatment, including preventative care and care by a  
 674 facility licensed under chapter 394, chapter 395, or chapter 397  
 675 and any forensic medical examination for the purpose of

676 investigating any felony offense under chapter 784, chapter 787,  
 677 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.  
 678 847.0137, for:

- 679 1. Himself or herself; or
- 680 2. His or her child, if the unaccompanied homeless youth
- 681 is unmarried, is the parent of the child, and has actual custody
- 682 of the child.

683 Section 17. Paragraph (a) of subsection (1) of section  
 684 772.102, Florida Statutes, is amended to read:

685 772.102 Definitions.—As used in this chapter, the term:

686 (1) "Criminal activity" means to commit, to attempt to  
 687 commit, to conspire to commit, or to solicit, coerce, or  
 688 intimidate another person to commit:

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

- 691 1. Section 210.18, relating to evasion of payment of
- 692 cigarette taxes.
- 693 2. Section 414.39, relating to public assistance fraud.
- 694 3. Section 440.105 or s. 440.106, relating to workers'
- 695 compensation.
- 696 4. Part IV of chapter 501, relating to telemarketing.
- 697 5. Chapter 517, relating to securities transactions.
- 698 6. Section 550.235 or s. 550.3551, relating to dogracing
- 699 and horseracing.
- 700 7. Chapter 550, relating to jai alai frontons.

- 701           8. Chapter 552, relating to the manufacture, distribution,  
702 and use of explosives.
- 703           9. Chapter 562, relating to beverage law enforcement.
- 704           10. Section 624.401, relating to transacting insurance  
705 without a certificate of authority, s. 624.437(4)(c)1., relating  
706 to operating an unauthorized multiple-employer welfare  
707 arrangement, or s. 626.902(1)(b), relating to representing or  
708 aiding an unauthorized insurer.
- 709           11. Chapter 687, relating to interest and usurious  
710 practices.
- 711           12. Section 721.08, s. 721.09, or s. 721.13, relating to  
712 real estate timeshare plans.
- 713           13. Chapter 782, relating to homicide.
- 714           14. Chapter 784, relating to assault and battery.
- 715           15. Chapter 787, relating to kidnapping or human  
716 trafficking.
- 717           16. Chapter 790, relating to weapons and firearms.
- 718           17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,  
719 relating to prostitution.
- 720           18. Chapter 806, relating to arson.
- 721           19. Section 810.02(2)(c), relating to specified burglary  
722 of a dwelling or structure.
- 723           20. Chapter 812, relating to theft, robbery, and related  
724 crimes.
- 725           21. Chapter 815, relating to computer-related crimes.

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

728 23. Former s. Section 827.071, relating to commercial  
729 sexual exploitation of children.

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

731 25. Chapter 832, relating to issuance of worthless checks  
732 and drafts.

733 26. Section 836.05, relating to extortion.

734 27. Chapter 837, relating to perjury.

735 28. Chapter 838, relating to bribery and misuse of public  
736 office.

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

738 30. Section 847.003, relating to sexual performance by a  
739 child.

740 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
741 or s. 847.07, relating to obscene literature and profanity.

742 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or  
743 s. 849.25, relating to gambling.

744 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and  
745 control.

746 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,  
747 victims, or informants.

748 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering  
749 with jurors and evidence.

750 Section 18. Paragraph (a) of subsection (9) of section

751 775.082, Florida Statutes, is amended to read:  
 752 775.082 Penalties; applicability of sentencing structures;  
 753 mandatory minimum sentences for certain reoffenders previously  
 754 released from prison.—  
 755 (9) (a)1. "Prison releasee reoffender" means any defendant  
 756 who commits, or attempts to commit:  
 757 a. Treason;  
 758 b. Murder;  
 759 c. Manslaughter;  
 760 d. Sexual battery;  
 761 e. Carjacking;  
 762 f. Home-invasion robbery;  
 763 g. Robbery;  
 764 h. Arson;  
 765 i. Kidnapping;  
 766 j. Aggravated assault with a deadly weapon;  
 767 k. Aggravated battery;  
 768 l. Aggravated stalking;  
 769 m. Aircraft piracy;  
 770 n. Unlawful throwing, placing, or discharging of a  
 771 destructive device or bomb;  
 772 o. Any felony that involves the use or threat of physical  
 773 force or violence against an individual;  
 774 p. Armed burglary;  
 775 q. Burglary of a dwelling or burglary of an occupied

776 structure; or  
 777 r. Any felony violation of s. 790.07, s. 800.04, s.  
 778 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
 779 847.0137(2);

780  
 781 within 3 years after being released from a state correctional  
 782 facility operated by the Department of Corrections or a private  
 783 vendor or within 3 years after being released from a  
 784 correctional institution of another state, the District of  
 785 Columbia, the United States, any possession or territory of the  
 786 United States, or any foreign jurisdiction, following  
 787 incarceration for an offense for which the sentence is  
 788 punishable by more than 1 year in this state.

789 2. "Prison releasee reoffender" also means any defendant  
 790 who commits or attempts to commit any offense listed in sub-  
 791 subparagraphs (a)1.a.-r. while the defendant was serving a  
 792 prison sentence or on escape status from a state correctional  
 793 facility operated by the Department of Corrections or a private  
 794 vendor or while the defendant was on escape status from a  
 795 correctional institution of another state, the District of  
 796 Columbia, the United States, any possession or territory of the  
 797 United States, or any foreign jurisdiction, following  
 798 incarceration for an offense for which the sentence is  
 799 punishable by more than 1 year in this state.

800 3. If the state attorney determines that a defendant is a

801 | prison releasee reoffender as defined in subparagraph 1., the  
 802 | state attorney may seek to have the court sentence the defendant  
 803 | as a prison releasee reoffender. Upon proof from the state  
 804 | attorney that establishes by a preponderance of the evidence  
 805 | that a defendant is a prison releasee reoffender as defined in  
 806 | this section, such defendant is not eligible for sentencing  
 807 | under the sentencing guidelines and must be sentenced as  
 808 | follows:

809 |       a. For a felony punishable by life, by a term of  
 810 | imprisonment for life;

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

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

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

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

820 |       775.0847 Possession or promotion of certain visual  
 821 | depictions ~~images~~ of child pornography; reclassification.-

822 |       (1) For purposes of this section:

823 |       (b) "Child pornography" has the same meaning as provided  
 824 | in s. 847.0137 ~~means any image depicting a minor engaged in~~  
 825 | ~~sexual conduct.~~

826 (f) "Sexual conduct" means actual or simulated sexual  
 827 intercourse, deviate sexual intercourse, sexual bestiality,  
 828 masturbation, or sadomasochistic abuse; actual or simulated lewd  
 829 exhibition of the genitals; actual physical contact with a  
 830 person's clothed or unclothed genitals, pubic area, buttocks,  
 831 or, if such person is a female, breast with the intent to arouse  
 832 or gratify the sexual desire of either party; or any act or  
 833 conduct which constitutes sexual battery or simulates that  
 834 sexual battery is being or will be committed. A mother's  
 835 breastfeeding of her baby does not under any circumstance  
 836 constitute "sexual conduct."

837 (g) "Visual depiction" has the same meaning provided in s.  
 838 847.0137.

839 (2) A violation of former s. 827.071, s. 847.003, s.  
 840 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to  
 841 the next higher degree as provided in subsection (3) if:

842 (a) The offender possesses 10 or more visual depictions  
 843 ~~images~~ of any form of child pornography regardless of content;  
 844 and

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

- 847 1. A child who is younger than the age of 5.
- 848 2. Sadomasochistic abuse involving a child.
- 849 3. Sexual battery involving a child.
- 850 4. Sexual bestiality involving a child.

851 5. Any movie involving a child, regardless of length and  
 852 regardless of whether the movie contains sound.

853 Section 20. Paragraph (1) of subsection (1) of section  
 854 775.0877, Florida Statutes, is amended to read:

855 775.0877 Criminal transmission of HIV; procedures;  
 856 penalties.—

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

862 (1) Former s. Section 827.071 or s. 847.003, relating to  
 863 sexual performance by a child ~~person less than 18 years of age~~;

864  
 865 the court shall order the offender to undergo HIV testing, to be  
 866 performed under the direction of the Department of Health in  
 867 accordance with s. 381.004, unless the offender has undergone  
 868 HIV testing voluntarily or pursuant to procedures established in  
 869 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or  
 870 rule providing for HIV testing of criminal offenders or inmates,  
 871 subsequent to her or his arrest for an offense enumerated in  
 872 paragraphs (a)-(n) for which she or he was convicted or to which  
 873 she or he pled nolo contendere or guilty. The results of an HIV  
 874 test performed on an offender pursuant to this subsection are  
 875 not admissible in any criminal proceeding arising out of the

876 | alleged offense.

877 |       Section 21. Paragraph (a) of subsection (4) and paragraph  
878 | (b) of subsection (10) of section 775.21, Florida Statutes, are  
879 | amended to read:

880 |       775.21 The Florida Sexual Predators Act.—

881 |       (4) SEXUAL PREDATOR CRITERIA.—

882 |       (a) For a current offense committed on or after October 1,  
883 | 1993, upon conviction, an offender shall be designated as a  
884 | "sexual predator" under subsection (5), and subject to  
885 | registration under subsection (6) and community and public  
886 | notification under subsection (7) if:

887 |       1. The felony is:

888 |       a. A capital, life, or first degree felony violation, or  
889 | any attempt thereof, of s. 787.01 or s. 787.02, where the victim  
890 | is a minor, or s. 794.011, s. 800.04, or s. 847.0145, or a  
891 | violation of a similar law of another jurisdiction; or

892 |       b. Any felony violation, or any attempt thereof, of s.  
893 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
894 | 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
895 | (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
896 | s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
897 | s. 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.  
898 | 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137(2);  
899 | s. 847.0145; s. 895.03, if the court makes a written finding  
900 | that the racketeering activity involved at least one sexual

901 offense listed in this sub-subparagraph or at least one offense  
 902 listed in this sub-subparagraph with sexual intent or motive; s.  
 903 916.1075(2); or s. 985.701(1); or a violation of a similar law  
 904 of another jurisdiction, and the offender has previously been  
 905 convicted of or found to have committed, or has pled nolo  
 906 contendere or guilty to, regardless of adjudication, any  
 907 violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.  
 908 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 909 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 910 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 911 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.  
 912 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 913 847.0137(2); s. 847.0145; s. 895.03, if the court makes a  
 914 written finding that the racketeering activity involved at least  
 915 one sexual offense listed in this sub-subparagraph or at least  
 916 one offense listed in this sub-subparagraph with sexual intent  
 917 or motive; s. 916.1075(2); or s. 985.701(1); or a violation of a  
 918 similar law of another jurisdiction;

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

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

925 (10) PENALTIES.—

926 (b) A sexual predator who has been convicted of or found  
 927 to have committed, or has pled nolo contendere or guilty to,  
 928 regardless of adjudication, any violation, or attempted  
 929 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 930 the victim is a minor; s. 794.011, excluding s. 794.011(10); s.  
 931 794.05; former s. 796.03; former s. 796.035; s. 800.04; former  
 932 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.  
 933 847.0137(2); s. 847.0145; or s. 985.701(1); or a violation of a  
 934 similar law of another jurisdiction when the victim of the  
 935 offense was a minor, and who works, whether for compensation or  
 936 as a volunteer, at any business, school, child care facility,  
 937 park, playground, or other place where children regularly  
 938 congregate, commits a felony of the third degree, punishable as  
 939 provided in s. 775.082, s. 775.083, or s. 775.084.

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

943 775.215 Residency restriction for persons convicted of  
 944 certain sex offenses.—

945 (2) (a) A person who has been convicted of a violation of  
 946 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
 947 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of  
 948 whether adjudication has been withheld, in which the victim of  
 949 the offense was less than 16 years of age, may not reside within  
 950 1,000 feet of any school, child care facility, park, or

951 playground. However, a person does not violate this subsection  
952 and may not be forced to relocate if he or she is living in a  
953 residence that meets the requirements of this subsection and a  
954 school, child care facility, park, or playground is subsequently  
955 established within 1,000 feet of his or her residence.

956 (b) A person who violates this subsection and whose  
957 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
958 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
959 classified as a felony of the first degree or higher commits a  
960 felony of the third degree, punishable as provided in s. 775.082  
961 or s. 775.083. A person who violates this subsection and whose  
962 conviction under s. 794.011, s. 800.04, former s. 827.071, s.  
963 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 was  
964 classified as a felony of the second or third degree commits a  
965 misdemeanor of the first degree, punishable as provided in s.  
966 775.082 or s. 775.083.

967 (c) This subsection applies to any person convicted of a  
968 violation of s. 794.011, s. 800.04, former s. 827.071, s.  
969 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145 for  
970 offenses that occur on or after October 1, 2004, excluding  
971 persons who have been removed from the requirement to register  
972 as a sexual offender or sexual predator pursuant to s.  
973 943.04354.

974 (3) (a) A person who has been convicted of an offense in  
975 another jurisdiction that is similar to a violation of s.

976 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
 977 847.0135(5), s. 847.0137(2), or s. 847.0145, regardless of  
 978 whether adjudication has been withheld, in which the victim of  
 979 the offense was less than 16 years of age, may not reside within  
 980 1,000 feet of any school, child care facility, park, or  
 981 playground. However, a person does not violate this subsection  
 982 and may not be forced to relocate if he or she is living in a  
 983 residence that meets the requirements of this subsection and a  
 984 school, child care facility, park, or playground is subsequently  
 985 established within 1,000 feet of his or her residence.

986 (c) This subsection applies to any person convicted of an  
 987 offense in another jurisdiction that is similar to a violation  
 988 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.  
 989 847.0135(5), s. 847.0137(2), or s. 847.0145 if such offense  
 990 occurred on or after May 26, 2010, excluding persons who have  
 991 been removed from the requirement to register as a sexual  
 992 offender or sexual predator pursuant to s. 943.04354.

993 Section 23. Paragraph (c) of subsection (1) of section  
 994 784.046, Florida Statutes, is amended to read:

995 784.046 Action by victim of repeat violence, sexual  
 996 violence, or dating violence for protective injunction; dating  
 997 violence investigations, notice to victims, and reporting;  
 998 pretrial release violations; public records exemption.—

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

1000 (c) "Sexual violence" means any one incident of:

- 1001 1. Sexual battery, as defined in chapter 794;
- 1002 2. A lewd or lascivious act, as defined in chapter 800,
- 1003 committed upon or in the presence of a person younger than 16
- 1004 years of age;
- 1005 3. Luring or enticing a child, as described in chapter
- 1006 787;
- 1007 4. Sexual performance by a child, as described in former
- 1008 s. 827.071 or s. 847.003 ~~chapter 827~~; or
- 1009 5. Any other forcible felony wherein a sexual act is
- 1010 committed or attempted,
- 1011
- 1012 regardless of whether criminal charges based on the incident
- 1013 were filed, reduced, or dismissed by the state attorney.
- 1014 Section 24. Subsection (2) of section 794.0115, Florida
- 1015 Statutes, is amended to read:
- 1016 794.0115 Dangerous sexual felony offender; mandatory
- 1017 sentencing.—
- 1018 (2) Any person who is convicted of a violation of s.
- 1019 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
- 1020 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
- 1021 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
- 1022 of any similar offense under a former designation, which offense
- 1023 the person committed when he or she was 18 years of age or
- 1024 older, and the person:
- 1025 (a) Caused serious personal injury to the victim as a

1026 result of the commission of the offense;

1027 (b) Used or threatened to use a deadly weapon during the

1028 commission of the offense;

1029 (c) Victimized more than one person during the course of

1030 the criminal episode applicable to the offense;

1031 (d) Committed the offense while under the jurisdiction of

1032 a court for a felony offense under the laws of this state, for

1033 an offense that is a felony in another jurisdiction, or for an

1034 offense that would be a felony if that offense were committed in

1035 this state; or

1036 (e) Has previously been convicted of a violation of s.

1037 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.

1038 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),

1039 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of

1040 any offense under a former statutory designation which is

1041 similar in elements to an offense described in this paragraph;

1042 or of any offense that is a felony in another jurisdiction, or

1043 would be a felony if that offense were committed in this state,

1044 and which is similar in elements to an offense described in this

1045 paragraph,

1046

1047 is a dangerous sexual felony offender, who must be sentenced to

1048 a mandatory minimum term of 25 years imprisonment up to, and

1049 including, life imprisonment. If the offense described in this

1050 subsection was committed on or after October 1, 2014, a person

1051 | who qualifies as a dangerous sexual felony offender pursuant to  
 1052 | this subsection must be sentenced to a mandatory minimum term of  
 1053 | 50 years imprisonment up to, and including, life imprisonment.

1054 |       Section 25. Subsection (1) of section 794.024, Florida  
 1055 | Statutes, is amended to read:

1056 |           794.024 Unlawful to disclose identifying information.—

1057 |       (1) A public employee or officer who has access to the  
 1058 | photograph, name, or address of a person who is alleged to be  
 1059 | the victim of an offense described in this chapter, chapter 800,  
 1060 | s. 827.03, s. 827.04, or former ~~or~~ s. 827.071, or of a sexual  
 1061 | offense described in chapter 847 may not willfully and knowingly  
 1062 | disclose it to a person who is not assisting in the  
 1063 | investigation or prosecution of the alleged offense or to any  
 1064 | person other than the defendant, the defendant's attorney, a  
 1065 | person specified in an order entered by the court having  
 1066 | jurisdiction of the alleged offense, or organizations authorized  
 1067 | to receive such information made exempt by s. 119.071(2)(h), or  
 1068 | to a rape crisis center or sexual assault counselor, as defined  
 1069 | in s. 90.5035(1)(b), who will be offering services to the  
 1070 | victim.

1071 |       Section 26. Subsection (1) of section 794.056, Florida  
 1072 | Statutes, is amended to read:

1073 |           794.056 Rape Crisis Program Trust Fund.—

1074 |       (1) The Rape Crisis Program Trust Fund is created within  
 1075 | the Department of Health for the purpose of providing funds for

1076 rape crisis centers in this state. Trust fund moneys shall be  
 1077 used exclusively for the purpose of providing services for  
 1078 victims of sexual assault. Funds credited to the trust fund  
 1079 consist of those funds collected as an additional court  
 1080 assessment in each case in which a defendant pleads guilty or  
 1081 nolo contendere to, or is found guilty of, regardless of  
 1082 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
 1083 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 1084 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.  
 1085 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 1086 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 1087 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 1088 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 1089 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 1090 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;  
 1091 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),  
 1092 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds  
 1093 credited to the trust fund also shall include revenues provided  
 1094 by law, moneys appropriated by the Legislature, and grants from  
 1095 public or private entities.

1096 Section 27. Section 796.001, Florida Statutes, is amended  
 1097 to read:

1098 796.001 Offenses by adults involving minors; intent.—It is  
 1099 the intent of the Legislature that adults who involve minors in  
 1100 any behavior prohibited under this chapter be prosecuted under

1101 other laws of this state, such as, but not limited to, s.  
 1102 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071  
 1103 ~~chapter 827~~, and chapter 847. The Legislature finds that  
 1104 prosecution of such adults under this chapter is inappropriate  
 1105 since a minor is unable to consent to such behavior.

1106 Section 28. Section 827.071, Florida Statutes, is  
 1107 repealed.

1108 Section 29. Subsections (3), (8), and (16) of section  
 1109 847.001, Florida Statutes, are amended to read:

1110 847.001 Definitions.—As used in this chapter, the term:

1111 (3) "Child pornography" has the same meaning as provided  
 1112 in s. 847.0137 ~~means any image depicting a minor engaged in~~  
 1113 ~~sexual conduct.~~

1114 (8) "Minor" or "child" means a ~~any~~ person under the age of  
 1115 18 years.

1116 (16) "Sexual conduct" means actual or simulated sexual  
 1117 intercourse, deviate sexual intercourse, sexual bestiality,  
 1118 masturbation, or sadomasochistic abuse; actual or simulated lewd  
 1119 exhibition of the genitals; actual physical contact with a  
 1120 person's clothed or unclothed genitals, pubic area, buttocks,  
 1121 or, if such person is a female, breast with the intent to arouse  
 1122 or gratify the sexual desire of either party; or any act or  
 1123 conduct which constitutes sexual battery or simulates that  
 1124 sexual battery is being or will be committed. A mother's  
 1125 breastfeeding of her baby does not under any circumstance

1126 constitute "sexual conduct."

1127 Section 30. Section 847.003, Florida Statutes, is created  
1128 to read:

1129 847.003 Sexual performance by a child; penalties.—

1130 (1) As used in this section, the term:

1131 (a) "Performance" means a play, motion picture,  
1132 photograph, or dance or other visual representation exhibited  
1133 before an audience.

1134 (b) "Promote" means to procure, manufacture, issue, sell,  
1135 give, provide, lend, mail, deliver, transfer, transmute,  
1136 publish, distribute, circulate, disseminate, present, exhibit,  
1137 or advertise or to offer or agree to do the same.

1138 (c) "Sexual performance" means a performance or part  
1139 thereof which includes sexual conduct by a child.

1140 (2) A person who, knowing the character and content  
1141 thereof, employs, authorizes, or induces a child to engage in a  
1142 sexual performance or, being a parent, legal guardian, or  
1143 custodian of such child, consents to the participation by such  
1144 child in a sexual performance commits the offense of use of a  
1145 child in a sexual performance, a felony of the second degree,  
1146 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1147 (3) A person who, knowing the character and content  
1148 thereof, produces, directs, or promotes a performance that  
1149 includes sexual conduct by a child commits the offense of  
1150 promoting a sexual performance by a child, a felony of the

1151 second degree, punishable as provided in s. 775.082, s. 775.083,  
 1152 or s. 775.084.

1153 Section 31. Subsections (2), (3), and (4) of section  
 1154 847.0135, Florida Statutes, are amended to read:

1155 847.0135 Computer pornography; child exploitation  
 1156 ~~prohibited computer usage; traveling to meet minor; penalties.-~~

1157 (2) COMPUTER PORNOGRAPHY.—A person who:

1158 (a) Knowingly compiles, enters into, or transmits by use  
 1159 of computer;

1160 (b) Makes, prints, publishes, or reproduces by other  
 1161 computerized means;

1162 (c) Knowingly causes or allows to be entered into or  
 1163 transmitted by use of computer; or

1164 (d) Buys, sells, receives, exchanges, or disseminates,  
 1165

1166 a ~~any~~ notice, statement, or advertisement of a ~~any~~ minor's name,  
 1167 telephone number, place of residence, physical characteristics,  
 1168 or other descriptive or identifying information for purposes of  
 1169 facilitating, encouraging, offering, or soliciting sexual  
 1170 conduct of or with a ~~any~~ minor, or the visual depiction of such  
 1171 conduct, commits a felony of the third degree, punishable as  
 1172 provided in s. 775.082, s. 775.083, or s. 775.084. The fact that  
 1173 an undercover operative or law enforcement officer was involved  
 1174 in the detection and investigation of an offense under this  
 1175 section shall not constitute a defense to a prosecution under

1176 | this section.

1177 |         (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES  
 1178 | PROHIBITED.—A ~~Any~~ person who knowingly uses a computer online  
 1179 | service, Internet service, local bulletin board service, or ~~any~~  
 1180 | other device capable of electronic data storage or transmission  
 1181 | to:

1182 |         (a) Seduce, solicit, lure, or entice, or attempt to  
 1183 | seduce, solicit, lure, or entice, a child or another person  
 1184 | believed by the person to be a child, to commit an ~~any~~ illegal  
 1185 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1186 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1187 | in ~~any~~ unlawful sexual conduct with a child or with another  
 1188 | person believed by the person to be a child; or

1189 |         (b) Solicit, lure, or entice, or attempt to solicit, lure,  
 1190 | or entice a parent, legal guardian, or custodian of a child or a  
 1191 | person believed to be a parent, legal guardian, or custodian of  
 1192 | a child to consent to the participation of such child in an ~~any~~  
 1193 | act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1194 | ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1195 | in ~~any~~ sexual conduct,

1196 |  
 1197 | commits a felony of the third degree, punishable as provided in  
 1198 | s. 775.082, s. 775.083, or s. 775.084. A ~~Any~~ person who, in  
 1199 | violating this subsection, misrepresents his or her age, commits  
 1200 | a felony of the second degree, punishable as provided in s.

1201 775.082, s. 775.083, or s. 775.084. Each separate use of a  
 1202 computer online service, Internet service, local bulletin board  
 1203 service, or ~~any~~ other device capable of electronic data storage  
 1204 or transmission wherein an offense described in this section is  
 1205 committed may be charged as a separate offense.

1206 (4) TRAVELING TO MEET A MINOR.—~~A~~ Any person who travels  
 1207 any distance either within this state, to this state, or from  
 1208 this state by any means, who attempts to do so, or who causes  
 1209 another to do so or to attempt to do so for the purpose of  
 1210 engaging in an ~~any~~ illegal act described in chapter 794, chapter  
 1211 800, former s. 827.071 or chapter 827, s. 847.003, or s.  
 1212 847.0137, or to otherwise engage in other unlawful sexual  
 1213 conduct with a child or with another person believed by the  
 1214 person to be a child after using a computer online service,  
 1215 Internet service, local bulletin board service, or ~~any~~ other  
 1216 device capable of electronic data storage or transmission to:

1217 (a) Seduce, solicit, lure, or entice or attempt to seduce,  
 1218 solicit, lure, or entice a child or another person believed by  
 1219 the person to be a child, to engage in an ~~any~~ illegal act  
 1220 described in chapter 794, chapter 800, former s. 827.071 or  
 1221 chapter 827, s. 847.003, or s. 847.0137, or to otherwise engage  
 1222 in other unlawful sexual conduct with a child; or

1223 (b) Solicit, lure, or entice or attempt to solicit, lure,  
 1224 or entice a parent, legal guardian, or custodian of a child or a  
 1225 person believed to be a parent, legal guardian, or custodian of

1226 a child to consent to the participation of such child in an ~~any~~  
 1227 act described in chapter 794, chapter 800, former s. 827.071 ~~or~~  
 1228 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage  
 1229 in ~~any~~ sexual conduct,

1230  
 1231 commits a felony of the second degree, punishable as provided in  
 1232 s. 775.082, s. 775.083, or s. 775.084.

1233 Section 32. Subsection (1) of section 847.01357, Florida  
 1234 Statutes, is amended to read:

1235 847.01357 Exploited children's civil remedy.—

1236 (1) A ~~Any~~ person who, while under the age of 18, was a  
 1237 victim of a sexual abuse crime listed in chapter 794, chapter  
 1238 800, former s. 827.071 ~~chapter 827,~~ or chapter 847, where any  
 1239 portion of such abuse was used in the production of child  
 1240 pornography, and who suffers personal or psychological injury as  
 1241 a result of the production, promotion, or possession of such  
 1242 images or movies, may bring an action in an appropriate state  
 1243 court against the producer, promoter, or possessor of such  
 1244 images or movies, regardless of whether the victim is now an  
 1245 adult. In any action brought under this section, a prevailing  
 1246 plaintiff shall recover the actual damages such person sustained  
 1247 and the cost of the suit, including reasonable attorney  
 1248 ~~attorney's~~ fees. A ~~Any~~ victim who is awarded damages under this  
 1249 section shall be deemed to have sustained damages of at least  
 1250 \$150,000.

1251 Section 33. Section 847.0137, Florida Statutes, is amended  
 1252 to read:

1253 847.0137 Child pornography; Transmission of pornography by  
 1254 electronic device or equipment prohibited acts; penalties.-

1255 (1) For purposes of this section, the term:

1256 (a) ~~"Minor" means any person less than 18 years of age.~~

1257 "Child pornography" means a visual depiction of sexual conduct,  
 1258 where:

1259 1. The production of such visual depiction involves the  
 1260 use of a minor engaging in sexual conduct; or

1261 2. Such visual depiction has been created, adapted, or  
 1262 modified to appear that an identifiable minor is engaging in  
 1263 sexual conduct.

1264 (b) "Identifiable minor" means a person who is  
 1265 recognizable as an actual person by the person's face, likeness,  
 1266 or other distinguishing characteristic, such as a unique  
 1267 birthmark, or other recognizable feature and:

1268 1. Who was a minor at the time the visual depiction was  
 1269 created, adapted, or modified; or

1270 2. Whose image as a minor was used in creating, adapting,  
 1271 or modifying the visual depiction.

1272  
 1273 This paragraph does not require proof of the actual identity of  
 1274 the identifiable minor.

1275 (c) "Intentionally view" means to deliberately,

1276 purposefully, and voluntarily view. Proof of intentional viewing  
1277 requires establishing that a person deliberately, purposefully,  
1278 and voluntarily viewed more than one visual depiction over any  
1279 period of time.

1280 (d) "Promote" means to procure, manufacture, issue, sell,  
1281 give, provide, lend, mail, deliver, transfer, transmute,  
1282 publish, distribute, circulate, disseminate, present, exhibit,  
1283 or advertise or to offer or agree to do the same.

1284 (e) ~~(b)~~ "Transmit" means the act of sending and causing to  
1285 be delivered, including the act of providing access for  
1286 receiving and causing to be delivered, a visual depiction ~~any~~  
1287 image, information, or data ~~from one or more persons or places~~  
1288 ~~to one or more other persons or places~~ over or through any  
1289 medium, including the Internet or an interconnected network, by  
1290 use of ~~any~~ electronic equipment or other device.

1291 (f) "Visual depiction" includes, but is not limited to, a  
1292 photograph, picture, image, motion picture, film, video,  
1293 representation, or computer or computer-generated image or  
1294 picture, whether made or produced by electronic, mechanical, or  
1295 other means. The term also includes undeveloped film and  
1296 videotape, data stored on computer disk or by electronic means  
1297 which is capable of conversion into a visual image, and data  
1298 that is capable of conversion into a visual image that has been  
1299 transmitted by any means, whether stored in a permanent or  
1300 nonpermanent format.

1301           (2) (a) It is unlawful for a person to possess, with the  
 1302 intent to promote, child pornography. The possession of three or  
 1303 more visual depictions of child pornography is prima facie  
 1304 evidence of an intent to promote. A person who violates this  
 1305 paragraph commits a felony of the second degree, punishable as  
 1306 provided in s. 775.082, s. 775.083, or s. 775.084.

1307           (b) It is unlawful for a person to knowingly possess,  
 1308 control, or intentionally view child pornography. The  
 1309 possession, control, or intentional viewing of each visual  
 1310 depiction of child pornography is a separate offense. If the  
 1311 visual depiction includes sexual conduct by more than one minor,  
 1312 each minor in each visual depiction that is knowingly possessed,  
 1313 controlled, or intentionally viewed is a separate offense. A  
 1314 person who violates this paragraph commits a felony of the third  
 1315 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1316 775.084.

1317           (c) This subsection does not apply to child pornography  
 1318 possessed, controlled, or intentionally viewed as part of a law  
 1319 enforcement investigation.

1320           (d) Prosecution of a person for an offense under this  
 1321 subsection does not prohibit prosecution of that person in this  
 1322 state for a violation of any law of this state, including a law  
 1323 providing for greater penalties than prescribed in this section  
 1324 or any other crime punishing the sexual performance or sexual  
 1325 exploitation of children.

1326            (3) (a) (2) Notwithstanding ss. 847.012 and 847.0133, a any  
 1327 person in this state who knew or reasonably should have known  
 1328 that he or she was transmitting child pornography, ~~as defined in~~  
 1329 ~~s. 847.001,~~ to another person in this state or in another  
 1330 jurisdiction commits a felony of the third degree, punishable as  
 1331 provided in s. 775.082, s. 775.083, or s. 775.084.

1332            (b) (3) Notwithstanding ss. 847.012 and 847.0133, a any  
 1333 person in any jurisdiction other than this state who knew or  
 1334 reasonably should have known that he or she was transmitting  
 1335 child pornography, ~~as defined in s. 847.001,~~ to another any  
 1336 person in this state commits a felony of the third degree,  
 1337 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1338            (c) (4) This subsection does ~~section shall~~ not be construed  
 1339 ~~to~~ prohibit prosecution of a person in this state or another  
 1340 jurisdiction for a violation of any law of this state, including  
 1341 a law providing for greater penalties than prescribed in this  
 1342 subsection ~~section,~~ for the transmission of child pornography,  
 1343 ~~as defined in s. 847.001,~~ to another any person in this state.

1344            (d) (5) A person is subject to prosecution in this state  
 1345 pursuant to chapter 910 for any act or conduct proscribed by  
 1346 this subsection ~~section,~~ including a person in a jurisdiction  
 1347 other than this state, if the act or conduct violates paragraph  
 1348 (b) subsection (3).

1349            (e) This subsection does ~~The provisions of this section do~~  
 1350 not apply to subscription-based transmissions such as list

1351 servers.

1352 Section 34. Subsection (1) of section 856.022, Florida  
 1353 Statutes, is amended to read:

1354 856.022 Loitering or prowling by certain offenders in  
 1355 close proximity to children; penalty.—

1356 (1) Except as provided in subsection (2), this section  
 1357 applies to a person convicted of committing, or attempting,  
 1358 soliciting, or conspiring to commit, any of the criminal  
 1359 offenses proscribed in the following statutes in this state or  
 1360 similar offenses in another jurisdiction against a victim who  
 1361 was under 18 years of age at the time of the offense: s. 787.01,  
 1362 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 1363 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;  
 1364 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;  
 1365 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,  
 1366 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
 1367 s. 985.701(1); or any similar offense committed in this state  
 1368 which has been redesignated from a former statute number to one  
 1369 of those listed in this subsection, if the person has not  
 1370 received a pardon for any felony or similar law of another  
 1371 jurisdiction necessary for the operation of this subsection and  
 1372 a conviction of a felony or similar law of another jurisdiction  
 1373 necessary for the operation of this subsection has not been set  
 1374 aside in any postconviction proceeding.

1375 Section 35. Paragraph (a) of subsection (8) of section

1376 895.02, Florida Statutes, is amended to read:  
 1377 895.02 Definitions.—As used in ss. 895.01-895.08, the  
 1378 term:  
 1379 (8) "Racketeering activity" means to commit, to attempt to  
 1380 commit, to conspire to commit, or to solicit, coerce, or  
 1381 intimidate another person to commit:  
 1382 (a) Any crime that is chargeable by petition, indictment,  
 1383 or information under the following provisions of the Florida  
 1384 Statutes:  
 1385 1. Section 210.18, relating to evasion of payment of  
 1386 cigarette taxes.  
 1387 2. Section 316.1935, relating to fleeing or attempting to  
 1388 elude a law enforcement officer and aggravated fleeing or  
 1389 eluding.  
 1390 3. Section 403.727(3)(b), relating to environmental  
 1391 control.  
 1392 4. Section 409.920 or s. 409.9201, relating to Medicaid  
 1393 fraud.  
 1394 5. Section 414.39, relating to public assistance fraud.  
 1395 6. Section 440.105 or s. 440.106, relating to workers'  
 1396 compensation.  
 1397 7. Section 443.071(4), relating to creation of a  
 1398 fictitious employer scheme to commit reemployment assistance  
 1399 fraud.  
 1400 8. Section 465.0161, relating to distribution of medicinal

- 1401 | drugs without a permit as an Internet pharmacy.
- 1402 |       9. Section 499.0051, relating to crimes involving
- 1403 | contraband, adulterated, or misbranded drugs.
- 1404 |       10. Part IV of chapter 501, relating to telemarketing.
- 1405 |       11. Chapter 517, relating to sale of securities and
- 1406 | investor protection.
- 1407 |       12. Section 550.235 or s. 550.3551, relating to dogracing
- 1408 | and horseracing.
- 1409 |       13. Chapter 550, relating to jai alai frontons.
- 1410 |       14. Section 551.109, relating to slot machine gaming.
- 1411 |       15. Chapter 552, relating to the manufacture,
- 1412 | distribution, and use of explosives.
- 1413 |       16. Chapter 560, relating to money transmitters, if the
- 1414 | violation is punishable as a felony.
- 1415 |       17. Chapter 562, relating to beverage law enforcement.
- 1416 |       18. Section 624.401, relating to transacting insurance
- 1417 | without a certificate of authority, s. 624.437(4)(c)1., relating
- 1418 | to operating an unauthorized multiple-employer welfare
- 1419 | arrangement, or s. 626.902(1)(b), relating to representing or
- 1420 | aiding an unauthorized insurer.
- 1421 |       19. Section 655.50, relating to reports of currency
- 1422 | transactions, when such violation is punishable as a felony.
- 1423 |       20. Chapter 687, relating to interest and usurious
- 1424 | practices.
- 1425 |       21. Section 721.08, s. 721.09, or s. 721.13, relating to

- 1426 real estate timeshare plans.
- 1427       22. Section 775.13(5)(b), relating to registration of
- 1428 persons found to have committed any offense for the purpose of
- 1429 benefiting, promoting, or furthering the interests of a criminal
- 1430 gang.
- 1431       23. Section 777.03, relating to commission of crimes by
- 1432 accessories after the fact.
- 1433       24. Chapter 782, relating to homicide.
- 1434       25. Chapter 784, relating to assault and battery.
- 1435       26. Chapter 787, relating to kidnapping or human
- 1436 trafficking.
- 1437       27. Chapter 790, relating to weapons and firearms.
- 1438       28. Chapter 794, relating to sexual battery, but only if
- 1439 such crime was committed with the intent to benefit, promote, or
- 1440 further the interests of a criminal gang, or for the purpose of
- 1441 increasing a criminal gang member's own standing or position
- 1442 within a criminal gang.
- 1443       29. Former s. 796.03, former s. 796.035, s. 796.04, s.
- 1444 796.05, or s. 796.07, relating to prostitution.
- 1445       30. Chapter 806, relating to arson and criminal mischief.
- 1446       31. Chapter 810, relating to burglary and trespass.
- 1447       32. Chapter 812, relating to theft, robbery, and related
- 1448 crimes.
- 1449       33. Chapter 815, relating to computer-related crimes.
- 1450       34. Chapter 817, relating to fraudulent practices, false

1451 | pretenses, fraud generally, and credit card crimes.  
 1452 |       35. Chapter 825, relating to abuse, neglect, or  
 1453 | exploitation of an elderly person or disabled adult.  
 1454 |       36. Former s. Section 827.071, relating to commercial  
 1455 | sexual exploitation of children.  
 1456 |       37. Section 828.122, relating to fighting or baiting  
 1457 | animals.  
 1458 |       38. Chapter 831, relating to forgery and counterfeiting.  
 1459 |       39. Chapter 832, relating to issuance of worthless checks  
 1460 | and drafts.  
 1461 |       40. Section 836.05, relating to extortion.  
 1462 |       41. Chapter 837, relating to perjury.  
 1463 |       42. Chapter 838, relating to bribery and misuse of public  
 1464 | office.  
 1465 |       43. Chapter 843, relating to obstruction of justice.  
 1466 |       44. Section 847.003, relating to sexual performance by a  
 1467 | child.  
 1468 |       ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,  
 1469 | or s. 847.07, relating to obscene literature and profanity.  
 1470 |       ~~46.45.~~ Chapter 849, relating to gambling, lottery,  
 1471 | gambling or gaming devices, slot machines, or any of the  
 1472 | provisions within that chapter.  
 1473 |       ~~47.46.~~ Chapter 874, relating to criminal gangs.  
 1474 |       ~~48.47.~~ Chapter 893, relating to drug abuse prevention and  
 1475 | control.

1476        ~~49.48.~~ Chapter 896, relating to offenses related to  
 1477 financial transactions.

1478        ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering  
 1479 with or harassing a witness, victim, or informant, and  
 1480 retaliation against a witness, victim, or informant.

1481        ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering  
 1482 with jurors and evidence.

1483        Section 36. Subsection (8) of section 905.34, Florida  
 1484 Statutes, is amended to read:

1485        905.34 Powers and duties; law applicable.—The jurisdiction  
 1486 of a statewide grand jury impaneled under this chapter shall  
 1487 extend throughout the state. The subject matter jurisdiction of  
 1488 the statewide grand jury shall be limited to the offenses of:

1489        (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,  
 1490 or s. 847.0138 relating to computer pornography and child  
 1491 exploitation prevention, or any offense related to a violation  
 1492 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any  
 1493 violation of former s. 827.071 ~~chapter 827~~ where the crime is  
 1494 facilitated by or connected to the use of the Internet or any  
 1495 device capable of electronic data storage or transmission;

1496

1497 or any attempt, solicitation, or conspiracy to commit any  
 1498 violation of the crimes specifically enumerated above, when any  
 1499 such offense is occurring, or has occurred, in two or more  
 1500 judicial circuits as part of a related transaction or when any

1501 such offense is connected with an organized criminal conspiracy  
 1502 affecting two or more judicial circuits. The statewide grand  
 1503 jury may return indictments and presentments irrespective of the  
 1504 county or judicial circuit where the offense is committed or  
 1505 triable. If an indictment is returned, it shall be certified and  
 1506 transferred for trial to the county where the offense was  
 1507 committed. The powers and duties of, and law applicable to,  
 1508 county grand juries shall apply to a statewide grand jury except  
 1509 when such powers, duties, and law are inconsistent with the  
 1510 provisions of ss. 905.31-905.40.

1511 Section 37. Paragraph (a) of subsection (1) of section  
 1512 934.07, Florida Statutes, is amended to read:

1513 934.07 Authorization for interception of wire, oral, or  
 1514 electronic communications.—

1515 (1) The Governor, the Attorney General, the statewide  
 1516 prosecutor, or any state attorney may authorize an application  
 1517 to a judge of competent jurisdiction for, and such judge may  
 1518 grant in conformity with ss. 934.03-934.09 an order authorizing  
 1519 or approving the interception of, wire, oral, or electronic  
 1520 communications by:

1521 (a) The Department of Law Enforcement or any law  
 1522 enforcement agency as defined in s. 934.02 having responsibility  
 1523 for the investigation of the offense as to which the application  
 1524 is made when such interception may provide or has provided  
 1525 evidence of the commission of the offense of murder, kidnapping,

1526 aircraft piracy, arson, gambling, robbery, burglary, theft,  
 1527 dealing in stolen property, criminal usury, bribery, or  
 1528 extortion; any felony violation of ss. 790.161-790.166,  
 1529 inclusive; any violation of s. 787.06; any violation of chapter  
 1530 893; any violation of the provisions of the Florida Anti-Fencing  
 1531 Act; any violation of chapter 895; any violation of chapter 896;  
 1532 any violation of chapter 815; any violation of chapter 847; any  
 1533 violation of former s. 827.071; any violation of s. 944.40; or  
 1534 any conspiracy or solicitation to commit any violation of the  
 1535 laws of this state relating to the crimes specifically  
 1536 enumerated in this paragraph.

1537 Section 38. Section 938.085, Florida Statutes, is amended  
 1538 to read:

1539 938.085 Additional cost to fund rape crisis centers.—In  
 1540 addition to any sanction imposed when a person pleads guilty or  
 1541 nolo contendere to, or is found guilty of, regardless of  
 1542 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and  
 1543 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 1544 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
 1545 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
 1546 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
 1547 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
 1548 796.07(2) (a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.  
 1549 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former  
 1550 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135

1551 ~~847.0135(2)~~; s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7),  
 1552 (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court  
 1553 shall impose a surcharge of \$151. Payment of the surcharge shall  
 1554 be a condition of probation, community control, or any other  
 1555 court-ordered supervision. The sum of \$150 of the surcharge  
 1556 shall be deposited into the Rape Crisis Program Trust Fund  
 1557 established within the Department of Health by chapter 2003-140,  
 1558 Laws of Florida. The clerk of the court shall retain \$1 of each  
 1559 surcharge that the clerk of the court collects as a service  
 1560 charge of the clerk's office.

1561 Section 39. Subsection (1) of section 938.10, Florida  
 1562 Statutes, is amended to read:

1563 938.10 Additional court cost imposed in cases of certain  
 1564 crimes.—

1565 (1) If a person pleads guilty or nolo contendere to, or is  
 1566 found guilty of, regardless of adjudication, any offense against  
 1567 a minor in violation of s. 784.085, chapter 787, chapter 794,  
 1568 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,  
 1569 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.  
 1570 847.0135 ~~847.0135(5)~~, s. 847.0137, s. 847.0138, s. 847.0145, s.  
 1571 893.147(3), or s. 985.701, or any offense in violation of s.  
 1572 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the  
 1573 court shall impose a court cost of \$151 against the offender in  
 1574 addition to any other cost or penalty required by law.

1575 Section 40. Paragraph (h) of subsection (1) of section

1576 943.0435, Florida Statutes, is amended to read:  
 1577 943.0435 Sexual offenders required to register with the  
 1578 department; penalty.—  
 1579 (1) As used in this section, the term:  
 1580 (h)1. "Sexual offender" means a person who meets the  
 1581 criteria in sub-subparagraph a., sub-subparagraph b., sub-  
 1582 subparagraph c., or sub-subparagraph d., as follows:  
 1583 a.(I) Has been convicted of committing, or attempting,  
 1584 soliciting, or conspiring to commit, any of the criminal  
 1585 offenses proscribed in the following statutes in this state or  
 1586 similar offenses in another jurisdiction: s. 393.135(2); s.  
 1587 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where  
 1588 the victim is a minor; s. 787.06(3)(b), (d), (f), or (g); former  
 1589 s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s.  
 1590 794.05; former s. 796.03; former s. 796.035; s. 800.04; s.  
 1591 810.145(8); s. 825.1025; former s. 827.071; s. 847.003; s.  
 1592 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.  
 1593 847.0138; s. 847.0145; s. 895.03, if the court makes a written  
 1594 finding that the racketeering activity involved at least one  
 1595 sexual offense listed in this sub-sub-subparagraph or at least  
 1596 one offense listed in this sub-sub-subparagraph with sexual  
 1597 intent or motive; s. 916.1075(2); or s. 985.701(1); or any  
 1598 similar offense committed in this state which has been  
 1599 redesignated from a former statute number to one of those listed  
 1600 in this sub-sub-subparagraph; and

1601 (II) Has been released on or after October 1, 1997, from  
 1602 the sanction imposed for any conviction of an offense described  
 1603 in sub-sub-subparagraph (I). For purposes of sub-sub-  
 1604 subparagraph (I), a sanction imposed in this state or in any  
 1605 other jurisdiction includes, but is not limited to, a fine,  
 1606 probation, community control, parole, conditional release,  
 1607 control release, or incarceration in a state prison, federal  
 1608 prison, private correctional facility, or local detention  
 1609 facility;

1610 b. Establishes or maintains a residence in this state and  
 1611 who has not been designated as a sexual predator by a court of  
 1612 this state but who has been designated as a sexual predator, as  
 1613 a sexually violent predator, or by another sexual offender  
 1614 designation in another state or jurisdiction and was, as a  
 1615 result of such designation, subjected to registration or  
 1616 community or public notification, or both, or would be if the  
 1617 person were a resident of that state or jurisdiction, without  
 1618 regard to whether the person otherwise meets the criteria for  
 1619 registration as a sexual offender;

1620 c. Establishes or maintains a residence in this state who  
 1621 is in the custody or control of, or under the supervision of,  
 1622 any other state or jurisdiction as a result of a conviction for  
 1623 committing, or attempting, soliciting, or conspiring to commit,  
 1624 any of the criminal offenses proscribed in the following  
 1625 statutes or similar offense in another jurisdiction: s.

1626 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.  
 1627 787.025(2)(c), where the victim is a minor; s. 787.06(3)(b),  
 1628 (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding  
 1629 s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035;  
 1630 s. 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.  
 1631 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.  
 1632 847.0137; s. 847.0138; s. 847.0145; s. 895.03, if the court  
 1633 makes a written finding that the racketeering activity involved  
 1634 at least one sexual offense listed in this sub-subparagraph or  
 1635 at least one offense listed in this sub-subparagraph with sexual  
 1636 intent or motive; s. 916.1075(2); or s. 985.701(1); or any  
 1637 similar offense committed in this state which has been  
 1638 redesignated from a former statute number to one of those listed  
 1639 in this sub-subparagraph; or  
 1640 d. On or after July 1, 2007, has been adjudicated  
 1641 delinquent for committing, or attempting, soliciting, or  
 1642 conspiring to commit, any of the criminal offenses proscribed in  
 1643 the following statutes in this state or similar offenses in  
 1644 another jurisdiction when the juvenile was 14 years of age or  
 1645 older at the time of the offense:  
 1646 (I) Section 794.011, excluding s. 794.011(10);  
 1647 (II) Section 800.04(4)(a)2. where the victim is under 12  
 1648 years of age or where the court finds sexual activity by the use  
 1649 of force or coercion;  
 1650 (III) Section 800.04(5)(c)1. where the court finds

1651 molestation involving unclothed genitals;  
 1652 (IV) Section 800.04(5)(d) where the court finds the use of  
 1653 force or coercion and unclothed genitals; or  
 1654 (V) Any similar offense committed in this state which has  
 1655 been redesignated from a former statute number to one of those  
 1656 listed in this sub-subparagraph.  
 1657 2. For all qualifying offenses listed in sub-subparagraph  
 1658 1.d., the court shall make a written finding of the age of the  
 1659 offender at the time of the offense.  
 1660  
 1661 For each violation of a qualifying offense listed in this  
 1662 subsection, except for a violation of s. 794.011, the court  
 1663 shall make a written finding of the age of the victim at the  
 1664 time of the offense. For a violation of s. 800.04(4), the court  
 1665 shall also make a written finding indicating whether the offense  
 1666 involved sexual activity and indicating whether the offense  
 1667 involved force or coercion. For a violation of s. 800.04(5), the  
 1668 court shall also make a written finding that the offense did or  
 1669 did not involve unclothed genitals or genital area and that the  
 1670 offense did or did not involve the use of force or coercion.  
 1671 Section 41. Paragraph (a) of subsection (1) and subsection  
 1672 (3) of section 943.04354, Florida Statutes, are amended to read:  
 1673 943.04354 Removal of the requirement to register as a  
 1674 sexual offender or sexual predator in special circumstances.—  
 1675 (1) For purposes of this section, a person shall be

1676 considered for removal of the requirement to register as a  
 1677 sexual offender or sexual predator only if the person:  
 1678 (a) Was convicted, regardless of adjudication, or  
 1679 adjudicated delinquent of a violation of s. 800.04, former s.  
 1680 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of  
 1681 a similar offense in another jurisdiction and if the person does  
 1682 not have any other conviction, regardless of adjudication, or  
 1683 adjudication of delinquency for a violation of s. 794.011, s.  
 1684 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
 1685 847.0137(2) or for a similar offense in another jurisdiction;  
 1686 (3) If a person provides to the Department of Law  
 1687 Enforcement a certified copy of the court's order removing the  
 1688 requirement that the person register as a sexual offender or  
 1689 sexual predator for the violation of s. 794.011, s. 800.04,  
 1690 former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.  
 1691 847.0137(2) or a similar offense in another jurisdiction, the  
 1692 registration requirement will not apply to the person and the  
 1693 department shall remove all information about the person from  
 1694 the public registry of sexual offenders and sexual predators  
 1695 maintained by the department. However, the removal of this  
 1696 information from the public registry does not mean that the  
 1697 public is denied access to information about the person's  
 1698 criminal history or record that is otherwise available as a  
 1699 public record.  
 1700 Section 42. Section 943.0585, Florida Statutes, is amended

1701 to read:

1702 943.0585 Court-ordered expunction of criminal history

1703 records.—The courts of this state have jurisdiction over their

1704 own procedures, including the maintenance, expunction, and

1705 correction of judicial records containing criminal history

1706 information to the extent such procedures are not inconsistent

1707 with the conditions, responsibilities, and duties established by

1708 this section. Any court of competent jurisdiction may order a

1709 criminal justice agency to expunge the criminal history record

1710 of a minor or an adult who complies with the requirements of

1711 this section. The court shall not order a criminal justice

1712 agency to expunge a criminal history record until the person

1713 seeking to expunge a criminal history record has applied for and

1714 received a certificate of eligibility for expunction pursuant to

1715 subsection (2) or subsection (5). A criminal history record that

1716 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,

1717 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,

1718 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.

1719 847.0133, s. 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135,

1720 s. 916.1075, a violation enumerated in s. 907.041, or any

1721 violation specified as a predicate offense for registration as a

1722 sexual predator pursuant to s. 775.21, without regard to whether

1723 that offense alone is sufficient to require such registration,

1724 or for registration as a sexual offender pursuant to s.

1725 943.0435, may not be expunged, without regard to whether

1726 adjudication was withheld, if the defendant was found guilty of  
 1727 or pled guilty or nolo contendere to the offense, or if the  
 1728 defendant, as a minor, was found to have committed, or pled  
 1729 guilty or nolo contendere to committing, the offense as a  
 1730 delinquent act. The court may only order expunction of a  
 1731 criminal history record pertaining to one arrest or one incident  
 1732 of alleged criminal activity, except as provided in this  
 1733 section. The court may, at its sole discretion, order the  
 1734 expunction of a criminal history record pertaining to more than  
 1735 one arrest if the additional arrests directly relate to the  
 1736 original arrest. If the court intends to order the expunction of  
 1737 records pertaining to such additional arrests, such intent must  
 1738 be specified in the order. A criminal justice agency may not  
 1739 expunge any record pertaining to such additional arrests if the  
 1740 order to expunge does not articulate the intention of the court  
 1741 to expunge a record pertaining to more than one arrest. This  
 1742 section does not prevent the court from ordering the expunction  
 1743 of only a portion of a criminal history record pertaining to one  
 1744 arrest or one incident of alleged criminal activity.  
 1745 Notwithstanding any law to the contrary, a criminal justice  
 1746 agency may comply with laws, court orders, and official requests  
 1747 of other jurisdictions relating to expunction, correction, or  
 1748 confidential handling of criminal history records or information  
 1749 derived therefrom. This section does not confer any right to the  
 1750 expunction of any criminal history record, and any request for

1751 expunction of a criminal history record may be denied at the  
 1752 sole discretion of the court.

1753 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each  
 1754 petition to a court to expunge a criminal history record is  
 1755 complete only when accompanied by:

1756 (a) A valid certificate of eligibility for expunction  
 1757 issued by the department pursuant to subsection (2).

1758 (b) The petitioner's sworn statement attesting that the  
 1759 petitioner:

1760 1. Has never, prior to the date on which the petition is  
 1761 filed, been adjudicated guilty of a criminal offense or  
 1762 comparable ordinance violation, or been adjudicated delinquent  
 1763 for committing any felony or a misdemeanor specified in s.  
 1764 943.051(3)(b).

1765 2. Has not been adjudicated guilty of, or adjudicated  
 1766 delinquent for committing, any of the acts stemming from the  
 1767 arrest or alleged criminal activity to which the petition  
 1768 pertains.

1769 3. Has never secured a prior sealing or expunction of a  
 1770 criminal history record under this section, s. 943.059, former  
 1771 s. 893.14, former s. 901.33, or former s. 943.058, unless  
 1772 expunction is sought of a criminal history record previously  
 1773 sealed for 10 years pursuant to paragraph (2)(h) and the record  
 1774 is otherwise eligible for expunction.

1775 4. Is eligible for such an expunction to the best of his

1776 or her knowledge or belief and does not have any other petition  
 1777 to expunge or any petition to seal pending before any court.  
 1778

1779 Any person who knowingly provides false information on such  
 1780 sworn statement to the court commits a felony of the third  
 1781 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1782 775.084.

1783 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to  
 1784 petitioning the court to expunge a criminal history record, a  
 1785 person seeking to expunge a criminal history record shall apply  
 1786 to the department for a certificate of eligibility for  
 1787 expunction. The department shall, by rule adopted pursuant to  
 1788 chapter 120, establish procedures pertaining to the application  
 1789 for and issuance of certificates of eligibility for expunction.  
 1790 A certificate of eligibility for expunction is valid for 12  
 1791 months after the date stamped on the certificate when issued by  
 1792 the department. After that time, the petitioner must reapply to  
 1793 the department for a new certificate of eligibility. Eligibility  
 1794 for a renewed certification of eligibility must be based on the  
 1795 status of the applicant and the law in effect at the time of the  
 1796 renewal application. The department shall issue a certificate of  
 1797 eligibility for expunction to a person who is the subject of a  
 1798 criminal history record if that person:

1799 (a) Has obtained, and submitted to the department, a  
 1800 written, certified statement from the appropriate state attorney

1801 or statewide prosecutor which indicates:

1802 1. That an indictment, information, or other charging  
1803 document was not filed or issued in the case.

1804 2. That an indictment, information, or other charging  
1805 document, if filed or issued in the case, was dismissed or nolle  
1806 prosequi by the state attorney or statewide prosecutor, or was  
1807 dismissed by a court of competent jurisdiction, and that none of  
1808 the charges related to the arrest or alleged criminal activity  
1809 to which the petition to expunge pertains resulted in a trial,  
1810 without regard to whether the outcome of the trial was other  
1811 than an adjudication of guilt.

1812 3. That the criminal history record does not relate to a  
1813 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
1814 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,  
1815 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.  
1816 847.0135, s. 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075,  
1817 a violation enumerated in s. 907.041, or any violation specified  
1818 as a predicate offense for registration as a sexual predator  
1819 pursuant to s. 775.21, without regard to whether that offense  
1820 alone is sufficient to require such registration, or for  
1821 registration as a sexual offender pursuant to s. 943.0435, where  
1822 the defendant was found guilty of, or pled guilty or nolo  
1823 contendere to any such offense, or that the defendant, as a  
1824 minor, was found to have committed, or pled guilty or nolo  
1825 contendere to committing, such an offense as a delinquent act,

1826 | without regard to whether adjudication was withheld.

1827 |       (b) Remits a \$75 processing fee to the department for  
1828 | placement in the Department of Law Enforcement Operating Trust  
1829 | Fund, unless such fee is waived by the executive director.

1830 |       (c) Has submitted to the department a certified copy of  
1831 | the disposition of the charge to which the petition to expunge  
1832 | pertains.

1833 |       (d) Has never, prior to the date on which the application  
1834 | for a certificate of eligibility is filed, been adjudicated  
1835 | guilty of a criminal offense or comparable ordinance violation,  
1836 | or been adjudicated delinquent for committing any felony or a  
1837 | misdemeanor specified in s. 943.051(3)(b).

1838 |       (e) Has not been adjudicated guilty of, or adjudicated  
1839 | delinquent for committing, any of the acts stemming from the  
1840 | arrest or alleged criminal activity to which the petition to  
1841 | expunge pertains.

1842 |       (f) Has never secured a prior sealing or expunction of a  
1843 | criminal history record under this section, s. 943.059, former  
1844 | s. 893.14, former s. 901.33, or former s. 943.058, unless  
1845 | expunction is sought of a criminal history record previously  
1846 | sealed for 10 years pursuant to paragraph (h) and the record is  
1847 | otherwise eligible for expunction.

1848 |       (g) Is no longer under court supervision applicable to the  
1849 | disposition of the arrest or alleged criminal activity to which  
1850 | the petition to expunge pertains.

1851 (h) Has previously obtained a court order sealing the  
 1852 record under this section, former s. 893.14, former s. 901.33,  
 1853 or former s. 943.058 for a minimum of 10 years because  
 1854 adjudication was withheld or because all charges related to the  
 1855 arrest or alleged criminal activity to which the petition to  
 1856 expunge pertains were not dismissed prior to trial, without  
 1857 regard to whether the outcome of the trial was other than an  
 1858 adjudication of guilt. The requirement for the record to have  
 1859 previously been sealed for a minimum of 10 years does not apply  
 1860 when a plea was not entered or all charges related to the arrest  
 1861 or alleged criminal activity to which the petition to expunge  
 1862 pertains were dismissed prior to trial.

1863 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1864 (a) In judicial proceedings under this section, a copy of  
 1865 the completed petition to expunge shall be served upon the  
 1866 appropriate state attorney or the statewide prosecutor and upon  
 1867 the arresting agency; however, it is not necessary to make any  
 1868 agency other than the state a party. The appropriate state  
 1869 attorney or the statewide prosecutor and the arresting agency  
 1870 may respond to the court regarding the completed petition to  
 1871 expunge.

1872 (b) If relief is granted by the court, the clerk of the  
 1873 court shall certify copies of the order to the appropriate state  
 1874 attorney or the statewide prosecutor and the arresting agency.  
 1875 The arresting agency is responsible for forwarding the order to

1876 any other agency to which the arresting agency disseminated the  
 1877 criminal history record information to which the order pertains.  
 1878 The department shall forward the order to expunge to the Federal  
 1879 Bureau of Investigation. The clerk of the court shall certify a  
 1880 copy of the order to any other agency which the records of the  
 1881 court reflect has received the criminal history record from the  
 1882 court.

1883 (c) For an order to expunge entered by a court prior to  
 1884 July 1, 1992, the department shall notify the appropriate state  
 1885 attorney or statewide prosecutor of an order to expunge which is  
 1886 contrary to law because the person who is the subject of the  
 1887 record has previously been convicted of a crime or comparable  
 1888 ordinance violation or has had a prior criminal history record  
 1889 sealed or expunged. Upon receipt of such notice, the appropriate  
 1890 state attorney or statewide prosecutor shall take action, within  
 1891 60 days, to correct the record and petition the court to void  
 1892 the order to expunge. The department shall seal the record until  
 1893 such time as the order is voided by the court.

1894 (d) On or after July 1, 1992, the department or any other  
 1895 criminal justice agency is not required to act on an order to  
 1896 expunge entered by a court when such order does not comply with  
 1897 the requirements of this section. Upon receipt of such an order,  
 1898 the department must notify the issuing court, the appropriate  
 1899 state attorney or statewide prosecutor, the petitioner or the  
 1900 petitioner's attorney, and the arresting agency of the reason

1901 for noncompliance. The appropriate state attorney or statewide  
 1902 prosecutor shall take action within 60 days to correct the  
 1903 record and petition the court to void the order. No cause of  
 1904 action, including contempt of court, shall arise against any  
 1905 criminal justice agency for failure to comply with an order to  
 1906 expunge when the petitioner for such order failed to obtain the  
 1907 certificate of eligibility as required by this section or such  
 1908 order does not otherwise comply with the requirements of this  
 1909 section.

1910 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
 1911 criminal history record of a minor or an adult which is ordered  
 1912 expunged by a court of competent jurisdiction pursuant to this  
 1913 section must be physically destroyed or obliterated by any  
 1914 criminal justice agency having custody of such record; except  
 1915 that any criminal history record in the custody of the  
 1916 department must be retained in all cases. A criminal history  
 1917 record ordered expunged that is retained by the department is  
 1918 confidential and exempt from the provisions of s. 119.07(1) and  
 1919 s. 24(a), Art. I of the State Constitution and not available to  
 1920 any person or entity except upon order of a court of competent  
 1921 jurisdiction. A criminal justice agency may retain a notation  
 1922 indicating compliance with an order to expunge.

1923 (a) The person who is the subject of a criminal history  
 1924 record that is expunged under this section or under other  
 1925 provisions of law, including former s. 893.14, former s. 901.33,

1926 and former s. 943.058, may lawfully deny or fail to acknowledge  
 1927 the arrests covered by the expunged record, except when the  
 1928 subject of the record:

- 1929 1. Is a candidate for employment with a criminal justice  
 1930 agency;
- 1931 2. Is a defendant in a criminal prosecution;
- 1932 3. Concurrently or subsequently petitions for relief under  
 1933 this section, s. 943.0583, or s. 943.059;
- 1934 4. Is a candidate for admission to The Florida Bar;
- 1935 5. Is seeking to be employed or licensed by or to contract  
 1936 with the Department of Children and Families, the Division of  
 1937 Vocational Rehabilitation within the Department of Education,  
 1938 the Agency for Health Care Administration, the Agency for  
 1939 Persons with Disabilities, the Department of Health, the  
 1940 Department of Elderly Affairs, or the Department of Juvenile  
 1941 Justice or to be employed or used by such contractor or licensee  
 1942 in a sensitive position having direct contact with children, the  
 1943 disabled, or the elderly;
- 1944 6. Is seeking to be employed or licensed by the Department  
 1945 of Education, any district school board, any university  
 1946 laboratory school, any charter school, any private or parochial  
 1947 school, or any local governmental entity that licenses child  
 1948 care facilities;
- 1949 7. Is seeking to be licensed by the Division of Insurance  
 1950 Agent and Agency Services within the Department of Financial

1951 Services; or  
 1952 8. Is seeking to be appointed as a guardian pursuant to s.  
 1953 744.3125.

1954 (b) Subject to the exceptions in paragraph (a), a person  
 1955 who has been granted an expunction under this section, former s.  
 1956 893.14, former s. 901.33, or former s. 943.058 may not be held  
 1957 under any provision of law of this state to commit perjury or to  
 1958 be otherwise liable for giving a false statement by reason of  
 1959 such person's failure to recite or acknowledge an expunged  
 1960 criminal history record.

1961 (c) Information relating to the existence of an expunged  
 1962 criminal history record which is provided in accordance with  
 1963 paragraph (a) is confidential and exempt from the provisions of  
 1964 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 1965 except that the department shall disclose the existence of a  
 1966 criminal history record ordered expunged to the entities set  
 1967 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their  
 1968 respective licensing, access authorization, and employment  
 1969 purposes, and to criminal justice agencies for their respective  
 1970 criminal justice purposes. It is unlawful for any employee of an  
 1971 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
 1972 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or  
 1973 subparagraph (a)8. to disclose information relating to the  
 1974 existence of an expunged criminal history record of a person  
 1975 seeking employment, access authorization, or licensure with such

1976 entity or contractor, except to the person to whom the criminal  
 1977 history record relates or to persons having direct  
 1978 responsibility for employment, access authorization, or  
 1979 licensure decisions. Any person who violates this paragraph  
 1980 commits a misdemeanor of the first degree, punishable as  
 1981 provided in s. 775.082 or s. 775.083.

1982 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the  
 1983 eligibility requirements prescribed in paragraph (1)(b) and  
 1984 subsection (2), the department shall issue a certificate of  
 1985 eligibility for expunction under this subsection to a person who  
 1986 is the subject of a criminal history record if that person:

1987 (a) Has obtained, and submitted to the department, on a  
 1988 form provided by the department, a written, certified statement  
 1989 from the appropriate state attorney or statewide prosecutor  
 1990 which states whether an information, indictment, or other  
 1991 charging document was not filed or was dismissed by the state  
 1992 attorney, or dismissed by the court, because it was found that  
 1993 the person acted in lawful self-defense pursuant to the  
 1994 provisions related to justifiable use of force in chapter 776.

1995 (b) Each petition to a court to expunge a criminal history  
 1996 record pursuant to this subsection is complete only when  
 1997 accompanied by:

1998 1. A valid certificate of eligibility for expunction  
 1999 issued by the department pursuant to this subsection.

2000 2. The petitioner's sworn statement attesting that the

2001 petitioner is eligible for such an expunction to the best of his  
 2002 or her knowledge or belief.

2003  
 2004 Any person who knowingly provides false information on such  
 2005 sworn statement to the court commits a felony of the third  
 2006 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2007 775.084.

2008 (c) This subsection does not confer any right to the  
 2009 expunction of a criminal history record, and any request for  
 2010 expunction of a criminal history record may be denied at the  
 2011 discretion of the court.

2012 (d) Subsections (3) and (4) shall apply to expunction  
 2013 ordered under this subsection.

2014 (e) The department shall, by rule adopted pursuant to  
 2015 chapter 120, establish procedures pertaining to the application  
 2016 for and issuance of certificates of eligibility for expunction  
 2017 under this subsection.

2018 (6) STATUTORY REFERENCES.—Any reference to any other  
 2019 chapter, section, or subdivision of the Florida Statutes in this  
 2020 section constitutes a general reference under the doctrine of  
 2021 incorporation by reference.

2022 Section 43. Section 943.059, Florida Statutes, is amended  
 2023 to read:

2024 943.059 Court-ordered sealing of criminal history  
 2025 records.—The courts of this state shall continue to have

2026 jurisdiction over their own procedures, including the  
 2027 maintenance, sealing, and correction of judicial records  
 2028 containing criminal history information to the extent such  
 2029 procedures are not inconsistent with the conditions,  
 2030 responsibilities, and duties established by this section. Any  
 2031 court of competent jurisdiction may order a criminal justice  
 2032 agency to seal the criminal history record of a minor or an  
 2033 adult who complies with the requirements of this section. The  
 2034 court shall not order a criminal justice agency to seal a  
 2035 criminal history record until the person seeking to seal a  
 2036 criminal history record has applied for and received a  
 2037 certificate of eligibility for sealing pursuant to subsection  
 2038 (2). A criminal history record that relates to a violation of s.  
 2039 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,  
 2040 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.  
 2041 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.  
 2042 847.0137(2), s. 847.0145, s. 893.135, s. 916.1075, a violation  
 2043 enumerated in s. 907.041, or any violation specified as a  
 2044 predicate offense for registration as a sexual predator pursuant  
 2045 to s. 775.21, without regard to whether that offense alone is  
 2046 sufficient to require such registration, or for registration as  
 2047 a sexual offender pursuant to s. 943.0435, may not be sealed,  
 2048 without regard to whether adjudication was withheld, if the  
 2049 defendant was found guilty of or pled guilty or nolo contendere  
 2050 to the offense, or if the defendant, as a minor, was found to

2051 have committed or pled guilty or nolo contendere to committing  
 2052 the offense as a delinquent act. The court may only order  
 2053 sealing of a criminal history record pertaining to one arrest or  
 2054 one incident of alleged criminal activity, except as provided in  
 2055 this section. The court may, at its sole discretion, order the  
 2056 sealing of a criminal history record pertaining to more than one  
 2057 arrest if the additional arrests directly relate to the original  
 2058 arrest. If the court intends to order the sealing of records  
 2059 pertaining to such additional arrests, such intent must be  
 2060 specified in the order. A criminal justice agency may not seal  
 2061 any record pertaining to such additional arrests if the order to  
 2062 seal does not articulate the intention of the court to seal  
 2063 records pertaining to more than one arrest. This section does  
 2064 not prevent the court from ordering the sealing of only a  
 2065 portion of a criminal history record pertaining to one arrest or  
 2066 one incident of alleged criminal activity. Notwithstanding any  
 2067 law to the contrary, a criminal justice agency may comply with  
 2068 laws, court orders, and official requests of other jurisdictions  
 2069 relating to sealing, correction, or confidential handling of  
 2070 criminal history records or information derived therefrom. This  
 2071 section does not confer any right to the sealing of any criminal  
 2072 history record, and any request for sealing a criminal history  
 2073 record may be denied at the sole discretion of the court.

2074 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each  
 2075 petition to a court to seal a criminal history record is

2076 complete only when accompanied by:  
 2077 (a) A valid certificate of eligibility for sealing issued  
 2078 by the department pursuant to subsection (2).  
 2079 (b) The petitioner's sworn statement attesting that the  
 2080 petitioner:  
 2081 1. Has never, prior to the date on which the petition is  
 2082 filed, been adjudicated guilty of a criminal offense or  
 2083 comparable ordinance violation, or been adjudicated delinquent  
 2084 for committing any felony or a misdemeanor specified in s.  
 2085 943.051(3)(b).  
 2086 2. Has not been adjudicated guilty of or adjudicated  
 2087 delinquent for committing any of the acts stemming from the  
 2088 arrest or alleged criminal activity to which the petition to  
 2089 seal pertains.  
 2090 3. Has never secured a prior sealing or expunction of a  
 2091 criminal history record under this section, s. 943.0585, former  
 2092 s. 893.14, former s. 901.33, or former s. 943.058.  
 2093 4. Is eligible for such a sealing to the best of his or  
 2094 her knowledge or belief and does not have any other petition to  
 2095 seal or any petition to expunge pending before any court.  
 2096  
 2097 Any person who knowingly provides false information on such  
 2098 sworn statement to the court commits a felony of the third  
 2099 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2100 775.084.

2101 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to  
 2102 petitioning the court to seal a criminal history record, a  
 2103 person seeking to seal a criminal history record shall apply to  
 2104 the department for a certificate of eligibility for sealing. The  
 2105 department shall, by rule adopted pursuant to chapter 120,  
 2106 establish procedures pertaining to the application for and  
 2107 issuance of certificates of eligibility for sealing. A  
 2108 certificate of eligibility for sealing is valid for 12 months  
 2109 after the date stamped on the certificate when issued by the  
 2110 department. After that time, the petitioner must reapply to the  
 2111 department for a new certificate of eligibility. Eligibility for  
 2112 a renewed certification of eligibility must be based on the  
 2113 status of the applicant and the law in effect at the time of the  
 2114 renewal application. The department shall issue a certificate of  
 2115 eligibility for sealing to a person who is the subject of a  
 2116 criminal history record provided that such person:

2117 (a) Has submitted to the department a certified copy of  
 2118 the disposition of the charge to which the petition to seal  
 2119 pertains.

2120 (b) Remits a \$75 processing fee to the department for  
 2121 placement in the Department of Law Enforcement Operating Trust  
 2122 Fund, unless such fee is waived by the executive director.

2123 (c) Has never, prior to the date on which the application  
 2124 for a certificate of eligibility is filed, been adjudicated  
 2125 guilty of a criminal offense or comparable ordinance violation,

2126 or been adjudicated delinquent for committing any felony or a  
 2127 misdemeanor specified in s. 943.051(3)(b).

2128 (d) Has not been adjudicated guilty of or adjudicated  
 2129 delinquent for committing any of the acts stemming from the  
 2130 arrest or alleged criminal activity to which the petition to  
 2131 seal pertains.

2132 (e) Has never secured a prior sealing or expunction of a  
 2133 criminal history record under this section, s. 943.0585, former  
 2134 s. 893.14, former s. 901.33, or former s. 943.058.

2135 (f) Is no longer under court supervision applicable to the  
 2136 disposition of the arrest or alleged criminal activity to which  
 2137 the petition to seal pertains.

2138 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

2139 (a) In judicial proceedings under this section, a copy of  
 2140 the completed petition to seal shall be served upon the  
 2141 appropriate state attorney or the statewide prosecutor and upon  
 2142 the arresting agency; however, it is not necessary to make any  
 2143 agency other than the state a party. The appropriate state  
 2144 attorney or the statewide prosecutor and the arresting agency  
 2145 may respond to the court regarding the completed petition to  
 2146 seal.

2147 (b) If relief is granted by the court, the clerk of the  
 2148 court shall certify copies of the order to the appropriate state  
 2149 attorney or the statewide prosecutor and to the arresting  
 2150 agency. The arresting agency is responsible for forwarding the

2151 order to any other agency to which the arresting agency  
 2152 disseminated the criminal history record information to which  
 2153 the order pertains. The department shall forward the order to  
 2154 seal to the Federal Bureau of Investigation. The clerk of the  
 2155 court shall certify a copy of the order to any other agency  
 2156 which the records of the court reflect has received the criminal  
 2157 history record from the court.

2158 (c) For an order to seal entered by a court prior to July  
 2159 1, 1992, the department shall notify the appropriate state  
 2160 attorney or statewide prosecutor of any order to seal which is  
 2161 contrary to law because the person who is the subject of the  
 2162 record has previously been convicted of a crime or comparable  
 2163 ordinance violation or has had a prior criminal history record  
 2164 sealed or expunged. Upon receipt of such notice, the appropriate  
 2165 state attorney or statewide prosecutor shall take action, within  
 2166 60 days, to correct the record and petition the court to void  
 2167 the order to seal. The department shall seal the record until  
 2168 such time as the order is voided by the court.

2169 (d) On or after July 1, 1992, the department or any other  
 2170 criminal justice agency is not required to act on an order to  
 2171 seal entered by a court when such order does not comply with the  
 2172 requirements of this section. Upon receipt of such an order, the  
 2173 department must notify the issuing court, the appropriate state  
 2174 attorney or statewide prosecutor, the petitioner or the  
 2175 petitioner's attorney, and the arresting agency of the reason

2176 for noncompliance. The appropriate state attorney or statewide  
2177 prosecutor shall take action within 60 days to correct the  
2178 record and petition the court to void the order. No cause of  
2179 action, including contempt of court, shall arise against any  
2180 criminal justice agency for failure to comply with an order to  
2181 seal when the petitioner for such order failed to obtain the  
2182 certificate of eligibility as required by this section or when  
2183 such order does not comply with the requirements of this  
2184 section.

2185 (e) An order sealing a criminal history record pursuant to  
2186 this section does not require that such record be surrendered to  
2187 the court, and such record shall continue to be maintained by  
2188 the department and other criminal justice agencies.

2189 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
2190 history record of a minor or an adult which is ordered sealed by  
2191 a court pursuant to this section is confidential and exempt from  
2192 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
2193 Constitution and is available only to the person who is the  
2194 subject of the record, to the subject's attorney, to criminal  
2195 justice agencies for their respective criminal justice purposes,  
2196 which include conducting a criminal history background check for  
2197 approval of firearms purchases or transfers as authorized by  
2198 state or federal law, to judges in the state courts system for  
2199 the purpose of assisting them in their case-related  
2200 decisionmaking responsibilities, as set forth in s. 943.053(5),

2201 or to those entities set forth in subparagraphs (a)1., 4., 5.,  
 2202 6., 8., 9., and 10. for their respective licensing, access  
 2203 authorization, and employment purposes.

2204 (a) The subject of a criminal history record sealed under  
 2205 this section or under other provisions of law, including former  
 2206 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 2207 deny or fail to acknowledge the arrests covered by the sealed  
 2208 record, except when the subject of the record:

2209 1. Is a candidate for employment with a criminal justice  
 2210 agency;

2211 2. Is a defendant in a criminal prosecution;

2212 3. Concurrently or subsequently petitions for relief under  
 2213 this section, s. 943.0583, or s. 943.0585;

2214 4. Is a candidate for admission to The Florida Bar;

2215 5. Is seeking to be employed or licensed by or to contract  
 2216 with the Department of Children and Families, the Division of  
 2217 Vocational Rehabilitation within the Department of Education,  
 2218 the Agency for Health Care Administration, the Agency for  
 2219 Persons with Disabilities, the Department of Health, the  
 2220 Department of Elderly Affairs, or the Department of Juvenile  
 2221 Justice or to be employed or used by such contractor or licensee  
 2222 in a sensitive position having direct contact with children, the  
 2223 disabled, or the elderly;

2224 6. Is seeking to be employed or licensed by the Department  
 2225 of Education, a district school board, a university laboratory

2226 school, a charter school, a private or parochial school, or a  
 2227 local governmental entity that licenses child care facilities;

2228 7. Is attempting to purchase a firearm from a licensed  
 2229 importer, licensed manufacturer, or licensed dealer and is  
 2230 subject to a criminal history check under state or federal law;

2231 8. Is seeking to be licensed by the Division of Insurance  
 2232 Agent and Agency Services within the Department of Financial  
 2233 Services;

2234 9. Is seeking to be appointed as a guardian pursuant to s.  
 2235 744.3125; or

2236 10. Is seeking to be licensed by the Bureau of License  
 2237 Issuance of the Division of Licensing within the Department of  
 2238 Agriculture and Consumer Services to carry a concealed weapon or  
 2239 concealed firearm. This subparagraph applies only in the  
 2240 determination of an applicant's eligibility under s. 790.06.

2241 (b) Subject to the exceptions in paragraph (a), a person  
 2242 who has been granted a sealing under this section, former s.  
 2243 893.14, former s. 901.33, or former s. 943.058 may not be held  
 2244 under any provision of law of this state to commit perjury or to  
 2245 be otherwise liable for giving a false statement by reason of  
 2246 such person's failure to recite or acknowledge a sealed criminal  
 2247 history record.

2248 (c) Information relating to the existence of a sealed  
 2249 criminal record provided in accordance with the provisions of  
 2250 paragraph (a) is confidential and exempt from the provisions of

2251 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 2252 except that the department shall disclose the sealed criminal  
 2253 history record to the entities set forth in subparagraphs (a)1.,  
 2254 4., 5., 6., 8., 9., and 10. for their respective licensing,  
 2255 access authorization, and employment purposes. An employee of an  
 2256 entity set forth in subparagraph (a)1., subparagraph (a)4.,  
 2257 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,  
 2258 subparagraph (a)9., or subparagraph (a)10. may not disclose  
 2259 information relating to the existence of a sealed criminal  
 2260 history record of a person seeking employment, access  
 2261 authorization, or licensure with such entity or contractor,  
 2262 except to the person to whom the criminal history record relates  
 2263 or to persons having direct responsibility for employment,  
 2264 access authorization, or licensure decisions. A person who  
 2265 violates the provisions of this paragraph commits a misdemeanor  
 2266 of the first degree, punishable as provided in s. 775.082 or s.  
 2267 775.083.

2268 (5) STATUTORY REFERENCES.—Any reference to any other  
 2269 chapter, section, or subdivision of the Florida Statutes in this  
 2270 section constitutes a general reference under the doctrine of  
 2271 incorporation by reference.

2272 Section 44. Paragraph (f) of subsection (1) of section  
 2273 944.606, Florida Statutes, is amended to read:

2274 944.606 Sexual offenders; notification upon release.—

2275 (1) As used in this section, the term:

2276 (f) "Sexual offender" means a person who has been  
 2277 convicted of committing, or attempting, soliciting, or  
 2278 conspiring to commit, any of the criminal offenses proscribed in  
 2279 the following statutes in this state or similar offenses in  
 2280 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,  
 2281 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.  
 2282 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.  
 2283 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;  
 2284 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former  
 2285 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.  
 2286 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,  
 2287 if the court makes a written finding that the racketeering  
 2288 activity involved at least one sexual offense listed in this  
 2289 paragraph or at least one offense listed in this paragraph with  
 2290 sexual intent or motive; s. 916.1075(2); or s. 985.701(1); or  
 2291 any similar offense committed in this state which has been  
 2292 redesignated from a former statute number to one of those listed  
 2293 in this subsection, when the department has received verified  
 2294 information regarding such conviction; an offender's  
 2295 computerized criminal history record is not, in and of itself,  
 2296 verified information.

2297 Section 45. Paragraph (f) of subsection (1) of section  
 2298 944.607, Florida Statutes, is amended to read:

2299 944.607 Notification to Department of Law Enforcement of  
 2300 information on sexual offenders.-

2301 (1) As used in this section, the term:

2302 (f) "Sexual offender" means a person who is in the custody

2303 or control of, or under the supervision of, the department or is

2304 in the custody of a private correctional facility:

2305 1. On or after October 1, 1997, as a result of a

2306 conviction for committing, or attempting, soliciting, or

2307 conspiring to commit, any of the criminal offenses proscribed in

2308 the following statutes in this state or similar offenses in

2309 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,

2310 s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.

2311 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.

2312 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;

2313 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former

2314 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.

2315 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 895.03,

2316 if the court makes a written finding that the racketeering

2317 activity involved at least one sexual offense listed in this

2318 subparagraph or at least one offense listed in this subparagraph

2319 with sexual intent or motive; s. 916.1075(2); or s. 985.701(1);

2320 or any similar offense committed in this state which has been

2321 redesignated from a former statute number to one of those listed

2322 in this paragraph; or

2323 2. Who establishes or maintains a residence in this state

2324 and who has not been designated as a sexual predator by a court

2325 of this state but who has been designated as a sexual predator,

2326 as a sexually violent predator, or by another sexual offender  
 2327 designation in another state or jurisdiction and was, as a  
 2328 result of such designation, subjected to registration or  
 2329 community or public notification, or both, or would be if the  
 2330 person were a resident of that state or jurisdiction, without  
 2331 regard as to whether the person otherwise meets the criteria for  
 2332 registration as a sexual offender.

2333 Section 46. Subsections (7), (10), and (14) of section  
 2334 947.1405, Florida Statutes, are amended, and subsection (15) is  
 2335 added to that section, to read:

2336 947.1405 Conditional release program.—

2337 (7) (a) Any inmate who is convicted of a crime committed on  
 2338 or after October 1, 1995, or who has been previously convicted  
 2339 of a crime committed on or after October 1, 1995, in violation  
 2340 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or  
 2341 s. 847.0145, and is subject to conditional release supervision,  
 2342 shall have, in addition to any other conditions imposed, the  
 2343 following special conditions imposed by the commission:

2344 1. A mandatory curfew from 10 p.m. to 6 a.m. The  
 2345 commission may designate another 8-hour period if the offender's  
 2346 employment precludes the above specified time, and such  
 2347 alternative is recommended by the Department of Corrections. If  
 2348 the commission determines that imposing a curfew would endanger  
 2349 the victim, the commission may consider alternative sanctions.

2350 2. If the victim was under the age of 18, a prohibition on

2351 living within 1,000 feet of a school, child care facility, park,  
 2352 playground, designated public school bus stop, or other place  
 2353 where children regularly congregate. A releasee who is subject  
 2354 to this subparagraph may not relocate to a residence that is  
 2355 within 1,000 feet of a public school bus stop. Beginning October  
 2356 1, 2004, the commission or the department may not approve a  
 2357 residence that is located within 1,000 feet of a school, child  
 2358 care facility, park, playground, designated school bus stop, or  
 2359 other place where children regularly congregate for any releasee  
 2360 who is subject to this subparagraph. On October 1, 2004, the  
 2361 department shall notify each affected school district of the  
 2362 location of the residence of a releasee 30 days prior to release  
 2363 and thereafter, if the releasee relocates to a new residence,  
 2364 shall notify any affected school district of the residence of  
 2365 the releasee within 30 days after relocation. If, on October 1,  
 2366 2004, any public school bus stop is located within 1,000 feet of  
 2367 the existing residence of such releasee, the district school  
 2368 board shall relocate that school bus stop. Beginning October 1,  
 2369 2004, a district school board may not establish or relocate a  
 2370 public school bus stop within 1,000 feet of the residence of a  
 2371 releasee who is subject to this subparagraph. The failure of the  
 2372 district school board to comply with this subparagraph shall not  
 2373 result in a violation of conditional release supervision. A  
 2374 releasee who is subject to this subparagraph may not be forced  
 2375 to relocate and does not violate his or her conditional release

2376 supervision if he or she is living in a residence that meets the  
 2377 requirements of this subparagraph and a school, child care  
 2378 facility, park, playground, designated public school bus stop,  
 2379 or other place where children regularly congregate is  
 2380 subsequently established within 1,000 feet of his or her  
 2381 residence.

2382 3. Active participation in and successful completion of a  
 2383 sex offender treatment program with qualified practitioners  
 2384 specifically trained to treat sex offenders, at the releasee's  
 2385 own expense. If a qualified practitioner is not available within  
 2386 a 50-mile radius of the releasee's residence, the offender shall  
 2387 participate in other appropriate therapy.

2388 4. A prohibition on any contact with the victim, directly  
 2389 or indirectly, including through a third person, unless approved  
 2390 by the victim, a qualified practitioner in the sexual offender  
 2391 treatment program, and the sentencing court.

2392 5. If the victim was under the age of 18, a prohibition  
 2393 against contact with children under the age of 18 without review  
 2394 and approval by the commission. The commission may approve  
 2395 supervised contact with a child under the age of 18 if the  
 2396 approval is based upon a recommendation for contact issued by a  
 2397 qualified practitioner who is basing the recommendation on a  
 2398 risk assessment. Further, the sex offender must be currently  
 2399 enrolled in or have successfully completed a sex offender  
 2400 therapy program. The commission may not grant supervised contact

2401 with a child if the contact is not recommended by a qualified  
 2402 practitioner and may deny supervised contact with a child at any  
 2403 time. When considering whether to approve supervised contact  
 2404 with a child, the commission must review and consider the  
 2405 following:

2406 a. A risk assessment completed by a qualified  
 2407 practitioner. The qualified practitioner must prepare a written  
 2408 report that must include the findings of the assessment and  
 2409 address each of the following components:

2410 (I) The sex offender's current legal status;

2411 (II) The sex offender's history of adult charges with  
 2412 apparent sexual motivation;

2413 (III) The sex offender's history of adult charges without  
 2414 apparent sexual motivation;

2415 (IV) The sex offender's history of juvenile charges,  
 2416 whenever available;

2417 (V) The sex offender's offender treatment history,  
 2418 including a consultation from the sex offender's treating, or  
 2419 most recent treating, therapist;

2420 (VI) The sex offender's current mental status;

2421 (VII) The sex offender's mental health and substance abuse  
 2422 history as provided by the Department of Corrections;

2423 (VIII) The sex offender's personal, social, educational,  
 2424 and work history;

2425 (IX) The results of current psychological testing of the

2426 sex offender if determined necessary by the qualified  
 2427 practitioner;

2428 (X) A description of the proposed contact, including the  
 2429 location, frequency, duration, and supervisory arrangement;

2430 (XI) The child's preference and relative comfort level  
 2431 with the proposed contact, when age-appropriate;

2432 (XII) The parent's or legal guardian's preference  
 2433 regarding the proposed contact; and

2434 (XIII) The qualified practitioner's opinion, along with  
 2435 the basis for that opinion, as to whether the proposed contact  
 2436 would likely pose significant risk of emotional or physical harm  
 2437 to the child.

2438  
 2439 The written report of the assessment must be given to the  
 2440 commission.

2441 b. A recommendation made as a part of the risk-assessment  
 2442 report as to whether supervised contact with the child should be  
 2443 approved;

2444 c. A written consent signed by the child's parent or legal  
 2445 guardian, if the parent or legal guardian is not the sex  
 2446 offender, agreeing to the sex offender having supervised contact  
 2447 with the child after receiving full disclosure of the sex  
 2448 offender's present legal status, past criminal history, and the  
 2449 results of the risk assessment. The commission may not approve  
 2450 contact with the child if the parent or legal guardian refuses

2451 to give written consent for supervised contact;

2452 d. A safety plan prepared by the qualified practitioner,

2453 who provides treatment to the offender, in collaboration with

2454 the sex offender, the child's parent or legal guardian, and the

2455 child, when age appropriate, which details the acceptable

2456 conditions of contact between the sex offender and the child.

2457 The safety plan must be reviewed and approved by the Department

2458 of Corrections before being submitted to the commission; and

2459 e. Evidence that the child's parent or legal guardian, if

2460 the parent or legal guardian is not the sex offender,

2461 understands the need for and agrees to the safety plan and has

2462 agreed to provide, or to designate another adult to provide,

2463 constant supervision any time the child is in contact with the

2464 offender.

2465

2466 The commission may not appoint a person to conduct a risk

2467 assessment and may not accept a risk assessment from a person

2468 who has not demonstrated to the commission that he or she has

2469 met the requirements of a qualified practitioner as defined in

2470 this section.

2471 6. If the victim was under age 18, a prohibition on

2472 working for pay or as a volunteer at any school, child care

2473 facility, park, playground, or other place where children

2474 regularly congregate, as prescribed by the commission.

2475 7. Unless otherwise indicated in the treatment plan

2476 provided by a qualified practitioner in the sexual offender  
2477 treatment program, a prohibition on viewing, owning, or  
2478 possessing any obscene, pornographic, or sexually stimulating  
2479 visual or auditory material, including telephone, electronic  
2480 media, computer programs, or computer services that are relevant  
2481 to the offender's deviant behavior pattern.

2482 8. Effective for a releasee whose crime is committed on or  
2483 after July 1, 2005, a prohibition on accessing the Internet or  
2484 other computer services until a qualified practitioner in the  
2485 offender's sex offender treatment program, after a risk  
2486 assessment is completed, approves and implements a safety plan  
2487 for the offender's accessing or using the Internet or other  
2488 computer services.

2489 9. A requirement that the releasee must submit two  
2490 specimens of blood to the Department of Law Enforcement to be  
2491 registered with the DNA database.

2492 10. A requirement that the releasee make restitution to  
2493 the victim, as determined by the sentencing court or the  
2494 commission, for all necessary medical and related professional  
2495 services relating to physical, psychiatric, and psychological  
2496 care.

2497 11. Submission to a warrantless search by the community  
2498 control or probation officer of the probationer's or community  
2499 controllee's person, residence, or vehicle.

2500 (b) For a releasee whose crime was committed on or after

2501 October 1, 1997, in violation of chapter 794, s. 800.04, former  
 2502 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject  
 2503 to conditional release supervision, in addition to any other  
 2504 provision of this subsection, the commission shall impose the  
 2505 following additional conditions of conditional release  
 2506 supervision:

2507 1. As part of a treatment program, participation in a  
 2508 minimum of one annual polygraph examination to obtain  
 2509 information necessary for risk management and treatment and to  
 2510 reduce the sex offender's denial mechanisms. The polygraph  
 2511 examination must be conducted by a polygrapher who is a member  
 2512 of a national or state polygraph association and who is  
 2513 certified as a postconviction sex offender polygrapher, where  
 2514 available, and at the expense of the releasee. The results of  
 2515 the examination shall be provided to the releasee's probation  
 2516 officer and qualified practitioner and may not be used as  
 2517 evidence in a hearing to prove that a violation of supervision  
 2518 has occurred.

2519 2. Maintenance of a driving log and a prohibition against  
 2520 driving a motor vehicle alone without the prior approval of the  
 2521 supervising officer.

2522 3. A prohibition against obtaining or using a post office  
 2523 box without the prior approval of the supervising officer.

2524 4. If there was sexual contact, a submission to, at the  
 2525 releasee's expense, an HIV test with the results to be released

2526 | to the victim or the victim's parent or guardian.

2527 |         5. Electronic monitoring of any form when ordered by the  
 2528 | commission. Any person who has been placed under supervision and  
 2529 | is electronically monitored by the department must pay the  
 2530 | department for the cost of the electronic monitoring service at  
 2531 | a rate that may not exceed the full cost of the monitoring  
 2532 | service. Funds collected under this subparagraph shall be  
 2533 | deposited into the General Revenue Fund. The department may  
 2534 | exempt a person from the payment of all or any part of the  
 2535 | electronic monitoring service cost if the department finds that  
 2536 | any of the factors listed in s. 948.09(3) exist.

2537 |         (10) Effective for a releasee whose crime was committed on  
 2538 | or after September 1, 2005, in violation of chapter 794, s.  
 2539 | 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and  
 2540 | the unlawful activity involved a victim who was 15 years of age  
 2541 | or younger and the offender is 18 years of age or older or for a  
 2542 | releasee who is designated as a sexual predator pursuant to s.  
 2543 | 775.21, in addition to any other provision of this section, the  
 2544 | commission must order electronic monitoring for the duration of  
 2545 | the releasee's supervision.

2546 |         (14) Effective for a releasee whose crime was committed on  
 2547 | or after October 1, 2014, in violation of chapter 794, s.  
 2548 | 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in  
 2549 | addition to any other provision of this section, the commission  
 2550 | must impose a condition prohibiting the releasee from viewing,

2551 accessing, owning, or possessing any obscene, pornographic, or  
 2552 sexually stimulating visual or auditory material unless  
 2553 otherwise indicated in the treatment plan provided by a  
 2554 qualified practitioner in the sexual offender treatment program.  
 2555 Visual or auditory material includes, but is not limited to,  
 2556 telephone, electronic media, computer programs, and computer  
 2557 services.

2558 (15) Effective for a releasee whose crime was committed on  
 2559 or after October 1, 2017, in violation of s. 847.003 or s.  
 2560 847.0137(2), in addition to any other provision of this section,  
 2561 the commission must impose the conditions specified in  
 2562 subsections (7), (10), (12), and (14).

2563 Section 47. Subsection (2) of section 948.013, Florida  
 2564 Statutes, is amended, and subsection (3) is added to that  
 2565 section, to read:

2566 948.013 Administrative probation.—

2567 (2) Effective for an offense committed on or after July 1,  
 2568 1998, a person is ineligible for placement on administrative  
 2569 probation if the person is sentenced to or is serving a term of  
 2570 probation or community control, regardless of the conviction or  
 2571 adjudication, for committing, or attempting, conspiring, or  
 2572 soliciting to commit, any of the felony offenses described in s.  
 2573 787.01 or s. 787.02, where the victim is a minor and the  
 2574 defendant is not the victim's parent; s. 787.025; s.  
 2575 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.

2576 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or  
 2577 s. 847.0145.

2578 (3) Effective for an offense committed on or after October  
 2579 1, 2017, a person is ineligible for placement on administrative  
 2580 probation if the person is sentenced to or is serving a term of  
 2581 probation or community control, regardless of the conviction or  
 2582 adjudication, for committing, or attempting, conspiring, or  
 2583 soliciting to commit, any of the felony offenses described in s.  
 2584 847.003 or s. 847.0137(2).

2585 Section 48. Subsection (2) of section 948.03, Florida  
 2586 Statutes, is amended to read:

2587 948.03 Terms and conditions of probation.—

2588 (2) The enumeration of specific kinds of terms and  
 2589 conditions shall not prevent the court from adding thereto such  
 2590 other or others as it considers proper. However, the sentencing  
 2591 court may only impose a condition of supervision allowing an  
 2592 offender convicted of s. 794.011, s. 800.04, former s. 827.071,  
 2593 s. 847.003, s. 847.0135(5), s. 847.0137(2), or s. 847.0145, to  
 2594 reside in another state, if the order stipulates that it is  
 2595 contingent upon the approval of the receiving state interstate  
 2596 compact authority. The court may rescind or modify at any time  
 2597 the terms and conditions theretofore imposed by it upon the  
 2598 probationer. However, if the court withholds adjudication of  
 2599 guilt or imposes a period of incarceration as a condition of  
 2600 probation, the period shall not exceed 364 days, and

2601 incarceration shall be restricted to either a county facility, a  
 2602 probation and restitution center under the jurisdiction of the  
 2603 Department of Corrections, a probation program drug punishment  
 2604 phase I secure residential treatment institution, or a community  
 2605 residential facility owned or operated by any entity providing  
 2606 such services.

2607 Section 49. Subsection (1) of section 948.04, Florida  
 2608 Statutes, is amended to read:

2609 948.04 Period of probation; duty of probationer; early  
 2610 termination.—

2611 (1) Defendants found guilty of felonies who are placed on  
 2612 probation shall be under supervision not to exceed 2 years  
 2613 unless otherwise specified by the court. No defendant placed on  
 2614 probation pursuant to s. 948.012(1) is subject to the probation  
 2615 limitations of this subsection. A defendant who is placed on  
 2616 probation or community control for a violation of chapter 794,  
 2617 ~~or~~ chapter 827, s. 847.003, or s. 847.0137(2) is subject to the  
 2618 maximum level of supervision provided by the supervising agency,  
 2619 and that supervision shall continue through the full term of the  
 2620 court-imposed probation or community control.

2621 Section 50. Subsection (4) and paragraph (c) of subsection  
 2622 (8) of section 948.06, Florida Statutes, are amended to read:

2623 948.06 Violation of probation or community control;  
 2624 revocation; modification; continuance; failure to pay  
 2625 restitution or cost of supervision.—

2626 (4) Notwithstanding any other provision of this section, a  
 2627 felony probationer or an offender in community control who is  
 2628 arrested for violating his or her probation or community control  
 2629 in a material respect may be taken before the court in the  
 2630 county or circuit in which the probationer or offender was  
 2631 arrested. That court shall advise him or her of the charge of a  
 2632 violation and, if such charge is admitted, shall cause him or  
 2633 her to be brought before the court that granted the probation or  
 2634 community control. If the violation is not admitted by the  
 2635 probationer or offender, the court may commit him or her or  
 2636 release him or her with or without bail to await further  
 2637 hearing. However, if the probationer or offender is under  
 2638 supervision for any criminal offense proscribed in chapter 794,  
 2639 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is  
 2640 a registered sexual predator or a registered sexual offender, or  
 2641 is under supervision for a criminal offense for which he or she  
 2642 would meet the registration criteria in s. 775.21, s. 943.0435,  
 2643 or s. 944.607 but for the effective date of those sections, the  
 2644 court must make a finding that the probationer or offender is  
 2645 not a danger to the public prior to release with or without  
 2646 bail. In determining the danger posed by the offender's or  
 2647 probationer's release, the court may consider the nature and  
 2648 circumstances of the violation and any new offenses charged; the  
 2649 offender's or probationer's past and present conduct, including  
 2650 convictions of crimes; any record of arrests without conviction

2651 for crimes involving violence or sexual crimes; any other  
2652 evidence of allegations of unlawful sexual conduct or the use of  
2653 violence by the offender or probationer; the offender's or  
2654 probationer's family ties, length of residence in the community,  
2655 employment history, and mental condition; his or her history and  
2656 conduct during the probation or community control supervision  
2657 from which the violation arises and any other previous  
2658 supervisions, including disciplinary records of previous  
2659 incarcerations; the likelihood that the offender or probationer  
2660 will engage again in a criminal course of conduct; the weight of  
2661 the evidence against the offender or probationer; and any other  
2662 facts the court considers relevant. The court, as soon as is  
2663 practicable, shall give the probationer or offender an  
2664 opportunity to be fully heard on his or her behalf in person or  
2665 by counsel. After the hearing, the court shall make findings of  
2666 fact and forward the findings to the court that granted the  
2667 probation or community control and to the probationer or  
2668 offender or his or her attorney. The findings of fact by the  
2669 hearing court are binding on the court that granted the  
2670 probation or community control. Upon the probationer or offender  
2671 being brought before it, the court that granted the probation or  
2672 community control may revoke, modify, or continue the probation  
2673 or community control or may place the probationer into community  
2674 control as provided in this section. However, the probationer or  
2675 offender shall not be released and shall not be admitted to

2676 | bail, but shall be brought before the court that granted the  
 2677 | probation or community control if any violation of felony  
 2678 | probation or community control other than a failure to pay costs  
 2679 | or fines or make restitution payments is alleged to have been  
 2680 | committed by:

2681 |       (a) A violent felony offender of special concern, as  
 2682 | defined in this section;

2683 |       (b) A person who is on felony probation or community  
 2684 | control for any offense committed on or after the effective date  
 2685 | of this act and who is arrested for a qualifying offense as  
 2686 | defined in this section; or

2687 |       (c) A person who is on felony probation or community  
 2688 | control and has previously been found by a court to be a  
 2689 | habitual violent felony offender as defined in s. 775.084(1)(b),  
 2690 | a three-time violent felony offender as defined in s.  
 2691 | 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 2692 | arrested for committing a qualifying offense as defined in this  
 2693 | section on or after the effective date of this act.

2694 |       (8)

2695 |       (c) For purposes of this section, the term "qualifying  
 2696 | offense" means any of the following:

- 2697 |       1. Kidnapping or attempted kidnapping under s. 787.01,  
 2698 | false imprisonment of a child under the age of 13 under s.  
 2699 | 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
 2700 | or (c).

2701 2. Murder or attempted murder under s. 782.04, attempted  
 2702 felony murder under s. 782.051, or manslaughter under s. 782.07.

2703 3. Aggravated battery or attempted aggravated battery  
 2704 under s. 784.045.

2705 4. Sexual battery or attempted sexual battery under s.  
 2706 794.011(2), (3), (4), or (8)(b) or (c).

2707 5. Lewd or lascivious battery or attempted lewd or  
 2708 lascivious battery under s. 800.04(4), lewd or lascivious  
 2709 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
 2710 conduct under s. 800.04(6)(b), or lewd or lascivious exhibition  
 2711 under s. 800.04(7)(b), ~~or lewd or lascivious exhibition on~~  
 2712 ~~computer under s. 847.0135(5)(b).~~

2713 6. Robbery or attempted robbery under s. 812.13,  
 2714 carjacking or attempted carjacking under s. 812.133, or home  
 2715 invasion robbery or attempted home invasion robbery under s.  
 2716 812.135.

2717 7. Lewd or lascivious offense upon or in the presence of  
 2718 an elderly or disabled person or attempted lewd or lascivious  
 2719 offense upon or in the presence of an elderly or disabled person  
 2720 under s. 825.1025.

2721 8. Sexual performance by a child or attempted sexual  
 2722 performance by a child under former s. 827.071 or s. 847.003.

2723 9. Computer pornography or child exploitation under s.  
 2724 847.0135 ~~847.0135(2) or (3), transmission of~~ child pornography  
 2725 under s. 847.0137, or selling or buying of minors under s.

2726 | 847.0145.

2727 |       10. Poisoning food or water under s. 859.01.

2728 |       11. Abuse of a dead human body under s. 872.06.

2729 |       12. Any burglary offense or attempted burglary offense

2730 | that is either a first degree felony or second degree felony

2731 | under s. 810.02(2) or (3).

2732 |       13. Arson or attempted arson under s. 806.01(1).

2733 |       14. Aggravated assault under s. 784.021.

2734 |       15. Aggravated stalking under s. 784.048(3), (4), (5), or

2735 | (7).

2736 |       16. Aircraft piracy under s. 860.16.

2737 |       17. Unlawful throwing, placing, or discharging of a

2738 | destructive device or bomb under s. 790.161(2), (3), or (4).

2739 |       18. Treason under s. 876.32.

2740 |       19. Any offense committed in another jurisdiction which

2741 | would be an offense listed in this paragraph if that offense had

2742 | been committed in this state.

2743 |       Section 51. Paragraph (c) of subsection (1) of section

2744 | 948.062, Florida Statutes, is amended to read:

2745 |       948.062 Reviewing and reporting serious offenses committed

2746 | by offenders placed on probation or community control.—

2747 |       (1) The department shall review the circumstances related

2748 | to an offender placed on probation or community control who has

2749 | been arrested while on supervision for the following offenses:

2750 |       (c) Any sexual performance by a child as provided in

2751 former s. 827.071 or s. 847.003;

2752 Section 52. Subsection (2) of section 948.101, Florida  
 2753 Statutes, is amended to read:

2754 948.101 Terms and conditions of community control.—

2755 (2) The enumeration of specific kinds of terms and  
 2756 conditions does not prevent the court from adding any other  
 2757 terms or conditions that the court considers proper. However,  
 2758 the sentencing court may only impose a condition of supervision  
 2759 allowing an offender convicted of s. 794.011, s. 800.04, former  
 2760 s. 827.071, s. 847.003, s. 847.0135(5), 847.0137(2), or s.  
 2761 847.0145 to reside in another state if the order stipulates that  
 2762 it is contingent upon the approval of the receiving state  
 2763 interstate compact authority. The court may rescind or modify at  
 2764 any time the terms and conditions theretofore imposed by it upon  
 2765 the offender in community control. However, if the court  
 2766 withholds adjudication of guilt or imposes a period of  
 2767 incarceration as a condition of community control, the period  
 2768 may not exceed 364 days, and incarceration shall be restricted  
 2769 to a county facility, a probation and restitution center under  
 2770 the jurisdiction of the Department of Corrections, a probation  
 2771 program drug punishment phase I secure residential treatment  
 2772 institution, or a community residential facility owned or  
 2773 operated by any entity providing such services.

2774 Section 53. Subsections (1) and (2), paragraphs (a) and  
 2775 (c) of subsection (3), and subsection (5) of section 948.30,

2776 Florida Statutes, are amended, and subsection (6) is added to  
 2777 that section, to read:

2778       948.30 Additional terms and conditions of probation or  
 2779 community control for certain sex offenses.—Conditions imposed  
 2780 pursuant to this section do not require oral pronouncement at  
 2781 the time of sentencing and shall be considered standard  
 2782 conditions of probation or community control for offenders  
 2783 specified in this section.

2784       (1) Effective for probationers or community controllees  
 2785 whose crime was committed on or after October 1, 1995, and who  
 2786 are placed under supervision for violation of chapter 794, s.  
 2787 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the  
 2788 court must impose the following conditions in addition to all  
 2789 other standard and special conditions imposed:

2790       (a) A mandatory curfew from 10 p.m. to 6 a.m. The court  
 2791 may designate another 8-hour period if the offender's employment  
 2792 precludes the above specified time, and the alternative is  
 2793 recommended by the Department of Corrections. If the court  
 2794 determines that imposing a curfew would endanger the victim, the  
 2795 court may consider alternative sanctions.

2796       (b) If the victim was under the age of 18, a prohibition  
 2797 on living within 1,000 feet of a school, child care facility,  
 2798 park, playground, or other place where children regularly  
 2799 congregate, as prescribed by the court. The 1,000-foot distance  
 2800 shall be measured in a straight line from the offender's place

2801 of residence to the nearest boundary line of the school, child  
2802 care facility, park, playground, or other place where children  
2803 congregate. The distance may not be measured by a pedestrian  
2804 route or automobile route. A probationer or community controllee  
2805 who is subject to this paragraph may not be forced to relocate  
2806 and does not violate his or her probation or community control  
2807 if he or she is living in a residence that meets the  
2808 requirements of this paragraph and a school, child care  
2809 facility, park, playground, or other place where children  
2810 regularly congregate is subsequently established within 1,000  
2811 feet of his or her residence.

2812 (c) Active participation in and successful completion of a  
2813 sex offender treatment program with qualified practitioners  
2814 specifically trained to treat sex offenders, at the  
2815 probationer's or community controllee's own expense. If a  
2816 qualified practitioner is not available within a 50-mile radius  
2817 of the probationer's or community controllee's residence, the  
2818 offender shall participate in other appropriate therapy.

2819 (d) A prohibition on any contact with the victim, directly  
2820 or indirectly, including through a third person, unless approved  
2821 by the victim, a qualified practitioner in the sexual offender  
2822 treatment program, and the sentencing court.

2823 (e) If the victim was under the age of 18, a prohibition  
2824 on contact with a child under the age of 18 except as provided  
2825 in this paragraph. The court may approve supervised contact with

2826 a child under the age of 18 if the approval is based upon a  
 2827 recommendation for contact issued by a qualified practitioner  
 2828 who is basing the recommendation on a risk assessment. Further,  
 2829 the sex offender must be currently enrolled in or have  
 2830 successfully completed a sex offender therapy program. The court  
 2831 may not grant supervised contact with a child if the contact is  
 2832 not recommended by a qualified practitioner and may deny  
 2833 supervised contact with a child at any time. When considering  
 2834 whether to approve supervised contact with a child, the court  
 2835 must review and consider the following:

2836 1. A risk assessment completed by a qualified  
 2837 practitioner. The qualified practitioner must prepare a written  
 2838 report that must include the findings of the assessment and  
 2839 address each of the following components:

- 2840 a. The sex offender's current legal status;
- 2841 b. The sex offender's history of adult charges with  
 2842 apparent sexual motivation;
- 2843 c. The sex offender's history of adult charges without  
 2844 apparent sexual motivation;
- 2845 d. The sex offender's history of juvenile charges,  
 2846 whenever available;
- 2847 e. The sex offender's offender treatment history,  
 2848 including consultations with the sex offender's treating, or  
 2849 most recent treating, therapist;
- 2850 f. The sex offender's current mental status;

2851 g. The sex offender's mental health and substance abuse  
 2852 treatment history as provided by the Department of Corrections;  
 2853 h. The sex offender's personal, social, educational, and  
 2854 work history;  
 2855 i. The results of current psychological testing of the sex  
 2856 offender if determined necessary by the qualified practitioner;  
 2857 j. A description of the proposed contact, including the  
 2858 location, frequency, duration, and supervisory arrangement;  
 2859 k. The child's preference and relative comfort level with  
 2860 the proposed contact, when age appropriate;  
 2861 l. The parent's or legal guardian's preference regarding  
 2862 the proposed contact; and  
 2863 m. The qualified practitioner's opinion, along with the  
 2864 basis for that opinion, as to whether the proposed contact would  
 2865 likely pose significant risk of emotional or physical harm to  
 2866 the child.  
 2867  
 2868 The written report of the assessment must be given to the court;  
 2869 2. A recommendation made as a part of the risk assessment  
 2870 report as to whether supervised contact with the child should be  
 2871 approved;  
 2872 3. A written consent signed by the child's parent or legal  
 2873 guardian, if the parent or legal guardian is not the sex  
 2874 offender, agreeing to the sex offender having supervised contact  
 2875 with the child after receiving full disclosure of the sex

2876 | offender's present legal status, past criminal history, and the  
 2877 | results of the risk assessment. The court may not approve  
 2878 | contact with the child if the parent or legal guardian refuses  
 2879 | to give written consent for supervised contact;

2880 |         4. A safety plan prepared by the qualified practitioner,  
 2881 | who provides treatment to the offender, in collaboration with  
 2882 | the sex offender, the child's parent or legal guardian, if the  
 2883 | parent or legal guardian is not the sex offender, and the child,  
 2884 | when age appropriate, which details the acceptable conditions of  
 2885 | contact between the sex offender and the child. The safety plan  
 2886 | must be reviewed and approved by the court; and

2887 |         5. Evidence that the child's parent or legal guardian  
 2888 | understands the need for and agrees to the safety plan and has  
 2889 | agreed to provide, or to designate another adult to provide,  
 2890 | constant supervision any time the child is in contact with the  
 2891 | offender.

2892 |  
 2893 | The court may not appoint a person to conduct a risk assessment  
 2894 | and may not accept a risk assessment from a person who has not  
 2895 | demonstrated to the court that he or she has met the  
 2896 | requirements of a qualified practitioner as defined in this  
 2897 | section.

2898 |         (f) If the victim was under age 18, a prohibition on  
 2899 | working for pay or as a volunteer at any place where children  
 2900 | regularly congregate, including, but not limited to, schools,

2901 child care facilities, parks, playgrounds, pet stores,  
 2902 libraries, zoos, theme parks, and malls.

2903 (g) Unless otherwise indicated in the treatment plan  
 2904 provided by a qualified practitioner in the sexual offender  
 2905 treatment program, a prohibition on viewing, accessing, owning,  
 2906 or possessing any obscene, pornographic, or sexually stimulating  
 2907 visual or auditory material, including telephone, electronic  
 2908 media, computer programs, or computer services that are relevant  
 2909 to the offender's deviant behavior pattern.

2910 (h) Effective for probationers and community controllees  
 2911 whose crime is committed on or after July 1, 2005, a prohibition  
 2912 on accessing the Internet or other computer services until a  
 2913 qualified practitioner in the offender's sex offender treatment  
 2914 program, after a risk assessment is completed, approves and  
 2915 implements a safety plan for the offender's accessing or using  
 2916 the Internet or other computer services.

2917 (i) A requirement that the probationer or community  
 2918 controllee must submit a specimen of blood or other approved  
 2919 biological specimen to the Department of Law Enforcement to be  
 2920 registered with the DNA data bank.

2921 (j) A requirement that the probationer or community  
 2922 controllee make restitution to the victim, as ordered by the  
 2923 court under s. 775.089, for all necessary medical and related  
 2924 professional services relating to physical, psychiatric, and  
 2925 psychological care.

2926 (k) Submission to a warrantless search by the community  
 2927 control or probation officer of the probationer's or community  
 2928 controllee's person, residence, or vehicle.

2929 (2) Effective for a probationer or community controllee  
 2930 whose crime was committed on or after October 1, 1997, and who  
 2931 is placed on community control or sex offender probation for a  
 2932 violation of chapter 794, s. 800.04, former s. 827.071, s.  
 2933 847.0135(5), or s. 847.0145, in addition to any other provision  
 2934 of this section, the court must impose the following conditions  
 2935 of probation or community control:

2936 (a) As part of a treatment program, participation at least  
 2937 annually in polygraph examinations to obtain information  
 2938 necessary for risk management and treatment and to reduce the  
 2939 sex offender's denial mechanisms. A polygraph examination must  
 2940 be conducted by a polygrapher who is a member of a national or  
 2941 state polygraph association and who is certified as a  
 2942 postconviction sex offender polygrapher, where available, and  
 2943 shall be paid for by the probationer or community controllee.  
 2944 The results of the polygraph examination shall be provided to  
 2945 the probationer's or community controllee's probation officer  
 2946 and qualified practitioner and shall not be used as evidence in  
 2947 court to prove that a violation of community supervision has  
 2948 occurred.

2949 (b) Maintenance of a driving log and a prohibition against  
 2950 driving a motor vehicle alone without the prior approval of the

2951 supervising officer.

2952 (c) A prohibition against obtaining or using a post office  
2953 box without the prior approval of the supervising officer.

2954 (d) If there was sexual contact, a submission to, at the  
2955 probationer's or community controllee's expense, an HIV test  
2956 with the results to be released to the victim or the victim's  
2957 parent or guardian.

2958 (e) Electronic monitoring when deemed necessary by the  
2959 community control or probation officer and his or her  
2960 supervisor, and ordered by the court at the recommendation of  
2961 the Department of Corrections.

2962 (3) Effective for a probationer or community controllee  
2963 whose crime was committed on or after September 1, 2005, and  
2964 who:

2965 (a) Is placed on probation or community control for a  
2966 violation of chapter 794, s. 800.04(4), (5), or (6), former s.  
2967 827.071, or s. 847.0145 and the unlawful sexual activity  
2968 involved a victim 15 years of age or younger and the offender is  
2969 18 years of age or older;

2970 (c) Has previously been convicted of a violation of  
2971 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.  
2972 847.0145 and the unlawful sexual activity involved a victim 15  
2973 years of age or younger and the offender is 18 years of age or  
2974 older,

2975

2976 | the court must order, in addition to any other provision of this  
 2977 | section, mandatory electronic monitoring as a condition of the  
 2978 | probation or community control supervision.

2979 |       (5) Effective for a probationer or community controllee  
 2980 | whose crime was committed on or after October 1, 2014, and who  
 2981 | is placed on probation or community control for a violation of  
 2982 | chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.  
 2983 | 847.0145, in addition to all other conditions imposed, the court  
 2984 | must impose a condition prohibiting the probationer or community  
 2985 | controllee from viewing, accessing, owning, or possessing any  
 2986 | obscene, pornographic, or sexually stimulating visual or  
 2987 | auditory material unless otherwise indicated in the treatment  
 2988 | plan provided by a qualified practitioner in the sexual offender  
 2989 | treatment program. Visual or auditory material includes, but is  
 2990 | not limited to, telephone, electronic media, computer programs,  
 2991 | and computer services.

2992 |       (6) Effective for a probationer or community controllee  
 2993 | whose crime was committed on or after October 1, 2017, and who  
 2994 | is placed under supervision for violation of s. 847.003 or s.  
 2995 | 847.0137(2), the court must impose the conditions specified in  
 2996 | subsections (1)-(5) in addition to all other standard and  
 2997 | special conditions imposed.

2998 |       Section 54. Subsection (1) of section 948.32, Florida  
 2999 | Statutes, is amended to read:

3000 |       948.32 Requirements of law enforcement agency upon arrest

3001 of persons for certain sex offenses.—

3002 (1) When any state or local law enforcement agency  
 3003 investigates or arrests a person for committing, or attempting,  
 3004 soliciting, or conspiring to commit, a violation of s.  
 3005 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,  
 3006 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.  
 3007 847.0135, 847.0137(2), or s. 847.0145, the law enforcement  
 3008 agency shall contact the Department of Corrections to verify  
 3009 whether the person under investigation or under arrest is on  
 3010 probation, community control, parole, conditional release, or  
 3011 control release.

3012 Section 55. Paragraph (e) of subsection (3) and subsection  
 3013 (10) of section 960.03, Florida Statutes, are amended to read:  
 3014 960.03 Definitions; ss. 960.01-960.28.—As used in ss.  
 3015 960.01-960.28, unless the context otherwise requires, the term:

3016 (3) "Crime" means:

3017 (e) A violation of former s. 827.071, s. 847.003, s.  
 3018 847.0135, s. 847.0137, or s. 847.0138, related to online sexual  
 3019 exploitation and child pornography.

3020 (10) "Identified victim of child pornography" means any  
 3021 person who, while under the age of 18, is depicted in any visual  
 3022 depiction ~~image or movie~~ of child pornography, as defined in s.  
 3023 847.0137, and who is identified through a report generated by a  
 3024 law enforcement agency and provided to the National Center for  
 3025 Missing and Exploited Children's Child Victim Identification

3026 Program.

3027 Section 56. Section 960.197, Florida Statutes, is amended  
 3028 to read:

3029 960.197 Assistance to victims of online sexual  
 3030 exploitation and child pornography.—

3031 (1) Notwithstanding the criteria set forth in s. 960.13  
 3032 for crime victim compensation awards, the department may award  
 3033 compensation for counseling and other mental health services to  
 3034 treat psychological injury or trauma to:

3035 (a) A child younger than 18 years of age who suffers  
 3036 psychiatric or psychological injury as a direct result of online  
 3037 sexual exploitation under former ~~any provision of~~ s. 827.071, s.  
 3038 847.003, s. 847.0135, s. 847.0137, or s. 847.0138~~7~~, and who does  
 3039 not otherwise sustain a personal injury or death; or

3040 (b) Any person who, while younger than age 18, was  
 3041 depicted in any visual depiction ~~image or movie, regardless of~~  
 3042 ~~length~~, of child pornography as defined in s. 847.0137 ~~847.001~~,  
 3043 who has been identified by a law enforcement agency or the  
 3044 National Center for Missing and Exploited Children as an  
 3045 identified victim of child pornography, who suffers psychiatric  
 3046 or psychological injury as a direct result of the crime, and who  
 3047 does not otherwise sustain a personal injury or death.

3048 (2) Compensation under this section is not contingent upon  
 3049 pursuit of a criminal investigation or prosecution.

3050 Section 57. Paragraph (d) of subsection (4) of section

3051 985.04, Florida Statutes, is amended to read:

3052 985.04 Oaths; records; confidential information.—

3053 (4)

3054 (d) The department shall disclose to the school  
 3055 superintendent the presence of any child in the care and custody  
 3056 or under the jurisdiction or supervision of the department who  
 3057 has a known history of criminal sexual behavior with other  
 3058 juveniles; is alleged to have committed juvenile sexual abuse as  
 3059 defined in s. 39.01; or has pled guilty or nolo contendere to,  
 3060 or has been found to have committed, a violation of chapter 794,  
 3061 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.  
 3062 847.0133, s. 847.0135(5), or s. 847.0137, regardless of  
 3063 adjudication. Any employee of a district school board who  
 3064 knowingly and willfully discloses such information to an  
 3065 unauthorized person commits a misdemeanor of the second degree,  
 3066 punishable as provided in s. 775.082 or s. 775.083.

3067 Section 58. Paragraph (a) of subsection (1) of section  
 3068 985.475, Florida Statutes, is amended to read:

3069 985.475 Juvenile sexual offenders.—

3070 (1) CRITERIA.—A "juvenile sexual offender" means:

3071 (a) A juvenile who has been found by the court under s.  
 3072 985.35 to have committed a violation of chapter 794, chapter  
 3073 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,  
 3074 or s. 847.0137(2);

3075 Section 59. Paragraphs (mm) and (oo) of subsection (1) of

3076 section 1012.315, Florida Statutes, are amended to read:  
 3077       1012.315 Disqualification from employment.—A person is  
 3078 ineligible for educator certification, and instructional  
 3079 personnel and school administrators, as defined in s. 1012.01,  
 3080 are ineligible for employment in any position that requires  
 3081 direct contact with students in a district school system,  
 3082 charter school, or private school that accepts scholarship  
 3083 students under s. 1002.39 or s. 1002.395, if the person,  
 3084 instructional personnel, or school administrator has been  
 3085 convicted of:  
 3086       (1) Any felony offense prohibited under any of the  
 3087 following statutes:  
 3088       (mm) Former s. Section 827.071, relating to sexual  
 3089 performance by a child.  
 3090       (oo) Chapter 847, relating to obscenity and child  
 3091 exploitation.  
 3092       Section 60. Paragraphs (e), (f), and (h) of subsection (3)  
 3093 of section 921.0022, Florida Statutes, are amended to read:  
 3094       921.0022 Criminal Punishment Code; offense severity  
 3095 ranking chart.—  
 3096       (3) OFFENSE SEVERITY RANKING CHART  
 3097       (e) LEVEL 5  
 3098

Florida	Felony	
Statute	Degree	Description

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3099	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3100	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3101	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3102	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3103	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
3104	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or

supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

3105

379.367 (4)

3rd

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

3106

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

3107

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

3108

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

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3109	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3110	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
3111	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3112	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3113	790.01 (2)	3rd	Carrying a concealed firearm.
3114	790.162	2nd	Threat to throw or discharge destructive device.
3115	790.163 (1)	2nd	False report of bomb,

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3116			explosive, weapon of mass destruction, or use of firearms in violent manner.
	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
3117			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3118			
	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
3119			
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3120			
	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3121			
	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

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			property.
3122	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3123	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
3124	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3125	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3126	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3127	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3128	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3129			

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3130	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3131	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.
3132	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3133	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

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3134	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3135	<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>
3136	<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>
3137	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

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3138	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
	<u>847.0137(2)(a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3139	<u>847.0137(2)(b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3140	<u>847.0137(3)</u> <del>847.0137</del> <del>(2) &amp; (3)</del>	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3141	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3142	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3143			

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3144	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3145	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).
3146	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
	893.13 (1) (d) 1.	1st	Sell, manufacture, or deliver cocaine (or other s.

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3147	893.13(1)(e)2.	2nd	893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.
3148	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p> <p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>
3149	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled

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3150			substance.
	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3151			
3152	(f) LEVEL 6		
3153			
	Florida Statute	Felony Degree	Description
3154			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3155			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3156			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3157			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction

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3158			statement.
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3159			
	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3160			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3161			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3162			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3163			
	784.041	3rd	Felony battery; domestic battery by strangulation.
3164			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
3165			

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3166	784.048 (5)	3rd	Aggravated stalking of person under 16.
3167	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3168	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3169	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3170	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3171	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3172	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those

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3173			in s. 787.01.
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3174			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3175			
	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.
3176			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3177			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3178			

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3179	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3180	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.
3181	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3182	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3183	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3184	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000,

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3185			grand theft in 2nd degree.
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3186			
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
3187			
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3188			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3189			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3190			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3191			
	825.102 (3) (c)	3rd	Neglect of an elderly person or

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3192			disabled adult.
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3193			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3194			
	827.03 (2) (c)	3rd	Abuse of a child.
3195			
	827.03 (2) (d)	3rd	Neglect of a child.
3196			
	<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>
3197			
	836.05	2nd	Threats; extortion.
3198			
	836.10	2nd	Written threats to kill or do bodily injury.
3199			
	843.12	3rd	Aids or assists person to escape.

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3200	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3201	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3202	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3203	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3204	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3205	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate

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3206			or offender on community supervision, resulting in great bodily harm.
3207	944.40	2nd	Escapes.
3208	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3209	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3210	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
3211	(h) LEVEL 8		
3212	Florida Statute	Felony Degree	Description
3213	316.193	2nd	DUI manslaughter.
3214	(3)(c)3.a.		

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3215	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3216	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3217	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
3218	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
3219	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
3220	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

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3221	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3222	777.03(2)(a)	1st	Accessory after the fact, capital felony.
3223	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3224	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
	782.071(1)(b)	1st	Committing vehicular homicide

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3225			and failing to render aid or give information.
	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
3226			
	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
3227			
	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3228			
	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3229			
	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.
3230			
	787.06 (3) (f) 2.	1st	Human trafficking using

3231	790.161 (3)	1st	coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
3232	794.011 (5) (a)	1st	Discharging a destructive device which results in bodily harm or property damage.
3233	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.
3234	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.
3234	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender

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3235	794.011(5)(d)	1st	younger than 18 years; offender does not use physical force likely to cause injury.
3236	794.08(3)	2nd	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.
3237	800.04(4)(b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3238	800.04(4)(c)	1st	Lewd or lascivious battery.
3239	806.01(1)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
			Maliciously damage dwelling or structure by fire or explosive,

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			believing person in structure.
3240	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3241	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3242	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3243	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3244	812.13 (2) (b)	1st	Robbery with a weapon.
3245	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3246	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second

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3247	817.535 (3) (a)	2nd	or subsequent offense. Filing false lien or other unauthorized document; property owner is a public officer or employee.
3248	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3249	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3250	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3251	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards

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3252			or related documents.
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3253			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3254			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3255			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3256			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3257			
	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while</u>

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3258	860.121(2)(c)	1st	<p><u>misrepresenting one's age.</u></p> <p>Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.</p>
3259	860.16	1st	Aircraft piracy.
3260	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).
3261	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3262	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3263	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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3264

893.135 1st Trafficking in cocaine, more  
(1) (b) 1.b. than 200 grams, less than 400  
grams.

3265

893.135 1st Trafficking in illegal drugs,  
(1) (c) 1.b. more than 14 grams, less than  
28 grams.

3266

893.135 1st Trafficking in hydrocodone, 50  
(1) (c) 2.c. grams or more, less than 200  
grams.

3267

893.135 1st Trafficking in oxycodone, 25  
(1) (c) 3.c. grams or more, less than 100  
grams.

3268

893.135 1st Trafficking in phencyclidine,  
(1) (d) 1.b. more than 200 grams, less than  
400 grams.

3269

893.135 1st Trafficking in methaqualone,  
(1) (e) 1.b. more than 5 kilograms, less  
than 25 kilograms.

3270

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3271	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
3272	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3273	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3274	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3275	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

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3276	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3277	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3278	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3279	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3280	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

3281  
 3282           Section 61. The Division of Law Revision and Information  
 3283 is directed to rename chapter 847, Florida Statutes, as  
 3284 "Obscenity; Child Exploitation."

3285           Section 62. For the purpose of incorporating the amendment  
 3286 made by this act to section 39.0139, Florida Statutes, in a  
 3287 reference thereto, paragraph (a) of subsection (9) of section  
 3288 39.402, Florida Statutes, is reenacted to read:

3289           39.402 Placement in a shelter.—

3290           (9)(a) At any shelter hearing, the department shall  
 3291 provide to the court a recommendation for scheduled contact  
 3292 between the child and parents, if appropriate. The court shall  
 3293 determine visitation rights absent a clear and convincing  
 3294 showing that visitation is not in the best interest of the  
 3295 child. Any order for visitation or other contact must conform to  
 3296 s. 39.0139. If visitation is ordered but will not commence  
 3297 within 72 hours of the shelter hearing, the department shall  
 3298 provide justification to the court.

3299           Section 63. For the purpose of incorporating the amendment  
 3300 made by this act to section 39.0139, Florida Statutes, in a  
 3301 reference thereto, subsection (6) of section 39.506, Florida  
 3302 Statutes, is reenacted to read:

3303           39.506 Arraignment hearings.—

3304           (6) At any arraignment hearing, if the child is in an out-  
 3305 of-home placement, the court shall order visitation rights

3306 absent a clear and convincing showing that visitation is not in  
 3307 the best interest of the child. Any order for visitation or  
 3308 other contact must conform to the provisions of s. 39.0139.

3309 Section 64. For the purpose of incorporating the amendment  
 3310 made by this act to section 775.21, Florida Statutes, in a  
 3311 reference thereto, paragraph (b) of subsection (6) of section  
 3312 39.509, Florida Statutes, is reenacted to read:

3313 39.509 Grandparents rights.—Notwithstanding any other  
 3314 provision of law, a maternal or paternal grandparent as well as  
 3315 a stepgrandparent is entitled to reasonable visitation with his  
 3316 or her grandchild who has been adjudicated a dependent child and  
 3317 taken from the physical custody of the parent unless the court  
 3318 finds that such visitation is not in the best interest of the  
 3319 child or that such visitation would interfere with the goals of  
 3320 the case plan. Reasonable visitation may be unsupervised and,  
 3321 where appropriate and feasible, may be frequent and continuing.  
 3322 Any order for visitation or other contact must conform to the  
 3323 provisions of s. 39.0139.

3324 (6) In determining whether grandparental visitation is not  
 3325 in the child's best interest, consideration may be given to the  
 3326 following:

3327 (b) The designation by a court as a sexual predator as  
 3328 defined in s. 775.21 or a substantially similar designation  
 3329 under laws of another jurisdiction.

3330 Section 65. For the purpose of incorporating the amendment

3331 made by this act to section 39.0139, Florida Statutes, in a  
 3332 reference thereto, paragraph (d) of subsection (3) of section  
 3333 39.521, Florida Statutes, is reenacted to read:

3334 39.521 Disposition hearings; powers of disposition.—

3335 (3) When any child is adjudicated by a court to be  
 3336 dependent, the court shall determine the appropriate placement  
 3337 for the child as follows:

3338 (d) If the child cannot be safely placed in a nonlicensed  
 3339 placement, the court shall commit the child to the temporary  
 3340 legal custody of the department. Such commitment invests in the  
 3341 department all rights and responsibilities of a legal custodian.  
 3342 The department shall not return any child to the physical care  
 3343 and custody of the person from whom the child was removed,  
 3344 except for court-approved visitation periods, without the  
 3345 approval of the court. Any order for visitation or other contact  
 3346 must conform to the provisions of s. 39.0139. The term of such  
 3347 commitment continues until terminated by the court or until the  
 3348 child reaches the age of 18. After the child is committed to the  
 3349 temporary legal custody of the department, all further  
 3350 proceedings under this section are governed by this chapter.

3351  
 3352 Protective supervision continues until the court terminates it  
 3353 or until the child reaches the age of 18, whichever date is  
 3354 first. Protective supervision shall be terminated by the court  
 3355 whenever the court determines that permanency has been achieved

3356 for the child, whether with a parent, another relative, or a  
 3357 legal custodian, and that protective supervision is no longer  
 3358 needed. The termination of supervision may be with or without  
 3359 retaining jurisdiction, at the court's discretion, and shall in  
 3360 either case be considered a permanency option for the child. The  
 3361 order terminating supervision by the department shall set forth  
 3362 the powers of the custodian of the child and shall include the  
 3363 powers ordinarily granted to a guardian of the person of a minor  
 3364 unless otherwise specified. Upon the court's termination of  
 3365 supervision by the department, no further judicial reviews are  
 3366 required, so long as permanency has been established for the  
 3367 child.

3368 Section 66. For the purpose of incorporating the amendment  
 3369 made by this act to section 39.01, Florida Statutes, in a  
 3370 reference thereto, subsection (1) of section 39.524, Florida  
 3371 Statutes, is reenacted to read:

3372 39.524 Safe-harbor placement.—

3373 (1) Except as provided in s. 39.407 or s. 985.801, a  
 3374 dependent child 6 years of age or older who has been found to be  
 3375 a victim of sexual exploitation as defined in s. 39.01(70)(g)  
 3376 must be assessed for placement in a safe house or safe foster  
 3377 home as provided in s. 409.1678 using the initial screening and  
 3378 assessment instruments provided in s. 409.1754(1). If such  
 3379 placement is determined to be appropriate for the child as a  
 3380 result of this assessment, the child may be placed in a safe

3381 house or safe foster home, if one is available. However, the  
 3382 child may be placed in another setting, if the other setting is  
 3383 more appropriate to the child's needs or if a safe house or safe  
 3384 foster home is unavailable, as long as the child's behaviors are  
 3385 managed so as not to endanger other children served in that  
 3386 setting.

3387 Section 67. For the purpose of incorporating the amendment  
 3388 made by this act to section 775.21, Florida Statutes, in  
 3389 references thereto, paragraphs (d) and (n) of subsection (1) of  
 3390 section 39.806, Florida Statutes, are reenacted to read:

3391 39.806 Grounds for termination of parental rights.—

3392 (1) Grounds for the termination of parental rights may be  
 3393 established under any of the following circumstances:

3394 (d) When the parent of a child is incarcerated and either:

3395 1. The period of time for which the parent is expected to  
 3396 be incarcerated will constitute a significant portion of the  
 3397 child's minority. When determining whether the period of time is  
 3398 significant, the court shall consider the child's age and the  
 3399 child's need for a permanent and stable home. The period of time  
 3400 begins on the date that the parent enters into incarceration;

3401 2. The incarcerated parent has been determined by the  
 3402 court to be a violent career criminal as defined in s. 775.084,  
 3403 a habitual violent felony offender as defined in s. 775.084, or  
 3404 a sexual predator as defined in s. 775.21; has been convicted of  
 3405 first degree or second degree murder in violation of s. 782.04

3406 or a sexual battery that constitutes a capital, life, or first  
 3407 degree felony violation of s. 794.011; or has been convicted of  
 3408 an offense in another jurisdiction which is substantially  
 3409 similar to one of the offenses listed in this paragraph. As used  
 3410 in this section, the term "substantially similar offense" means  
 3411 any offense that is substantially similar in elements and  
 3412 penalties to one of those listed in this subparagraph, and that  
 3413 is in violation of a law of any other jurisdiction, whether that  
 3414 of another state, the District of Columbia, the United States or  
 3415 any possession or territory thereof, or any foreign  
 3416 jurisdiction; or

3417 3. The court determines by clear and convincing evidence  
 3418 that continuing the parental relationship with the incarcerated  
 3419 parent would be harmful to the child and, for this reason, that  
 3420 termination of the parental rights of the incarcerated parent is  
 3421 in the best interest of the child. When determining harm, the  
 3422 court shall consider the following factors:

- 3423 a. The age of the child.
- 3424 b. The relationship between the child and the parent.
- 3425 c. The nature of the parent's current and past provision  
 3426 for the child's developmental, cognitive, psychological, and  
 3427 physical needs.
- 3428 d. The parent's history of criminal behavior, which may  
 3429 include the frequency of incarceration and the unavailability of  
 3430 the parent to the child due to incarceration.

3431 e. Any other factor the court deems relevant.

3432 (n) The parent is convicted of an offense that requires

3433 the parent to register as a sexual predator under s. 775.21.

3434 Section 68. For the purpose of incorporating the amendment

3435 made by this act to section 775.21, Florida Statutes, in a

3436 reference thereto, paragraph (b) of subsection (4) of section

3437 63.089, Florida Statutes, is reenacted to read:

3438 63.089 Proceeding to terminate parental rights pending

3439 adoption; hearing; grounds; dismissal of petition; judgment.—

3440 (4) FINDING OF ABANDONMENT.—A finding of abandonment

3441 resulting in a termination of parental rights must be based upon

3442 clear and convincing evidence that a parent or person having

3443 legal custody has abandoned the child in accordance with the

3444 definition contained in s. 63.032. A finding of abandonment may

3445 also be based upon emotional abuse or a refusal to provide

3446 reasonable financial support, when able, to a birth mother

3447 during her pregnancy or on whether the person alleged to have

3448 abandoned the child, while being able, failed to establish

3449 contact with the child or accept responsibility for the child's

3450 welfare.

3451 (b) The child has been abandoned when the parent of a

3452 child is incarcerated on or after October 1, 2001, in a federal,

3453 state, or county correctional institution and:

3454 1. The period of time for which the parent has been or is

3455 expected to be incarcerated will constitute a significant

3456 | portion of the child's minority. In determining whether the  
 3457 | period of time is significant, the court shall consider the  
 3458 | child's age and the child's need for a permanent and stable  
 3459 | home. The period of time begins on the date that the parent  
 3460 | enters into incarceration;

3461 |         2. The incarcerated parent has been determined by a court  
 3462 | of competent jurisdiction to be a violent career criminal as  
 3463 | defined in s. 775.084, a habitual violent felony offender as  
 3464 | defined in s. 775.084, convicted of child abuse as defined in s.  
 3465 | 827.03, or a sexual predator as defined in s. 775.21; has been  
 3466 | convicted of first degree or second degree murder in violation  
 3467 | of s. 782.04 or a sexual battery that constitutes a capital,  
 3468 | life, or first degree felony violation of s. 794.011; or has  
 3469 | been convicted of a substantially similar offense in another  
 3470 | jurisdiction. As used in this section, the term "substantially  
 3471 | similar offense" means any offense that is substantially similar  
 3472 | in elements and penalties to one of those listed in this  
 3473 | subparagraph, and that is in violation of a law of any other  
 3474 | jurisdiction, whether that of another state, the District of  
 3475 | Columbia, the United States or any possession or territory  
 3476 | thereof, or any foreign jurisdiction; or

3477 |         3. The court determines by clear and convincing evidence  
 3478 | that continuing the parental relationship with the incarcerated  
 3479 | parent would be harmful to the child and, for this reason,  
 3480 | termination of the parental rights of the incarcerated parent is

3481 in the best interests of the child.

3482 Section 69. For the purpose of incorporating the amendment  
 3483 made by this act to section 775.21, Florida Statutes, in a  
 3484 reference thereto, subsection (3) of section 63.092, Florida  
 3485 Statutes, is reenacted to read:

3486 63.092 Report to the court of intended placement by an  
 3487 adoption entity; at-risk placement; preliminary study.—

3488 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
 3489 the intended adoptive home, a preliminary home study must be  
 3490 performed by a licensed child-placing agency, a child-caring  
 3491 agency registered under s. 409.176, a licensed professional, or  
 3492 an agency described in s. 61.20(2), unless the adoptee is an  
 3493 adult or the petitioner is a stepparent or a relative. If the  
 3494 adoptee is an adult or the petitioner is a stepparent or a  
 3495 relative, a preliminary home study may be required by the court  
 3496 for good cause shown. The department is required to perform the  
 3497 preliminary home study only if there is no licensed child-  
 3498 placing agency, child-caring agency registered under s. 409.176,  
 3499 licensed professional, or agency described in s. 61.20(2), in  
 3500 the county where the prospective adoptive parents reside. The  
 3501 preliminary home study must be made to determine the suitability  
 3502 of the intended adoptive parents and may be completed prior to  
 3503 identification of a prospective adoptive minor. A favorable  
 3504 preliminary home study is valid for 1 year after the date of its  
 3505 completion. Upon its completion, a signed copy of the home study

3506 must be provided to the intended adoptive parents who were the  
 3507 subject of the home study. A minor may not be placed in an  
 3508 intended adoptive home before a favorable preliminary home study  
 3509 is completed unless the adoptive home is also a licensed foster  
 3510 home under s. 409.175. The preliminary home study must include,  
 3511 at a minimum:

- 3512 (a) An interview with the intended adoptive parents;
- 3513 (b) Records checks of the department's central abuse  
 3514 registry and criminal records correspondence checks under s.  
 3515 39.0138 through the Department of Law Enforcement on the  
 3516 intended adoptive parents;
- 3517 (c) An assessment of the physical environment of the home;
- 3518 (d) A determination of the financial security of the  
 3519 intended adoptive parents;
- 3520 (e) Documentation of counseling and education of the  
 3521 intended adoptive parents on adoptive parenting;
- 3522 (f) Documentation that information on adoption and the  
 3523 adoption process has been provided to the intended adoptive  
 3524 parents;
- 3525 (g) Documentation that information on support services  
 3526 available in the community has been provided to the intended  
 3527 adoptive parents; and
- 3528 (h) A copy of each signed acknowledgment of receipt of  
 3529 disclosure required by s. 63.085.

3530

3531 If the preliminary home study is favorable, a minor may be  
 3532 placed in the home pending entry of the judgment of adoption. A  
 3533 minor may not be placed in the home if the preliminary home  
 3534 study is unfavorable. If the preliminary home study is  
 3535 unfavorable, the adoption entity may, within 20 days after  
 3536 receipt of a copy of the written recommendation, petition the  
 3537 court to determine the suitability of the intended adoptive  
 3538 home. A determination as to suitability under this subsection  
 3539 does not act as a presumption of suitability at the final  
 3540 hearing. In determining the suitability of the intended adoptive  
 3541 home, the court must consider the totality of the circumstances  
 3542 in the home. A minor may not be placed in a home in which there  
 3543 resides any person determined by the court to be a sexual  
 3544 predator as defined in s. 775.21 or to have been convicted of an  
 3545 offense listed in s. 63.089(4)(b)2.

3546 Section 70. For the purpose of incorporating the  
 3547 amendments made by this act to sections 775.21 and 943.0435,  
 3548 Florida Statutes, in references thereto, paragraph (i) of  
 3549 subsection (3) and subsection (6) of section 68.07, Florida  
 3550 Statutes, are reenacted to read:

3551 68.07 Change of name.—

3552 (3) Each petition shall be verified and show:

3553 (i) Whether the petitioner has ever been required to  
 3554 register as a sexual predator under s. 775.21 or as a sexual  
 3555 offender under s. 943.0435.

3556 (6) The clerk of the court must, within 5 business days  
 3557 after the filing of the final judgment, send a report of the  
 3558 judgment to the Department of Law Enforcement on a form to be  
 3559 furnished by that department. If the petitioner is required to  
 3560 register as a sexual predator or a sexual offender pursuant to  
 3561 s. 775.21 or s. 943.0435, the clerk of court shall  
 3562 electronically notify the Department of Law Enforcement of the  
 3563 name change, in a manner prescribed by that department, within 2  
 3564 business days after the filing of the final judgment. The  
 3565 Department of Law Enforcement must send a copy of the report to  
 3566 the Department of Highway Safety and Motor Vehicles, which may  
 3567 be delivered by electronic transmission. The report must contain  
 3568 sufficient information to identify the petitioner, including the  
 3569 results of the criminal history records check if applicable, the  
 3570 new name of the petitioner, and the file number of the judgment.  
 3571 The Department of Highway Safety and Motor Vehicles shall  
 3572 monitor the records of any sexual predator or sexual offender  
 3573 whose name has been provided to it by the Department of Law  
 3574 Enforcement. If the sexual predator or sexual offender does not  
 3575 obtain a replacement driver license or identification card  
 3576 within the required time as specified in s. 775.21 or s.  
 3577 943.0435, the Department of Highway Safety and Motor Vehicles  
 3578 shall notify the Department of Law Enforcement. The Department  
 3579 of Law Enforcement shall notify applicable law enforcement  
 3580 agencies of the predator's or offender's failure to comply with

3581 registration requirements. Any information retained by the  
 3582 Department of Law Enforcement and the Department of Highway  
 3583 Safety and Motor Vehicles may be revised or supplemented by said  
 3584 departments to reflect changes made by the final judgment. With  
 3585 respect to a person convicted of a felony in another state or of  
 3586 a federal offense, the Department of Law Enforcement must send  
 3587 the report to the respective state's office of law enforcement  
 3588 records or to the office of the Federal Bureau of Investigation.  
 3589 The Department of Law Enforcement may forward the report to any  
 3590 other law enforcement agency it believes may retain information  
 3591 related to the petitioner.

3592 Section 71. For the purpose of incorporating the  
 3593 amendments made by this act to sections 775.21 and 943.0435,  
 3594 Florida Statutes, in references thereto, paragraph (b) of  
 3595 subsection (1) of section 92.55, Florida Statutes, is reenacted  
 3596 to read:

3597 92.55 Judicial or other proceedings involving victim or  
 3598 witness under the age of 18, a person who has an intellectual  
 3599 disability, or a sexual offense victim or witness; special  
 3600 protections; use of registered service or therapy animals.-

3601 (1) For purposes of this section, the term:

3602 (b) "Sexual offense" means any offense specified in s.  
 3603 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I).

3604 Section 72. For the purpose of incorporating the amendment  
 3605 made by this act to section 16.56, Florida Statutes, in a

3606 reference thereto, paragraph (b) of subsection (1) of section  
 3607 92.605, Florida Statutes, is reenacted to read:

3608 92.605 Production of certain records by Florida businesses  
 3609 and out-of-state corporations.—

3610 (1) For the purposes of this section, the term:

3611 (b) "Applicant" means a law enforcement officer who is  
 3612 seeking a court order or subpoena under s. 16.56, s. 27.04, s.  
 3613 905.185, or s. 914.04 or who is issued a search warrant under s.  
 3614 933.01, or anyone who is authorized to issue a subpoena under  
 3615 the Florida Rules of Criminal Procedure.

3616 Section 73. For the purpose of incorporating the  
 3617 amendments made by this act to sections 775.21, 943.0435, and  
 3618 944.607, Florida Statutes, in references thereto, subsection (3)  
 3619 of section 322.141, Florida Statutes, is reenacted to read:

3620 322.141 Color or markings of certain licenses or  
 3621 identification cards.—

3622 (3) All licenses for the operation of motor vehicles or  
 3623 identification cards originally issued or reissued by the  
 3624 department to persons who are designated as sexual predators  
 3625 under s. 775.21 or subject to registration as sexual offenders  
 3626 under s. 943.0435 or s. 944.607, or who have a similar  
 3627 designation or are subject to a similar registration under the  
 3628 laws of another jurisdiction, shall have on the front of the  
 3629 license or identification card the following:

3630 (a) For a person designated as a sexual predator under s.

3631 775.21 or who has a similar designation under the laws of  
 3632 another jurisdiction, the marking "SEXUAL PREDATOR."

3633 (b) For a person subject to registration as a sexual  
 3634 offender under s. 943.0435 or s. 944.607, or subject to a  
 3635 similar registration under the laws of another jurisdiction, the  
 3636 marking "943.0435, F.S."

3637 Section 74. For the purpose of incorporating the amendment  
 3638 made by this act to section 775.0877, Florida Statutes, in a  
 3639 reference thereto, paragraph (h) of subsection (2) of section  
 3640 381.004, Florida Statutes, is reenacted to read:

3641 381.004 HIV testing.—

3642 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
 3643 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

3644 (h) Paragraph (a) does not apply:

3645 1. When testing for sexually transmissible diseases is  
 3646 required by state or federal law, or by rule, including the  
 3647 following situations:

3648 a. HIV testing pursuant to s. 796.08 of persons convicted  
 3649 of prostitution or of procuring another to commit prostitution.

3650 b. HIV testing of inmates pursuant to s. 945.355 before  
 3651 their release from prison by reason of parole, accumulation of  
 3652 gain-time credits, or expiration of sentence.

3653 c. Testing for HIV by a medical examiner in accordance  
 3654 with s. 406.11.

3655 d. HIV testing of pregnant women pursuant to s. 384.31.

3656           2. To those exceptions provided for blood, plasma, organs,  
3657 skin, semen, or other human tissue pursuant to s. 381.0041.

3658           3. For the performance of an HIV-related test by licensed  
3659 medical personnel in bona fide medical emergencies if the test  
3660 results are necessary for medical diagnostic purposes to provide  
3661 appropriate emergency care or treatment to the person being  
3662 tested and the patient is unable to consent, as supported by  
3663 documentation in the medical record. Notification of test  
3664 results in accordance with paragraph (c) is required.

3665           4. For the performance of an HIV-related test by licensed  
3666 medical personnel for medical diagnosis of acute illness where,  
3667 in the opinion of the attending physician, providing  
3668 notification would be detrimental to the patient, as supported  
3669 by documentation in the medical record, and the test results are  
3670 necessary for medical diagnostic purposes to provide appropriate  
3671 care or treatment to the person being tested. Notification of  
3672 test results in accordance with paragraph (c) is required if it  
3673 would not be detrimental to the patient. This subparagraph does  
3674 not authorize the routine testing of patients for HIV infection  
3675 without notification.

3676           5. If HIV testing is performed as part of an autopsy for  
3677 which consent was obtained pursuant to s. 872.04.

3678           6. For the performance of an HIV test upon a defendant  
3679 pursuant to the victim's request in a prosecution for any type  
3680 of sexual battery where a blood sample is taken from the

3681 defendant voluntarily, pursuant to court order for any purpose,  
 3682 or pursuant to s. 775.0877, s. 951.27, or s. 960.003; however,  
 3683 the results of an HIV test performed shall be disclosed solely  
 3684 to the victim and the defendant, except as provided in ss.  
 3685 775.0877, 951.27, and 960.003.

3686 7. If an HIV test is mandated by court order.

3687 8. For epidemiological research pursuant to s. 381.0031,  
 3688 for research consistent with institutional review boards created  
 3689 by 45 C.F.R. part 46, or for the performance of an HIV-related  
 3690 test for the purpose of research, if the testing is performed in  
 3691 a manner by which the identity of the test subject is not known  
 3692 and may not be retrieved by the researcher.

3693 9. If human tissue is collected lawfully without the  
 3694 consent of the donor for corneal removal as authorized by s.  
 3695 765.5185 or enucleation of the eyes as authorized by s. 765.519.

3696 10. For the performance of an HIV test upon an individual  
 3697 who comes into contact with medical personnel in such a way that  
 3698 a significant exposure has occurred during the course of  
 3699 employment, within the scope of practice, or during the course  
 3700 of providing emergency medical assistance to the individual. The  
 3701 term "medical personnel" includes a licensed or certified health  
 3702 care professional; an employee of a health care professional or  
 3703 health care facility; employees of a laboratory licensed under  
 3704 chapter 483; personnel of a blood bank or plasma center; a  
 3705 medical student or other student who is receiving training as a

3706 health care professional at a health care facility; and a  
3707 paramedic or emergency medical technician certified by the  
3708 department to perform life-support procedures under s. 401.23.

3709 a. The occurrence of a significant exposure shall be  
3710 documented by medical personnel under the supervision of a  
3711 licensed physician and recorded only in the personnel record of  
3712 the medical personnel.

3713 b. Costs of an HIV test shall be borne by the medical  
3714 personnel or the employer of the medical personnel. However,  
3715 costs of testing or treatment not directly related to the  
3716 initial HIV tests or costs of subsequent testing or treatment  
3717 may not be borne by the medical personnel or the employer of the  
3718 medical personnel.

3719 c. In order to use the provisions of this subparagraph,  
3720 the medical personnel must be tested for HIV pursuant to this  
3721 section or provide the results of an HIV test taken within 6  
3722 months before the significant exposure if such test results are  
3723 negative.

3724 d. A person who receives the results of an HIV test  
3725 pursuant to this subparagraph shall maintain the confidentiality  
3726 of the information received and of the persons tested. Such  
3727 confidential information is exempt from s. 119.07(1).

3728 e. If the source of the exposure is not available and will  
3729 not voluntarily present himself or herself to a health facility  
3730 to be tested for HIV, the medical personnel or the employer of

3731 such person acting on behalf of the employee may seek a court  
 3732 order directing the source of the exposure to submit to HIV  
 3733 testing. A sworn statement by a physician licensed under chapter  
 3734 458 or chapter 459 that a significant exposure has occurred and  
 3735 that, in the physician's medical judgment, testing is medically  
 3736 necessary to determine the course of treatment constitutes  
 3737 probable cause for the issuance of an order by the court. The  
 3738 results of the test shall be released to the source of the  
 3739 exposure and to the person who experienced the exposure.

3740 11. For the performance of an HIV test upon an individual  
 3741 who comes into contact with nonmedical personnel in such a way  
 3742 that a significant exposure has occurred while the nonmedical  
 3743 personnel provides emergency medical assistance during a medical  
 3744 emergency. For the purposes of this subparagraph, a medical  
 3745 emergency means an emergency medical condition outside of a  
 3746 hospital or health care facility that provides physician care.  
 3747 The test may be performed only during the course of treatment  
 3748 for the medical emergency.

3749 a. The occurrence of a significant exposure shall be  
 3750 documented by medical personnel under the supervision of a  
 3751 licensed physician and recorded in the medical record of the  
 3752 nonmedical personnel.

3753 b. Costs of any HIV test shall be borne by the nonmedical  
 3754 personnel or the employer of the nonmedical personnel. However,  
 3755 costs of testing or treatment not directly related to the

3756 initial HIV tests or costs of subsequent testing or treatment  
 3757 may not be borne by the nonmedical personnel or the employer of  
 3758 the nonmedical personnel.

3759 c. In order to use the provisions of this subparagraph,  
 3760 the nonmedical personnel shall be tested for HIV pursuant to  
 3761 this section or shall provide the results of an HIV test taken  
 3762 within 6 months before the significant exposure if such test  
 3763 results are negative.

3764 d. A person who receives the results of an HIV test  
 3765 pursuant to this subparagraph shall maintain the confidentiality  
 3766 of the information received and of the persons tested. Such  
 3767 confidential information is exempt from s. 119.07(1).

3768 e. If the source of the exposure is not available and will  
 3769 not voluntarily present himself or herself to a health facility  
 3770 to be tested for HIV, the nonmedical personnel or the employer  
 3771 of the nonmedical personnel acting on behalf of the employee may  
 3772 seek a court order directing the source of the exposure to  
 3773 submit to HIV testing. A sworn statement by a physician licensed  
 3774 under chapter 458 or chapter 459 that a significant exposure has  
 3775 occurred and that, in the physician's medical judgment, testing  
 3776 is medically necessary to determine the course of treatment  
 3777 constitutes probable cause for the issuance of an order by the  
 3778 court. The results of the test shall be released to the source  
 3779 of the exposure and to the person who experienced the exposure.

3780 12. For the performance of an HIV test by the medical

3781 | examiner or attending physician upon an individual who expired  
 3782 | or could not be resuscitated while receiving emergency medical  
 3783 | assistance or care and who was the source of a significant  
 3784 | exposure to medical or nonmedical personnel providing such  
 3785 | assistance or care.

3786 |         a. HIV testing may be conducted only after appropriate  
 3787 | medical personnel under the supervision of a licensed physician  
 3788 | documents in the medical record of the medical personnel or  
 3789 | nonmedical personnel that there has been a significant exposure  
 3790 | and that, in accordance with the written protocols based on the  
 3791 | National Centers for Disease Control and Prevention guidelines  
 3792 | on HIV postexposure prophylaxis and in the physician's medical  
 3793 | judgment, the information is medically necessary to determine  
 3794 | the course of treatment for the medical personnel or nonmedical  
 3795 | personnel.

3796 |         b. Costs of an HIV test performed under this subparagraph  
 3797 | may not be charged to the deceased or to the family of the  
 3798 | deceased person.

3799 |         c. For this subparagraph to be applicable, the medical  
 3800 | personnel or nonmedical personnel must be tested for HIV under  
 3801 | this section or must provide the results of an HIV test taken  
 3802 | within 6 months before the significant exposure if such test  
 3803 | results are negative.

3804 |         d. A person who receives the results of an HIV test  
 3805 | pursuant to this subparagraph shall comply with paragraph (e).

3806           13. For the performance of an HIV-related test medically  
 3807 indicated by licensed medical personnel for medical diagnosis of  
 3808 a hospitalized infant as necessary to provide appropriate care  
 3809 and treatment of the infant if, after a reasonable attempt, a  
 3810 parent cannot be contacted to provide consent. The medical  
 3811 records of the infant must reflect the reason consent of the  
 3812 parent was not initially obtained. Test results shall be  
 3813 provided to the parent when the parent is located.

3814           14. For the performance of HIV testing conducted to  
 3815 monitor the clinical progress of a patient previously diagnosed  
 3816 to be HIV positive.

3817           15. For the performance of repeated HIV testing conducted  
 3818 to monitor possible conversion from a significant exposure.

3819           Section 75. For the purpose of incorporating the amendment  
 3820 made by this act to section 775.0877, Florida Statutes, in  
 3821 references thereto, paragraph (c) of subsection (1) and  
 3822 subsection (3) of section 384.29, Florida Statutes, are  
 3823 reenacted to read:

3824           384.29 Confidentiality.—

3825           (1) All information and records held by the department or  
 3826 its authorized representatives relating to known or suspected  
 3827 cases of sexually transmissible diseases are strictly  
 3828 confidential and exempt from the provisions of s. 119.07(1).  
 3829 Such information shall not be released or made public by the  
 3830 department or its authorized representatives, or by a court or

3831 parties to a lawsuit upon revelation by subpoena, except under  
 3832 the following circumstances:

3833 (c) When made to medical personnel, appropriate state  
 3834 agencies, public health agencies, or courts of appropriate  
 3835 jurisdiction, to enforce the provisions of this chapter or s.  
 3836 775.0877 and related rules;

3837 (3) No employee of the department or its authorized  
 3838 representatives shall be examined in a civil, criminal, special,  
 3839 or other proceeding as to the existence or contents of pertinent  
 3840 records of a person examined or treated for a sexually  
 3841 transmissible disease by the department or its authorized  
 3842 representatives, or of the existence or contents of such reports  
 3843 received from a private physician or private health facility,  
 3844 without the consent of the person examined and treated for such  
 3845 diseases, except in proceedings under ss. 384.27 and 384.28 or  
 3846 involving offenders pursuant to s. 775.0877.

3847 Section 76. For the purpose of incorporating the amendment  
 3848 made by this act to section 39.01, Florida Statutes, in  
 3849 references thereto, paragraphs (b) and (e) of subsection (2) of  
 3850 section 390.01114, Florida Statutes, are reenacted to read:

3851 390.01114 Parental Notice of Abortion Act.—

3852 (2) DEFINITIONS.—As used in this section, the term:

3853 (b) "Child abuse" means abandonment, abuse, harm, mental  
 3854 injury, neglect, physical injury, or sexual abuse of a child as  
 3855 those terms are defined in ss. 39.01, 827.04, and 984.03.

3856 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.  
 3857 Section 77. For the purpose of incorporating the amendment  
 3858 made by this act to section 39.01, Florida Statutes, in  
 3859 references thereto, paragraph (h) of subsection (4) and  
 3860 subsections (7) and (9) of section 393.067, Florida Statutes,  
 3861 are reenacted to read:

3862 393.067 Facility licensure.—

3863 (4) The application shall be under oath and shall contain  
 3864 the following:

3865 (h) Certification that the staff of the facility or  
 3866 program will receive training to detect, report, and prevent  
 3867 sexual abuse, abuse, neglect, exploitation, and abandonment, as  
 3868 defined in ss. 39.01 and 415.102, of residents and clients.

3869 (7) The agency shall adopt rules establishing minimum  
 3870 standards for facilities and programs licensed under this  
 3871 section, including rules requiring facilities and programs to  
 3872 train staff to detect, report, and prevent sexual abuse, abuse,  
 3873 neglect, exploitation, and abandonment, as defined in ss. 39.01  
 3874 and 415.102, of residents and clients, minimum standards of  
 3875 quality and adequacy of client care, incident reporting  
 3876 requirements, and uniform firesafety standards established by  
 3877 the State Fire Marshal which are appropriate to the size of the  
 3878 facility or of the component centers or units of the program.

3879 (9) The agency may conduct unannounced inspections to  
 3880 determine compliance by foster care facilities, group home

3881 facilities, residential habilitation centers, and comprehensive  
 3882 transitional education programs with the applicable provisions  
 3883 of this chapter and the rules adopted pursuant hereto, including  
 3884 the rules adopted for training staff of a facility or a program  
 3885 to detect, report, and prevent sexual abuse, abuse, neglect,  
 3886 exploitation, and abandonment, as defined in ss. 39.01 and  
 3887 415.102, of residents and clients. The facility or program shall  
 3888 make copies of inspection reports available to the public upon  
 3889 request.

3890 Section 78. For the purpose of incorporating the amendment  
 3891 made by this act to section 39.01, Florida Statutes, in a  
 3892 reference thereto, paragraph (p) of subsection (4) of section  
 3893 394.495, Florida Statutes, is reenacted to read:

3894 394.495 Child and adolescent mental health system of care;  
 3895 programs and services.—

3896 (4) The array of services may include, but is not limited  
 3897 to:

3898 (p) Trauma-informed services for children who have  
 3899 suffered sexual exploitation as defined in s. 39.01(70)(g).

3900 Section 79. For the purpose of incorporating the amendment  
 3901 made by this act to section 943.0435, Florida Statutes, in a  
 3902 reference thereto, paragraph (a) of subsection (2) of section  
 3903 394.9125, Florida Statutes, is reenacted to read:

3904 394.9125 State attorney; authority to refer a person for  
 3905 civil commitment.—

3906 (2) A state attorney may refer a person to the department  
 3907 for civil commitment proceedings if the person:

3908 (a) Is required to register as a sexual offender pursuant  
 3909 to s. 943.0435;

3910 Section 80. For the purpose of incorporating the  
 3911 amendments made by this act to sections 775.21, 943.0435, and  
 3912 943.04354, Florida Statutes, in references thereto, paragraphs  
 3913 (a) and (c) of subsection (2) of section 397.4872, Florida  
 3914 Statutes, are reenacted to read:

3915 397.4872 Exemption from disqualification; publication.—

3916 (2) The department may exempt a person from ss. 397.487(6)  
 3917 and 397.4871(5) if it has been at least 3 years since the person  
 3918 has completed or been lawfully released from confinement,  
 3919 supervision, or sanction for the disqualifying offense. An  
 3920 exemption from the disqualifying offenses may not be given under  
 3921 any circumstances for any person who is a:

3922 (a) Sexual predator pursuant to s. 775.21;

3923 (c) Sexual offender pursuant to s. 943.0435, unless the  
 3924 requirement to register as a sexual offender has been removed  
 3925 pursuant to s. 943.04354.

3926 Section 81. For the purpose of incorporating the amendment  
 3927 made by this act to section 39.01, Florida Statutes, in  
 3928 references thereto, paragraph (c) of subsection (1) and  
 3929 paragraphs (a) and (b) of subsection (6) of section 409.1678,  
 3930 Florida Statutes, are reenacted to read:

3931 409.1678 Specialized residential options for children who  
 3932 are victims of sexual exploitation.—

3933 (1) DEFINITIONS.—As used in this section, the term:

3934 (c) "Sexually exploited child" means a child who has  
 3935 suffered sexual exploitation as defined in s. 39.01(70)(g) and  
 3936 is ineligible for relief and benefits under the federal  
 3937 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

3938 (6) LOCATION INFORMATION.—

3939 (a) Information about the location of a safe house, safe  
 3940 foster home, or other residential facility serving victims of  
 3941 sexual exploitation, as defined in s. 39.01(70)(g), which is  
 3942 held by an agency, as defined in s. 119.011, is confidential and  
 3943 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 3944 Constitution. This exemption applies to such confidential and  
 3945 exempt information held by an agency before, on, or after the  
 3946 effective date of the exemption.

3947 (b) Information about the location of a safe house, safe  
 3948 foster home, or other residential facility serving victims of  
 3949 sexual exploitation, as defined in s. 39.01(70)(g), may be  
 3950 provided to an agency, as defined in s. 119.011, as necessary to  
 3951 maintain health and safety standards and to address emergency  
 3952 situations in the safe house, safe foster home, or other  
 3953 residential facility.

3954 Section 82. For the purpose of incorporating the  
 3955 amendments made by this act to sections 775.21, 943.0435, and

3956 943.04354, Florida Statutes, in references thereto, paragraph  
 3957 (b) of subsection (4) of section 435.07, Florida Statutes, is  
 3958 reenacted to read:

3959 435.07 Exemptions from disqualification.—Unless otherwise  
 3960 provided by law, the provisions of this section apply to  
 3961 exemptions from disqualification for disqualifying offenses  
 3962 revealed pursuant to background screenings required under this  
 3963 chapter, regardless of whether those disqualifying offenses are  
 3964 listed in this chapter or other laws.

3965 (4)

3966 (b) Disqualification from employment under this chapter  
 3967 may not be removed from, nor may an exemption be granted to, any  
 3968 person who is a:

- 3969 1. Sexual predator as designated pursuant to s. 775.21;
- 3970 2. Career offender pursuant to s. 775.261; or
- 3971 3. Sexual offender pursuant to s. 943.0435, unless the  
 3972 requirement to register as a sexual offender has been removed  
 3973 pursuant to s. 943.04354.

3974 Section 83. For the purpose of incorporating the amendment  
 3975 made by this act to section 895.02, Florida Statutes, in a  
 3976 reference thereto, paragraph (g) of subsection (3) of section  
 3977 655.50, Florida Statutes, is reenacted to read:

3978 655.50 Florida Control of Money Laundering and Terrorist  
 3979 Financing in Financial Institutions Act.—

3980 (3) As used in this section, the term:

3981 (g) "Specified unlawful activity" means "racketeering  
 3982 activity" as defined in s. 895.02.

3983 Section 84. For the purpose of incorporating the amendment  
 3984 made by this act to section 784.046, Florida Statutes, in a  
 3985 reference thereto, paragraph (e) of subsection (1) of section  
 3986 741.313, Florida Statutes, is reenacted to read:

3987 741.313 Unlawful action against employees seeking  
 3988 protection.—

3989 (1) As used in this section, the term:

3990 (e) "Sexual violence" means sexual violence, as defined in  
 3991 s. 784.046, or any crime the underlying factual basis of which  
 3992 has been found by a court to include an act of sexual violence.

3993 Section 85. For the purpose of incorporating the amendment  
 3994 made by this act to section 947.1405, Florida Statutes, in a  
 3995 reference thereto, paragraph (j) of subsection (4) of section  
 3996 775.084, Florida Statutes, is reenacted to read:

3997 775.084 Violent career criminals; habitual felony  
 3998 offenders and habitual violent felony offenders; three-time  
 3999 violent felony offenders; definitions; procedure; enhanced  
 4000 penalties or mandatory minimum prison terms.—

4001 (4)

4002 (j) The provisions of s. 947.1405 shall apply to persons  
 4003 sentenced as habitual felony offenders and persons sentenced as  
 4004 habitual violent felony offenders.

4005 Section 86. For the purpose of incorporating the amendment

4006 made by this act to section 943.0435, Florida Statutes, in a  
 4007 reference thereto, subsection (2) of section 775.0862, Florida  
 4008 Statutes, is reenacted to read:

4009       775.0862 Sexual offenses against students by authority  
 4010 figures; reclassification.—

4011       (2) The felony degree of a violation of an offense listed  
 4012 in s. 943.0435(1)(h)1.a., unless the offense is a violation of  
 4013 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified  
 4014 as provided in this section if the offense is committed by an  
 4015 authority figure of a school against a student of the school.

4016       Section 87. For the purpose of incorporating the  
 4017 amendments made by this act to sections 775.21, 943.0435, and  
 4018 944.607, Florida Statutes, in references thereto, paragraphs (e)  
 4019 and (f) of subsection (4) of section 775.13, Florida Statutes,  
 4020 are reenacted to read:

4021       775.13 Registration of convicted felons, exemptions;  
 4022 penalties.—

4023       (4) This section does not apply to an offender:

4024       (e) Who is a sexual predator and has registered as  
 4025 required under s. 775.21;

4026       (f) Who is a sexual offender and has registered as  
 4027 required in s. 943.0435 or s. 944.607; or

4028       Section 88. For the purpose of incorporating the  
 4029 amendments made by this act to sections 943.0435, 944.607,  
 4030 947.1405, and 948.30, Florida Statutes, in references thereto,

4031 paragraph (b) of subsection (3), paragraph (d) of subsection  
 4032 (5), paragraph (f) of subsection (6), and paragraph (c) of  
 4033 subsection (10) of section 775.21, Florida Statutes, are  
 4034 reenacted to read:

4035 775.21 The Florida Sexual Predators Act.—

4036 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4037 (b) The high level of threat that a sexual predator  
 4038 presents to the public safety, and the long-term effects  
 4039 suffered by victims of sex offenses, provide the state with  
 4040 sufficient justification to implement a strategy that includes:

4041 1. Incarcerating sexual predators and maintaining adequate  
 4042 facilities to ensure that decisions to release sexual predators  
 4043 into the community are not made on the basis of inadequate  
 4044 space.

4045 2. Providing for specialized supervision of sexual  
 4046 predators who are in the community by specially trained  
 4047 probation officers with low caseloads, as described in ss.  
 4048 947.1405(7) and 948.30. The sexual predator is subject to  
 4049 specified terms and conditions implemented at sentencing or at  
 4050 the time of release from incarceration, with a requirement that  
 4051 those who are financially able must pay all or part of the costs  
 4052 of supervision.

4053 3. Requiring the registration of sexual predators, with a  
 4054 requirement that complete and accurate information be maintained  
 4055 and accessible for use by law enforcement authorities,

4056 communities, and the public.

4057 4. Providing for community and public notification  
4058 concerning the presence of sexual predators.

4059 5. Prohibiting sexual predators from working with  
4060 children, either for compensation or as a volunteer.

4061 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated  
4062 as a sexual predator as follows:

4063 (d) A person who establishes or maintains a residence in  
4064 this state and who has not been designated as a sexual predator  
4065 by a court of this state but who has been designated as a sexual  
4066 predator, as a sexually violent predator, or by another sexual  
4067 offender designation in another state or jurisdiction and was,  
4068 as a result of such designation, subjected to registration or  
4069 community or public notification, or both, or would be if the  
4070 person was a resident of that state or jurisdiction, without  
4071 regard to whether the person otherwise meets the criteria for  
4072 registration as a sexual offender, shall register in the manner  
4073 provided in s. 943.0435 or s. 944.607 and shall be subject to  
4074 community and public notification as provided in s. 943.0435 or  
4075 s. 944.607. A person who meets the criteria of this section is  
4076 subject to the requirements and penalty provisions of s.  
4077 943.0435 or s. 944.607 until the person provides the department  
4078 with an order issued by the court that designated the person as  
4079 a sexual predator, as a sexually violent predator, or by another  
4080 sexual offender designation in the state or jurisdiction in

4081 | which the order was issued which states that such designation  
 4082 | has been removed or demonstrates to the department that such  
 4083 | designation, if not imposed by a court, has been removed by  
 4084 | operation of law or court order in the state or jurisdiction in  
 4085 | which the designation was made, and provided such person no  
 4086 | longer meets the criteria for registration as a sexual offender  
 4087 | under the laws of this state.

4088 | (6) REGISTRATION.—

4089 | (f) Within 48 hours after the registration required under  
 4090 | paragraph (a) or paragraph (e), a sexual predator who is not  
 4091 | incarcerated and who resides in the community, including a  
 4092 | sexual predator under the supervision of the Department of  
 4093 | Corrections, shall register in person at a driver license office  
 4094 | of the Department of Highway Safety and Motor Vehicles and shall  
 4095 | present proof of registration unless a driver license or an  
 4096 | identification card that complies with the requirements of s.  
 4097 | 322.141(3) was previously secured or updated under s. 944.607.  
 4098 | At the driver license office the sexual predator shall:

4099 | 1. If otherwise qualified, secure a Florida driver  
 4100 | license, renew a Florida driver license, or secure an  
 4101 | identification card. The sexual predator shall identify himself  
 4102 | or herself as a sexual predator who is required to comply with  
 4103 | this section, provide his or her place of permanent, temporary,  
 4104 | or transient residence, including a rural route address and a  
 4105 | post office box, and submit to the taking of a photograph for

4106 use in issuing a driver license, a renewed license, or an  
 4107 identification card, and for use by the department in  
 4108 maintaining current records of sexual predators. A post office  
 4109 box may not be provided in lieu of a physical residential  
 4110 address. If the sexual predator's place of residence is a motor  
 4111 vehicle, trailer, mobile home, or manufactured home, as defined  
 4112 in chapter 320, the sexual predator shall also provide to the  
 4113 Department of Highway Safety and Motor Vehicles the vehicle  
 4114 identification number; the license tag number; the registration  
 4115 number; and a description, including color scheme, of the motor  
 4116 vehicle, trailer, mobile home, or manufactured home. If a sexual  
 4117 predator's place of residence is a vessel, live-aboard vessel,  
 4118 or houseboat, as defined in chapter 327, the sexual predator  
 4119 shall also provide to the Department of Highway Safety and Motor  
 4120 Vehicles the hull identification number; the manufacturer's  
 4121 serial number; the name of the vessel, live-aboard vessel, or  
 4122 houseboat; the registration number; and a description, including  
 4123 color scheme, of the vessel, live-aboard vessel, or houseboat.

4124         2. Pay the costs assessed by the Department of Highway  
 4125 Safety and Motor Vehicles for issuing or renewing a driver  
 4126 license or an identification card as required by this section.  
 4127 The driver license or identification card issued to the sexual  
 4128 predator must comply with s. 322.141(3).

4129         3. Provide, upon request, any additional information  
 4130 necessary to confirm the identity of the sexual predator,

4131 including a set of fingerprints.

4132 (10) PENALTIES.—

4133 (c) Any person who misuses public records information  
 4134 relating to a sexual predator, as defined in this section, or a  
 4135 sexual offender, as defined in s. 943.0435 or s. 944.607, to  
 4136 secure a payment from such a predator or offender; who knowingly  
 4137 distributes or publishes false information relating to such a  
 4138 predator or offender which the person misrepresents as being  
 4139 public records information; or who materially alters public  
 4140 records information with the intent to misrepresent the  
 4141 information, including documents, summaries of public records  
 4142 information provided by law enforcement agencies, or public  
 4143 records information displayed by law enforcement agencies on  
 4144 websites or provided through other means of communication,  
 4145 commits a misdemeanor of the first degree, punishable as  
 4146 provided in s. 775.082 or s. 775.083.

4147 Section 89. For the purpose of incorporating the  
 4148 amendments made by this act to section 943.0435, 944.606, and  
 4149 944.607, Florida Statutes, in references thereto, subsection (2)  
 4150 of section 775.24, Florida Statutes, is reenacted to read:

4151 775.24 Duty of the court to uphold laws governing sexual  
 4152 predators and sexual offenders.—

4153 (2) If a person meets the criteria in this chapter for  
 4154 designation as a sexual predator or meets the criteria in s.  
 4155 943.0435, s. 944.606, s. 944.607, or any other law for

4156 classification as a sexual offender, the court may not enter an  
 4157 order, for the purpose of approving a plea agreement or for any  
 4158 other reason, which:

4159 (a) Exempts a person who meets the criteria for  
 4160 designation as a sexual predator or classification as a sexual  
 4161 offender from such designation or classification, or exempts  
 4162 such person from the requirements for registration or community  
 4163 and public notification imposed upon sexual predators and sexual  
 4164 offenders;

4165 (b) Restricts the compiling, reporting, or release of  
 4166 public records information that relates to sexual predators or  
 4167 sexual offenders; or

4168 (c) Prevents any person or entity from performing its  
 4169 duties or operating within its statutorily conferred authority  
 4170 as such duty or authority relates to sexual predators or sexual  
 4171 offenders.

4172 Section 90. For the purpose of incorporating the  
 4173 amendments made by this act to sections 775.21, 943.0435,  
 4174 944.606, and 944.607, Florida Statutes, in references thereto,  
 4175 section 775.25, Florida Statutes, is reenacted to read:

4176 775.25 Prosecutions for acts or omissions.—A sexual  
 4177 predator or sexual offender who commits any act or omission in  
 4178 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.  
 4179 944.607, or former s. 947.177 may be prosecuted for the act or  
 4180 omission in the county in which the act or omission was

4181 committed, in the county of the last registered address of the  
 4182 sexual predator or sexual offender, in the county in which the  
 4183 conviction occurred for the offense or offenses that meet the  
 4184 criteria for designating a person as a sexual predator or sexual  
 4185 offender, in the county where the sexual predator or sexual  
 4186 offender was released from incarceration, or in the county of  
 4187 the intended address of the sexual predator or sexual offender  
 4188 as reported by the predator or offender prior to his or her  
 4189 release from incarceration. In addition, a sexual predator may  
 4190 be prosecuted for any such act or omission in the county in  
 4191 which he or she was designated a sexual predator.

4192 Section 91. For the purpose of incorporating the  
 4193 amendments made by this act to sections 775.21, 943.0435, and  
 4194 944.607, Florida Statutes, in references thereto, paragraph (b)  
 4195 of subsection (3) of section 775.261, Florida Statutes, is  
 4196 reenacted to read:

4197 775.261 The Florida Career Offender Registration Act.—

4198 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4199 (b) This section does not apply to any person who has been  
 4200 designated as a sexual predator and required to register under  
 4201 s. 775.21 or who is required to register as a sexual offender  
 4202 under s. 943.0435 or s. 944.607. However, if a person is no  
 4203 longer required to register as a sexual predator under s. 775.21  
 4204 or as a sexual offender under s. 943.0435 or s. 944.607, the  
 4205 person must register as a career offender under this section if

4206 | the person is otherwise designated as a career offender as  
 4207 | provided in this section.

4208 |         Section 92. For the purpose of incorporating the amendment  
 4209 | made by this act to section 847.001, Florida Statutes, in a  
 4210 | reference thereto, paragraph (d) of subsection (2) of section  
 4211 | 784.049, Florida Statutes, is reenacted to read:

4212 |             784.049 Sexual cyberharassment.—

4213 |             (2) As used in this section, the term:

4214 |             (d) "Sexually explicit image" means any image depicting  
 4215 | nudity, as defined in s. 847.001, or depicting a person engaging  
 4216 | in sexual conduct, as defined in s. 847.001.

4217 |         Section 93. For the purpose of incorporating the amendment  
 4218 | made by this act to section 794.0115, Florida Statutes, in  
 4219 | references thereto, paragraph (a) of subsection (2) and  
 4220 | subsections (3), (4), and (5) of section 794.011, Florida  
 4221 | Statutes, are reenacted to read:

4222 |             794.011 Sexual battery.—

4223 |             (2) (a) A person 18 years of age or older who commits  
 4224 | sexual battery upon, or in an attempt to commit sexual battery  
 4225 | injures the sexual organs of, a person less than 12 years of age  
 4226 | commits a capital felony, punishable as provided in ss. 775.082  
 4227 | and 921.141.

4228 |             (3) A person who commits sexual battery upon a person 12  
 4229 | years of age or older, without that person's consent, and in the  
 4230 | process thereof uses or threatens to use a deadly weapon or uses

4231 actual physical force likely to cause serious personal injury  
 4232 commits a life felony, punishable as provided in s. 775.082, s.  
 4233 775.083, s. 775.084, or s. 794.0115.

4234 (4) (a) A person 18 years of age or older who commits  
 4235 sexual battery upon a person 12 years of age or older but  
 4236 younger than 18 years of age without that person's consent,  
 4237 under any of the circumstances listed in paragraph (e), commits  
 4238 a felony of the first degree, punishable by a term of years not  
 4239 exceeding life or as provided in s. 775.082, s. 775.083, s.  
 4240 775.084, or s. 794.0115.

4241 (b) A person 18 years of age or older who commits sexual  
 4242 battery upon a person 18 years of age or older without that  
 4243 person's consent, under any of the circumstances listed in  
 4244 paragraph (e), commits a felony of the first degree, punishable  
 4245 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
 4246 794.0115.

4247 (c) A person younger than 18 years of age who commits  
 4248 sexual battery upon a person 12 years of age or older without  
 4249 that person's consent, under any of the circumstances listed in  
 4250 paragraph (e), commits a felony of the first degree, punishable  
 4251 as provided in s. 775.082, s. 775.083, s. 775.084, or s.  
 4252 794.0115.

4253 (d) A person commits a felony of the first degree,  
 4254 punishable by a term of years not exceeding life or as provided  
 4255 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the

4256 | person commits sexual battery upon a person 12 years of age or  
 4257 | older without that person's consent, under any of the  
 4258 | circumstances listed in paragraph (e), and such person was  
 4259 | previously convicted of a violation of:

4260 |       1. Section 787.01(2) or s. 787.02(2) when the violation  
 4261 | involved a victim who was a minor and, in the course of  
 4262 | committing that violation, the defendant committed against the  
 4263 | minor a sexual battery under this chapter or a lewd act under s.  
 4264 | 800.04 or s. 847.0135(5);

4265 |       2. Section 787.01(3)(a)2. or 3.;

4266 |       3. Section 787.02(3)(a)2. or 3.;

4267 |       4. Section 800.04;

4268 |       5. Section 825.1025;

4269 |       6. Section 847.0135(5); or

4270 |       7. This chapter, excluding subsection (10) of this  
 4271 | section.

4272 |       (e) The following circumstances apply to paragraphs (a)-  
 4273 | (d):

4274 |       1. The victim is physically helpless to resist.

4275 |       2. The offender coerces the victim to submit by  
 4276 | threatening to use force or violence likely to cause serious  
 4277 | personal injury on the victim, and the victim reasonably  
 4278 | believes that the offender has the present ability to execute  
 4279 | the threat.

4280 |       3. The offender coerces the victim to submit by

4281 threatening to retaliate against the victim, or any other  
 4282 person, and the victim reasonably believes that the offender has  
 4283 the ability to execute the threat in the future.

4284 4. The offender, without the prior knowledge or consent of  
 4285 the victim, administers or has knowledge of someone else  
 4286 administering to the victim any narcotic, anesthetic, or other  
 4287 intoxicating substance that mentally or physically incapacitates  
 4288 the victim.

4289 5. The victim is mentally defective, and the offender has  
 4290 reason to believe this or has actual knowledge of this fact.

4291 6. The victim is physically incapacitated.

4292 7. The offender is a law enforcement officer, correctional  
 4293 officer, or correctional probation officer as defined in s.  
 4294 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified  
 4295 under s. 943.1395 or is an elected official exempt from such  
 4296 certification by virtue of s. 943.253, or any other person in a  
 4297 position of control or authority in a probation, community  
 4298 control, controlled release, detention, custodial, or similar  
 4299 setting, and such officer, official, or person is acting in such  
 4300 a manner as to lead the victim to reasonably believe that the  
 4301 offender is in a position of control or authority as an agent or  
 4302 employee of government.

4303 (5) (a) A person 18 years of age or older who commits  
 4304 sexual battery upon a person 12 years of age or older but  
 4305 younger than 18 years of age, without that person's consent, and

4306 | in the process does not use physical force and violence likely  
 4307 | to cause serious personal injury commits a felony of the first  
 4308 | degree, punishable as provided in s. 775.082, s. 775.083, s.  
 4309 | 775.084, or s. 794.0115.

4310 | (b) A person 18 years of age or older who commits sexual  
 4311 | battery upon a person 18 years of age or older, without that  
 4312 | person's consent, and in the process does not use physical force  
 4313 | and violence likely to cause serious personal injury commits a  
 4314 | felony of the second degree, punishable as provided in s.  
 4315 | 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4316 | (c) A person younger than 18 years of age who commits  
 4317 | sexual battery upon a person 12 years of age or older, without  
 4318 | that person's consent, and in the process does not use physical  
 4319 | force and violence likely to cause serious personal injury  
 4320 | commits a felony of the second degree, punishable as provided in  
 4321 | s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4322 | (d) A person commits a felony of the first degree,  
 4323 | punishable as provided in s. 775.082, s. 775.083, s. 775.084, or  
 4324 | s. 794.0115 if the person commits sexual battery upon a person  
 4325 | 12 years of age or older, without that person's consent, and in  
 4326 | the process does not use physical force and violence likely to  
 4327 | cause serious personal injury and the person was previously  
 4328 | convicted of a violation of:

4329 | 1. Section 787.01(2) or s. 787.02(2) when the violation  
 4330 | involved a victim who was a minor and, in the course of

4331 committing that violation, the defendant committed against the  
 4332 minor a sexual battery under this chapter or a lewd act under s.  
 4333 800.04 or s. 847.0135(5);

4334 2. Section 787.01(3)(a)2. or 3.;

4335 3. Section 787.02(3)(a)2. or 3.;

4336 4. Section 800.04;

4337 5. Section 825.1025;

4338 6. Section 847.0135(5); or

4339 7. This chapter, excluding subsection (10) of this  
 4340 section.

4341 Section 94. For the purpose of incorporating the amendment  
 4342 made by this act to section 92.56, Florida Statutes, in a  
 4343 reference thereto, section 794.03, Florida Statutes, is  
 4344 reenacted to read:

4345 794.03 Unlawful to publish or broadcast information  
 4346 identifying sexual offense victim.—No person shall print,  
 4347 publish, or broadcast, or cause or allow to be printed,  
 4348 published, or broadcast, in any instrument of mass communication  
 4349 the name, address, or other identifying fact or information of  
 4350 the victim of any sexual offense within this chapter, except as  
 4351 provided in s. 119.071(2)(h) or unless the court determines that  
 4352 such information is no longer confidential and exempt pursuant  
 4353 to s. 92.56. An offense under this section shall constitute a  
 4354 misdemeanor of the second degree, punishable as provided in s.  
 4355 775.082 or s. 775.083.

4356 Section 95. For the purpose of incorporating the amendment  
 4357 made by this act to section 775.21, Florida Statutes, in a  
 4358 reference thereto, subsection (1) of section 794.075, Florida  
 4359 Statutes, is reenacted to read:

4360 794.075 Sexual predators; erectile dysfunction drugs.—

4361 (1) A person may not possess a prescription drug, as  
 4362 defined in s. 499.003(40), for the purpose of treating erectile  
 4363 dysfunction if the person is designated as a sexual predator  
 4364 under s. 775.21.

4365 Section 96. For the purpose of incorporating the amendment  
 4366 made by this act to section 960.03, Florida Statutes, in  
 4367 references thereto, paragraph (b) of subsection (1) and  
 4368 subsections (2) and (3) of section 847.002, Florida Statutes,  
 4369 are reenacted to read:

4370 847.002 Child pornography prosecutions.—

4371 (1) Any law enforcement officer who, pursuant to a  
 4372 criminal investigation, recovers images or movies of child  
 4373 pornography shall:

4374 (b) Request the law enforcement agency contact information  
 4375 from the Child Victim Identification Program for any images or  
 4376 movies recovered which contain an identified victim of child  
 4377 pornography as defined in s. 960.03.

4378 (2) Any law enforcement officer submitting a case for  
 4379 prosecution which involves the production, promotion, or  
 4380 possession of child pornography shall submit to the designated

4381 prosecutor the law enforcement agency contact information  
 4382 provided by the Child Victim Identification Program at the  
 4383 National Center for Missing and Exploited Children, for any  
 4384 images or movies involved in the case which contain the  
 4385 depiction of an identified victim of child pornography as  
 4386 defined in s. 960.03.

4387 (3) In every filed case involving an identified victim of  
 4388 child pornography, as defined in s. 960.03, the prosecuting  
 4389 agency shall enter the following information into the Victims in  
 4390 Child Pornography Tracking Repeat Exploitation database  
 4391 maintained by the Office of the Attorney General:

- 4392 (a) The case number and agency file number.
- 4393 (b) The named defendant.
- 4394 (c) The circuit court division and county.
- 4395 (d) Current court dates and the status of the case.
- 4396 (e) Contact information for the prosecutor assigned.
- 4397 (f) Verification that the prosecutor is or is not in  
 4398 possession of a victim impact statement and will use the  
 4399 statement in sentencing.

4400 Section 97. For the purpose of incorporating the amendment  
 4401 made by this act to section 847.001, Florida Statutes, in a  
 4402 reference thereto, paragraph (b) of subsection (3) of section  
 4403 847.012, Florida Statutes, is reenacted to read:

4404 847.012 Harmful materials; sale or distribution to minors  
 4405 or using minors in production prohibited; penalty.—

4406 (3) A person may not knowingly sell, rent, or loan for  
 4407 monetary consideration to a minor:

4408 (b) Any book, pamphlet, magazine, printed matter however  
 4409 reproduced, or sound recording that contains any matter defined  
 4410 in s. 847.001, explicit and detailed verbal descriptions or  
 4411 narrative accounts of sexual excitement, or sexual conduct and  
 4412 that is harmful to minors.

4413 Section 98. For the purpose of incorporating the amendment  
 4414 made by this act to section 92.56, Florida Statutes, in a  
 4415 reference thereto, subsection (3) of section 847.01357, Florida  
 4416 Statutes, is reenacted to read:

4417 847.01357 Exploited children's civil remedy.—

4418 (3) Any victim who has a bona fide claim under this  
 4419 section shall, upon request, be provided a pseudonym, pursuant  
 4420 to s. 92.56(3), which shall be issued and maintained by the  
 4421 Department of Legal Affairs for use in all legal pleadings. This  
 4422 identifier shall be fully recognized in all courts in this state  
 4423 as a valid legal identity.

4424 Section 99. For the purpose of incorporating the amendment  
 4425 made by this act to section 847.001, Florida Statutes, in a  
 4426 reference thereto, subsections (2) and (3) of section 847.0138,  
 4427 Florida Statutes, are reenacted to read:

4428 847.0138 Transmission of material harmful to minors to a  
 4429 minor by electronic device or equipment prohibited; penalties.—

4430 (2) Notwithstanding ss. 847.012 and 847.0133, any person

4431 | who knew or believed that he or she was transmitting an image,  
 4432 | information, or data that is harmful to minors, as defined in s.  
 4433 | 847.001, to a specific individual known by the defendant to be a  
 4434 | minor commits a felony of the third degree, punishable as  
 4435 | provided in s. 775.082, s. 775.083, or s. 775.084.

4436 |         (3) Notwithstanding ss. 847.012 and 847.0133, any person  
 4437 | in any jurisdiction other than this state who knew or believed  
 4438 | that he or she was transmitting an image, information, or data  
 4439 | that is harmful to minors, as defined in s. 847.001, to a  
 4440 | specific individual known by the defendant to be a minor commits  
 4441 | a felony of the third degree, punishable as provided in s.  
 4442 | 775.082, s. 775.083, or s. 775.084.

4443 |  
 4444 | The provisions of this section do not apply to subscription-  
 4445 | based transmissions such as list servers.

4446 |         Section 100. For the purpose of incorporating the  
 4447 | amendments made by this act to sections 16.56 and 895.02,  
 4448 | Florida Statutes, in references thereto, paragraph (g) of  
 4449 | subsection (2) and subsection (10) of section 896.101, Florida  
 4450 | Statutes, are reenacted to read:

4451 |         896.101 Florida Money Laundering Act; definitions;  
 4452 | penalties; injunctions; seizure warrants; immunity.-

4453 |         (2) As used in this section, the term:

4454 |         (g) "Specified unlawful activity" means any "racketeering  
 4455 | activity" as defined in s. 895.02.

4456 (10) Any financial institution, licensed money services  
 4457 business, or other person served with and complying with the  
 4458 terms of a warrant, temporary injunction, or other court order,  
 4459 including any subpoena issued under s. 16.56 or s. 27.04,  
 4460 obtained in furtherance of an investigation of any crime in this  
 4461 section, including any crime listed as specified unlawful  
 4462 activity under this section or any felony violation of chapter  
 4463 560, has immunity from criminal liability and is not liable to  
 4464 any person for any lawful action taken in complying with the  
 4465 warrant, temporary injunction, or other court order, including  
 4466 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena  
 4467 issued under s. 16.56 or s. 27.04 contains a nondisclosure  
 4468 provision, any financial institution, licensed money services  
 4469 business, employee or officer of a financial institution or  
 4470 licensed money services business, or any other person may not  
 4471 notify, directly or indirectly, any customer of that financial  
 4472 institution or money services business whose records are being  
 4473 sought by the subpoena, or any other person named in the  
 4474 subpoena, about the existence or the contents of that subpoena  
 4475 or about information that has been furnished to the state  
 4476 attorney or statewide prosecutor who issued the subpoena or  
 4477 other law enforcement officer named in the subpoena in response  
 4478 to the subpoena.

4479 Section 101. For the purpose of incorporating the  
 4480 amendments made by this act to sections 775.21 and 948.06,

4481 Florida Statutes, in references thereto, paragraphs (b) and (c)  
 4482 of subsection (1) of section 903.0351, Florida Statutes, are  
 4483 reenacted to read:

4484 903.0351 Restrictions on pretrial release pending  
 4485 probation-violation hearing or community-control-violation  
 4486 hearing.—

4487 (1) In the instance of an alleged violation of felony  
 4488 probation or community control, bail or any other form of  
 4489 pretrial release shall not be granted prior to the resolution of  
 4490 the probation-violation hearing or the community-control-  
 4491 violation hearing to:

4492 (b) A person who is on felony probation or community  
 4493 control for any offense committed on or after the effective date  
 4494 of this act and who is arrested for a qualifying offense as  
 4495 defined in s. 948.06(8)(c); or

4496 (c) A person who is on felony probation or community  
 4497 control and has previously been found by a court to be a  
 4498 habitual violent felony offender as defined in s. 775.084(1)(b),  
 4499 a three-time violent felony offender as defined in s.  
 4500 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 4501 arrested for committing a qualifying offense as defined in s.  
 4502 948.06(8)(c) on or after the effective date of this act.

4503 Section 102. For the purpose of incorporating the  
 4504 amendments made by this act to sections 775.21 and 943.0435,  
 4505 Florida Statutes, in references thereto, paragraph (m) of

4506 subsection (2) of section 903.046, Florida Statutes, is  
 4507 reenacted to read:

4508 903.046 Purpose of and criteria for bail determination.—

4509 (2) When determining whether to release a defendant on  
 4510 bail or other conditions, and what that bail or those conditions  
 4511 may be, the court shall consider:

4512 (m) Whether the defendant, other than a defendant whose  
 4513 only criminal charge is a misdemeanor offense under chapter 316,  
 4514 is required to register as a sexual offender under s. 943.0435  
 4515 or a sexual predator under s. 775.21; and, if so, he or she is  
 4516 not eligible for release on bail or surety bond until the first  
 4517 appearance on the case in order to ensure the full participation  
 4518 of the prosecutor and the protection of the public.

4519 Section 103. For the purpose of incorporating the  
 4520 amendment made by this act to section 895.02, Florida Statutes,  
 4521 in a reference thereto, subsection (3) of section 905.34,  
 4522 Florida Statutes, is reenacted to read:

4523 905.34 Powers and duties; law applicable.—The jurisdiction  
 4524 of a statewide grand jury impaneled under this chapter shall  
 4525 extend throughout the state. The subject matter jurisdiction of  
 4526 the statewide grand jury shall be limited to the offenses of:

4527 (3) Any violation of the provisions of the Florida RICO  
 4528 (Racketeer Influenced and Corrupt Organization) Act, including  
 4529 any offense listed in the definition of racketeering activity in  
 4530 s. 895.02(8)(a), providing such listed offense is investigated

4531 in connection with a violation of s. 895.03 and is charged in a  
 4532 separate count of an information or indictment containing a  
 4533 count charging a violation of s. 895.03, the prosecution of  
 4534 which listed offense may continue independently if the  
 4535 prosecution of the violation of s. 895.03 is terminated for any  
 4536 reason;

4537  
 4538 or any attempt, solicitation, or conspiracy to commit any  
 4539 violation of the crimes specifically enumerated above, when any  
 4540 such offense is occurring, or has occurred, in two or more  
 4541 judicial circuits as part of a related transaction or when any  
 4542 such offense is connected with an organized criminal conspiracy  
 4543 affecting two or more judicial circuits. The statewide grand  
 4544 jury may return indictments and presentments irrespective of the  
 4545 county or judicial circuit where the offense is committed or  
 4546 triable. If an indictment is returned, it shall be certified and  
 4547 transferred for trial to the county where the offense was  
 4548 committed. The powers and duties of, and law applicable to,  
 4549 county grand juries shall apply to a statewide grand jury except  
 4550 when such powers, duties, and law are inconsistent with the  
 4551 provisions of ss. 905.31-905.40.

4552 Section 104. For the purpose of incorporating the  
 4553 amendments made by this act to sections 775.21 and 847.0135,  
 4554 Florida Statutes, in references thereto, paragraph (g) of  
 4555 subsection (3) of section 921.0022, Florida Statutes, is

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4556 reenacted to read:

4557 921.0022 Criminal Punishment Code; offense severity  
4558 ranking chart.—

4559 (3) OFFENSE SEVERITY RANKING CHART

4560 (g) LEVEL 7

4561

Florida	Felony	
Statute	Degree	Description

4562

316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
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4563

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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4564

316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
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4565

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
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4566			bodily injury.
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4567			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4568			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4569			
	456.065 (2)	3rd	Practicing a health care profession without a license.
4570			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4571			
	458.327 (1)	3rd	Practicing medicine without a license.

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4572	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4573	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4574	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4575	462.17	3rd	Practicing naturopathy without a license.
4576	463.015 (1)	3rd	Practicing optometry without a license.
4577	464.016 (1)	3rd	Practicing nursing without a license.
4578	465.015 (2)	3rd	Practicing pharmacy without a license.
4579	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4580			

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4581	467.201	3rd	Practicing midwifery without a license.
4582	468.366	3rd	Delivering respiratory care services without a license.
4583	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4584	483.901 (7)	3rd	Practicing medical physics without a license.
4585	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4586	484.053	3rd	Dispensing hearing aids without a license.
	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.

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4587	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.
4588	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
4589	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
4590	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
4591	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.

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4592	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
4593	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
4594	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4595	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4596	782.072	2nd	Killing of a human being by the operation of a vessel in a

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			reckless manner (vessel homicide).
4597	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4598	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
4599	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4600	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4601	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4602	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4603	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

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4604	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4605	784.081 (1)	1st	Aggravated battery on specified official or employee.
4606	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
4607	784.083 (1)	1st	Aggravated battery on code inspector.
4608	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4609	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.
4610	790.07 (4)	1st	Specified weapons violation

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4611	790.16(1)	1st	subsequent to previous conviction of s. 790.07(1) or (2).
4612	790.165(2)	2nd	Discharge of a machine gun under specified circumstances.
4613	790.165(3)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4614	790.166(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4615	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4616			Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

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4617	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
4618	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.
4619	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4620	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4621	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older

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4622	800.04 (5) (e)	1st	but younger than 16 years of age; offender 18 years of age or older.
4623	806.01 (2)	2nd	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.
4624	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
4625	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4626	810.02 (3) (d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4627			Burglary of occupied conveyance; unarmed; no assault or battery.

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4628	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4629	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.
4630	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4631	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4632	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.

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4633	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4634	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4635	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4636	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4637	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4638	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
4639	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4640			

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	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
4641	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
4642	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
4643	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4644  4645	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.

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4646	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4647	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4648	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4649	838.015	2nd	Bribery.
4650	838.016	2nd	Unlawful compensation or reward for official behavior.
4651	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4652	838.22	2nd	Bid tampering.
4653	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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4654	843.0855 (3)	3rd	Unlawful simulation of legal process.
4655	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4656	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4657	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4658	872.06	2nd	Abuse of a dead human body.
4659	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4660	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

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4661 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 community center.

4662 893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

4663 893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

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4664	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4665	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4666	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4667	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4668	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4669	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
	893.135	1st	Trafficking in oxycodone, 14

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4670	(1) (c) 3.b.		grams or more, less than 25 grams.
4671	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
4672	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4673	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4674	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4675	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,

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4676	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
4677	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4678	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4679	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4680	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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4681	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4682	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
4683	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4684	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4685	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
4686			

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4687	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4688	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4689	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4690	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4691	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.

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Section 105. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, paragraph (o) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.-

(6) AGGRAVATING FACTORS.-Aggravating factors shall be limited to the following:

(o) The capital felony was committed by a person designated as a sexual predator pursuant to s. 775.21 or a person previously designated as a sexual predator who had the sexual predator designation removed.

Section 106. For the purpose of incorporating the amendment made by this act to section 948.013, Florida Statutes, in a reference thereto, paragraph (n) of subsection (1) of section 921.187, Florida Statutes, is reenacted to read:

921.187 Disposition and sentencing; alternatives; restitution.-

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that

4713 will best serve the needs of society, punish criminal offenders,  
 4714 and provide the opportunity for rehabilitation. If the offender  
 4715 does not receive a state prison sentence, the court may:

4716 (n) Impose split probation whereby upon satisfactory  
 4717 completion of half the term of probation, the Department of  
 4718 Corrections may place the offender on administrative probation  
 4719 pursuant to s. 948.013 for the remainder of the term of  
 4720 supervision.

4721 Section 107. For the purpose of incorporating the  
 4722 amendments made by this act to sections 775.21, 944.606, and  
 4723 944.607, Florida Statutes, in references thereto, subsection  
 4724 (3), paragraph (a) of subsection (4), and subsection (5) of  
 4725 section 943.0435, Florida Statutes, are reenacted to read:

4726 943.0435 Sexual offenders required to register with the  
 4727 department; penalty.—

4728 (3) Within 48 hours after the report required under  
 4729 subsection (2), a sexual offender shall report in person at a  
 4730 driver license office of the Department of Highway Safety and  
 4731 Motor Vehicles, unless a driver license or identification card  
 4732 that complies with the requirements of s. 322.141(3) was  
 4733 previously secured or updated under s. 944.607. At the driver  
 4734 license office the sexual offender shall:

4735 (a) If otherwise qualified, secure a Florida driver  
 4736 license, renew a Florida driver license, or secure an  
 4737 identification card. The sexual offender shall identify himself

4738 or herself as a sexual offender who is required to comply with  
 4739 this section and shall provide proof that the sexual offender  
 4740 reported as required in subsection (2). The sexual offender  
 4741 shall provide any of the information specified in subsection  
 4742 (2), if requested. The sexual offender shall submit to the  
 4743 taking of a photograph for use in issuing a driver license,  
 4744 renewed license, or identification card, and for use by the  
 4745 department in maintaining current records of sexual offenders.

4746 (b) Pay the costs assessed by the Department of Highway  
 4747 Safety and Motor Vehicles for issuing or renewing a driver  
 4748 license or identification card as required by this section. The  
 4749 driver license or identification card issued must be in  
 4750 compliance with s. 322.141(3).

4751 (c) Provide, upon request, any additional information  
 4752 necessary to confirm the identity of the sexual offender,  
 4753 including a set of fingerprints.

4754 (4) (a) Each time a sexual offender's driver license or  
 4755 identification card is subject to renewal, and, without regard  
 4756 to the status of the offender's driver license or identification  
 4757 card, within 48 hours after any change in the offender's  
 4758 permanent, temporary, or transient residence or change in the  
 4759 offender's name by reason of marriage or other legal process,  
 4760 the offender shall report in person to a driver license office,  
 4761 and is subject to the requirements specified in subsection (3).  
 4762 The Department of Highway Safety and Motor Vehicles shall

4763 forward to the department all photographs and information  
4764 provided by sexual offenders. Notwithstanding the restrictions  
4765 set forth in s. 322.142, the Department of Highway Safety and  
4766 Motor Vehicles may release a reproduction of a color-photograph  
4767 or digital-image license to the Department of Law Enforcement  
4768 for purposes of public notification of sexual offenders as  
4769 provided in this section and ss. 943.043 and 944.606. A sexual  
4770 offender who is unable to secure or update a driver license or  
4771 an identification card with the Department of Highway Safety and  
4772 Motor Vehicles as provided in subsection (3) and this subsection  
4773 shall also report any change in the sexual offender's permanent,  
4774 temporary, or transient residence or change in the offender's  
4775 name by reason of marriage or other legal process within 48  
4776 hours after the change to the sheriff's office in the county  
4777 where the offender resides or is located and provide  
4778 confirmation that he or she reported such information to the  
4779 Department of Highway Safety and Motor Vehicles. The reporting  
4780 requirements under this paragraph do not negate the requirement  
4781 for a sexual offender to obtain a Florida driver license or an  
4782 identification card as required in this section.

4783 (5) This section does not apply to a sexual offender who  
4784 is also a sexual predator, as defined in s. 775.21. A sexual  
4785 predator must register as required under s. 775.21.

4786 Section 108. For the purpose of incorporating the  
4787 amendments made by this act to sections 943.0435, 944.606, and

4788 944.607, Florida Statutes, in references thereto, subsection (2)  
 4789 of section 943.0436, Florida Statutes, is reenacted to read:

4790 943.0436 Duty of the court to uphold laws governing sexual  
 4791 predators and sexual offenders.—

4792 (2) If a person meets the criteria in chapter 775 for  
 4793 designation as a sexual predator or meets the criteria in s.  
 4794 943.0435, s. 944.606, s. 944.607, or any other law for  
 4795 classification as a sexual offender, the court may not enter an  
 4796 order, for the purpose of approving a plea agreement or for any  
 4797 other reason, which:

4798 (a) Exempts a person who meets the criteria for  
 4799 designation as a sexual predator or classification as a sexual  
 4800 offender from such designation or classification, or exempts  
 4801 such person from the requirements for registration or community  
 4802 and public notification imposed upon sexual predators and sexual  
 4803 offenders;

4804 (b) Restricts the compiling, reporting, or release of  
 4805 public records information that relates to sexual predators or  
 4806 sexual offenders; or

4807 (c) Prevents any person or entity from performing its  
 4808 duties or operating within its statutorily conferred authority  
 4809 as such duty or authority relates to sexual predators or sexual  
 4810 offenders.

4811 Section 109. For the purpose of incorporating the  
 4812 amendment made by this act to section 847.0135, Florida

4813 Statutes, in a reference thereto, paragraph (g) of subsection  
 4814 (2) of section 943.325, Florida Statutes, is reenacted to read:  
 4815 943.325 DNA database.—  
 4816 (2) DEFINITIONS.—As used in this section, the term:  
 4817 (g) "Qualifying offender" means any person, including  
 4818 juveniles and adults, who is:  
 4819 1.a. Committed to a county jail;  
 4820 b. Committed to or under the supervision of the Department  
 4821 of Corrections, including persons incarcerated in a private  
 4822 correctional institution operated under contract pursuant to s.  
 4823 944.105;  
 4824 c. Committed to or under the supervision of the Department  
 4825 of Juvenile Justice;  
 4826 d. Transferred to this state under the Interstate Compact  
 4827 on Juveniles, part XIII of chapter 985; or  
 4828 e. Accepted under Article IV of the Interstate Corrections  
 4829 Compact, part III of chapter 941; and who is:  
 4830 2.a. Convicted of any felony offense or attempted felony  
 4831 offense in this state or of a similar offense in another  
 4832 jurisdiction;  
 4833 b. Convicted of a misdemeanor violation of s. 784.048, s.  
 4834 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an  
 4835 offense that was found, pursuant to s. 874.04, to have been  
 4836 committed for the purpose of benefiting, promoting, or  
 4837 furthering the interests of a criminal gang as defined in s.

4838 874.03; or

4839 c. Arrested for any felony offense or attempted felony  
4840 offense in this state.

4841 Section 110. For the purpose of incorporating the  
4842 amendment made by this act to section 847.001, Florida Statutes,  
4843 in a reference thereto, subsection (2) of section 944.11,  
4844 Florida Statutes, is reenacted to read:

4845 944.11 Department to regulate admission of books.—

4846 (2) The department shall have the authority to prohibit  
4847 admission of reading materials or publications with content  
4848 which depicts sexual conduct as defined by s. 847.001 or  
4849 presents nudity in such a way as to create the appearance that  
4850 sexual conduct is imminent. The department shall have the  
4851 authority to prohibit admission of such materials at a  
4852 particular state correctional facility upon a determination by  
4853 the department that such material or publications would be  
4854 detrimental to the safety, security, order or rehabilitative  
4855 interests of a particular state correctional facility or would  
4856 create a risk of disorder at a particular state correctional  
4857 facility.

4858 Section 111. For the purpose of incorporating the  
4859 amendments made by this act to sections 775.21 and 943.0435,  
4860 Florida Statutes, in references thereto, paragraph (a) of  
4861 subsection (4) and subsection (9) of section 944.607, Florida  
4862 Statutes, are reenacted to read:

4863 944.607 Notification to Department of Law Enforcement of  
 4864 information on sexual offenders.—

4865 (4) A sexual offender, as described in this section, who  
 4866 is under the supervision of the Department of Corrections but is  
 4867 not incarcerated shall register with the Department of  
 4868 Corrections within 3 business days after sentencing for a  
 4869 registrable offense and otherwise provide information as  
 4870 required by this subsection.

4871 (a) The sexual offender shall provide his or her name;  
 4872 date of birth; social security number; race; sex; height;  
 4873 weight; hair and eye color; tattoos or other identifying marks;  
 4874 all electronic mail addresses and Internet identifiers required  
 4875 to be provided pursuant to s. 943.0435(4)(e); employment  
 4876 information required to be provided pursuant to s.  
 4877 943.0435(4)(e); all home telephone numbers and cellular  
 4878 telephone numbers required to be provided pursuant to s.  
 4879 943.0435(4)(e); the make, model, color, vehicle identification  
 4880 number (VIN), and license tag number of all vehicles owned;  
 4881 permanent or legal residence and address of temporary residence  
 4882 within the state or out of state while the sexual offender is  
 4883 under supervision in this state, including any rural route  
 4884 address or post office box; if no permanent or temporary  
 4885 address, any transient residence within the state; and address,  
 4886 location or description, and dates of any current or known  
 4887 future temporary residence within the state or out of state. The

4888 sexual offender shall also produce his or her passport, if he or  
 4889 she has a passport, and, if he or she is an alien, shall produce  
 4890 or provide information about documents establishing his or her  
 4891 immigration status. The sexual offender shall also provide  
 4892 information about any professional licenses he or she has. The  
 4893 Department of Corrections shall verify the address of each  
 4894 sexual offender in the manner described in ss. 775.21 and  
 4895 943.0435. The department shall report to the Department of Law  
 4896 Enforcement any failure by a sexual predator or sexual offender  
 4897 to comply with registration requirements.

4898 (9) A sexual offender, as described in this section, who  
 4899 is under the supervision of the Department of Corrections but  
 4900 who is not incarcerated shall, in addition to the registration  
 4901 requirements provided in subsection (4), register and obtain a  
 4902 distinctive driver license or identification card in the manner  
 4903 provided in s. 943.0435(3), (4), and (5), unless the sexual  
 4904 offender is a sexual predator, in which case he or she shall  
 4905 register and obtain a distinctive driver license or  
 4906 identification card as required under s. 775.21. A sexual  
 4907 offender who fails to comply with the requirements of s.  
 4908 943.0435 is subject to the penalties provided in s. 943.0435(9).

4909 Section 112. For the purpose of incorporating the  
 4910 amendments made by this act to sections 775.21 and 944.607,  
 4911 Florida Statutes, in references thereto, subsection (7) of  
 4912 section 944.608, Florida Statutes, is reenacted to read:

4913 944.608 Notification to Department of Law Enforcement of  
 4914 information on career offenders.—

4915 (7) A career offender who is under the supervision of the  
 4916 department but who is not incarcerated shall, in addition to the  
 4917 registration requirements provided in subsection (3), register  
 4918 in the manner provided in s. 775.261(4)(c), unless the career  
 4919 offender is a sexual predator, in which case he or she shall  
 4920 register as required under s. 775.21, or is a sexual offender,  
 4921 in which case he or she shall register as required in s.  
 4922 944.607. A career offender who fails to comply with the  
 4923 requirements of s. 775.261(4) is subject to the penalties  
 4924 provided in s. 775.261(8).

4925 Section 113. For the purpose of incorporating the  
 4926 amendment made by this act to section 775.21, Florida Statutes,  
 4927 in a reference thereto, subsection (4) of section 944.609,  
 4928 Florida Statutes, is reenacted to read:

4929 944.609 Career offenders; notification upon release.—

4930 (4) The department or any law enforcement agency may  
 4931 notify the community and the public of a career offender's  
 4932 presence in the community. However, with respect to a career  
 4933 offender who has been found to be a sexual predator under s.  
 4934 775.21, the Department of Law Enforcement or any other law  
 4935 enforcement agency must inform the community and the public of  
 4936 the career offender's presence in the community, as provided in  
 4937 s. 775.21.

4938 Section 114. For the purpose of incorporating the  
 4939 amendment made by this act to section 947.1405, Florida  
 4940 Statutes, in a reference thereto, subsection (1) of section  
 4941 944.70, Florida Statutes, is reenacted to read:

4942 944.70 Conditions for release from incarceration.—

4943 (1) (a) A person who is convicted of a crime committed on  
 4944 or after October 1, 1983, but before January 1, 1994, may be  
 4945 released from incarceration only:

- 4946 1. Upon expiration of the person's sentence;
- 4947 2. Upon expiration of the person's sentence as reduced by
- 4948 accumulated gain-time;
- 4949 3. As directed by an executive order granting clemency;
- 4950 4. Upon attaining the provisional release date;
- 4951 5. Upon placement in a conditional release program
- 4952 pursuant to s. 947.1405; or
- 4953 6. Upon the granting of control release pursuant to s.
- 4954 947.146.

4955 (b) A person who is convicted of a crime committed on or  
 4956 after January 1, 1994, may be released from incarceration only:

- 4957 1. Upon expiration of the person's sentence;
- 4958 2. Upon expiration of the person's sentence as reduced by
- 4959 accumulated meritorious or incentive gain-time;
- 4960 3. As directed by an executive order granting clemency;
- 4961 4. Upon placement in a conditional release program
- 4962 pursuant to s. 947.1405 or a conditional medical release program

4963 pursuant to s. 947.149; or

4964 5. Upon the granting of control release, including  
4965 emergency control release, pursuant to s. 947.146.

4966 Section 115. For the purpose of incorporating the  
4967 amendment made by this act to section 947.1405, Florida  
4968 Statutes, in a reference thereto, paragraph (f) of subsection  
4969 (1) of section 947.13, Florida Statutes, is reenacted to read:

4970 947.13 Powers and duties of commission.—

4971 (1) The commission shall have the powers and perform the  
4972 duties of:

4973 (f) Establishing the terms and conditions of persons  
4974 released on conditional release under s. 947.1405, and  
4975 determining subsequent ineligibility for conditional release due  
4976 to a violation of the terms or conditions of conditional release  
4977 and taking action with respect to such a violation.

4978 Section 116. For the purpose of incorporating the  
4979 amendments made by this act to sections 775.21, 943.0435, and  
4980 943.4354, Florida Statutes, in references thereto, paragraph (c)  
4981 of subsection (2) and subsection (12) of section 947.1405,  
4982 Florida Statutes, are reenacted to read:

4983 947.1405 Conditional release program.—

4984 (2) Any inmate who:

4985 (c) Is found to be a sexual predator under s. 775.21 or  
4986 former s. 775.23,  
4987

4988 shall, upon reaching the tentative release date or provisional  
 4989 release date, whichever is earlier, as established by the  
 4990 Department of Corrections, be released under supervision subject  
 4991 to specified terms and conditions, including payment of the cost  
 4992 of supervision pursuant to s. 948.09. Such supervision shall be  
 4993 applicable to all sentences within the overall term of sentences  
 4994 if an inmate's overall term of sentences includes one or more  
 4995 sentences that are eligible for conditional release supervision  
 4996 as provided herein. Effective July 1, 1994, and applicable for  
 4997 offenses committed on or after that date, the commission may  
 4998 require, as a condition of conditional release, that the  
 4999 releasee make payment of the debt due and owing to a county or  
 5000 municipal detention facility under s. 951.032 for medical care,  
 5001 treatment, hospitalization, or transportation received by the  
 5002 releasee while in that detention facility. The commission, in  
 5003 determining whether to order such repayment and the amount of  
 5004 such repayment, shall consider the amount of the debt, whether  
 5005 there was any fault of the institution for the medical expenses  
 5006 incurred, the financial resources of the releasee, the present  
 5007 and potential future financial needs and earning ability of the  
 5008 releasee, and dependents, and other appropriate factors. If any  
 5009 inmate placed on conditional release supervision is also subject  
 5010 to probation or community control, resulting from a probationary  
 5011 or community control split sentence within the overall term of  
 5012 sentences, the Department of Corrections shall supervise such

5013 person according to the conditions imposed by the court and the  
 5014 commission shall defer to such supervision. If the court revokes  
 5015 probation or community control and resentences the offender to a  
 5016 term of incarceration, such revocation also constitutes a  
 5017 sufficient basis for the revocation of the conditional release  
 5018 supervision on any nonprobationary or noncommunity control  
 5019 sentence without further hearing by the commission. If any such  
 5020 supervision on any nonprobationary or noncommunity control  
 5021 sentence is revoked, such revocation may result in a forfeiture  
 5022 of all gain-time, and the commission may revoke the resulting  
 5023 deferred conditional release supervision or take other action it  
 5024 considers appropriate. If the term of conditional release  
 5025 supervision exceeds that of the probation or community control,  
 5026 then, upon expiration of the probation or community control,  
 5027 authority for the supervision shall revert to the commission and  
 5028 the supervision shall be subject to the conditions imposed by  
 5029 the commission. A panel of no fewer than two commissioners shall  
 5030 establish the terms and conditions of any such release. If the  
 5031 offense was a controlled substance violation, the conditions  
 5032 shall include a requirement that the offender submit to random  
 5033 substance abuse testing intermittently throughout the term of  
 5034 conditional release supervision, upon the direction of the  
 5035 correctional probation officer as defined in s. 943.10(3). The  
 5036 commission shall also determine whether the terms and conditions  
 5037 of such release have been violated and whether such violation

5038 warrants revocation of the conditional release.

5039 (12) In addition to all other conditions imposed, for a  
5040 releasee who is subject to conditional release for a crime that  
5041 was committed on or after May 26, 2010, and who has been  
5042 convicted at any time of committing, or attempting, soliciting,  
5043 or conspiring to commit, any of the criminal offenses listed in  
5044 s. 943.0435(1)(h)1.a.(I), or a similar offense in another  
5045 jurisdiction against a victim who was under 18 years of age at  
5046 the time of the offense, if the releasee has not received a  
5047 pardon for any felony or similar law of another jurisdiction  
5048 necessary for the operation of this subsection, if a conviction  
5049 of a felony or similar law of another jurisdiction necessary for  
5050 the operation of this subsection has not been set aside in any  
5051 postconviction proceeding, or if the releasee has not been  
5052 removed from the requirement to register as a sexual offender or  
5053 sexual predator pursuant to s. 943.04354, the commission must  
5054 impose the following conditions:

5055 (a) A prohibition on visiting schools, child care  
5056 facilities, parks, and playgrounds without prior approval from  
5057 the releasee's supervising officer. The commission may also  
5058 designate additional prohibited locations to protect a victim.  
5059 The prohibition ordered under this paragraph does not prohibit  
5060 the releasee from visiting a school, child care facility, park,  
5061 or playground for the sole purpose of attending a religious  
5062 service as defined in s. 775.0861 or picking up or dropping off

5063 | the releasee's child or grandchild at a child care facility or  
 5064 | school.

5065 |       (b) A prohibition on distributing candy or other items to  
 5066 | children on Halloween; wearing a Santa Claus costume, or other  
 5067 | costume to appeal to children, on or preceding Christmas;  
 5068 | wearing an Easter Bunny costume, or other costume to appeal to  
 5069 | children, on or preceding Easter; entertaining at children's  
 5070 | parties; or wearing a clown costume without prior approval from  
 5071 | the commission.

5072 |  
 5073 |       Section 117. For the purpose of incorporating the  
 5074 | amendment made by this act to section 947.1405, Florida  
 5075 | Statutes, in references thereto, subsections (1), (2), and (7)  
 5076 | of section 947.141, Florida Statutes, are reenacted to read:

5077 |       947.141 Violations of conditional release, control  
 5078 | release, or conditional medical release or addiction-recovery  
 5079 | supervision.—

5080 |       (1) If a member of the commission or a duly authorized  
 5081 | representative of the commission has reasonable grounds to  
 5082 | believe that an offender who is on release supervision under s.  
 5083 | 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
 5084 | the terms and conditions of the release in a material respect,  
 5085 | such member or representative may cause a warrant to be issued  
 5086 | for the arrest of the releasee; if the offender was found to be  
 5087 | a sexual predator, the warrant must be issued.

5088 (2) Upon the arrest on a felony charge of an offender who  
 5089 is on release supervision under s. 947.1405, s. 947.146, s.  
 5090 947.149, or s. 944.4731, the offender must be detained without  
 5091 bond until the initial appearance of the offender at which a  
 5092 judicial determination of probable cause is made. If the trial  
 5093 court judge determines that there was no probable cause for the  
 5094 arrest, the offender may be released. If the trial court judge  
 5095 determines that there was probable cause for the arrest, such  
 5096 determination also constitutes reasonable grounds to believe  
 5097 that the offender violated the conditions of the release. Within  
 5098 24 hours after the trial court judge's finding of probable  
 5099 cause, the detention facility administrator or designee shall  
 5100 notify the commission and the department of the finding and  
 5101 transmit to each a facsimile copy of the probable cause  
 5102 affidavit or the sworn offense report upon which the trial court  
 5103 judge's probable cause determination is based. The offender must  
 5104 continue to be detained without bond for a period not exceeding  
 5105 72 hours excluding weekends and holidays after the date of the  
 5106 probable cause determination, pending a decision by the  
 5107 commission whether to issue a warrant charging the offender with  
 5108 violation of the conditions of release. Upon the issuance of the  
 5109 commission's warrant, the offender must continue to be held in  
 5110 custody pending a revocation hearing held in accordance with  
 5111 this section.

5112 (7) If a law enforcement officer has probable cause to

5113 believe that an offender who is on release supervision under s.  
 5114 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated  
 5115 the terms and conditions of his or her release by committing a  
 5116 felony offense, the officer shall arrest the offender without a  
 5117 warrant, and a warrant need not be issued in the case.

5118 Section 118. For the purpose of incorporating the  
 5119 amendment made by this act to section 775.21, Florida Statutes,  
 5120 in references thereto, paragraphs (b) and (d) of subsection (8)  
 5121 of section 948.06, Florida Statutes, are reenacted to read:

5122 948.06 Violation of probation or community control;  
 5123 revocation; modification; continuance; failure to pay  
 5124 restitution or cost of supervision.—

5125 (8)

5126 (b) For purposes of this section and ss. 903.0351,  
 5127 948.064, and 921.0024, the term "violent felony offender of  
 5128 special concern" means a person who is on:

5129 1. Felony probation or community control related to the  
 5130 commission of a qualifying offense committed on or after the  
 5131 effective date of this act;

5132 2. Felony probation or community control for any offense  
 5133 committed on or after the effective date of this act, and has  
 5134 previously been convicted of a qualifying offense;

5135 3. Felony probation or community control for any offense  
 5136 committed on or after the effective date of this act, and is  
 5137 found to have violated that probation or community control by

5138 committing a qualifying offense;

5139 4. Felony probation or community control and has  
 5140 previously been found by a court to be a habitual violent felony  
 5141 offender as defined in s. 775.084(1)(b) and has committed a  
 5142 qualifying offense on or after the effective date of this act;

5143 5. Felony probation or community control and has  
 5144 previously been found by a court to be a three-time violent  
 5145 felony offender as defined in s. 775.084(1)(c) and has committed  
 5146 a qualifying offense on or after the effective date of this act;  
 5147 or

5148 6. Felony probation or community control and has  
 5149 previously been found by a court to be a sexual predator under  
 5150 s. 775.21 and has committed a qualifying offense on or after the  
 5151 effective date of this act.

5152 (d) In the case of an alleged violation of probation or  
 5153 community control other than a failure to pay costs, fines, or  
 5154 restitution, the following individuals shall remain in custody  
 5155 pending the resolution of the probation or community control  
 5156 violation:

5157 1. A violent felony offender of special concern, as  
 5158 defined in this section;

5159 2. A person who is on felony probation or community  
 5160 control for any offense committed on or after the effective date  
 5161 of this act and who is arrested for a qualifying offense as  
 5162 defined in this section; or

5163 3. A person who is on felony probation or community  
 5164 control and has previously been found by a court to be a  
 5165 habitual violent felony offender as defined in s. 775.084(1)(b),  
 5166 a three-time violent felony offender as defined in s.  
 5167 775.084(1)(c), or a sexual predator under s. 775.21, and who is  
 5168 arrested for committing a qualifying offense as defined in this  
 5169 section on or after the effective date of this act.

5170  
 5171 The court shall not dismiss the probation or community control  
 5172 violation warrant pending against an offender enumerated in this  
 5173 paragraph without holding a recorded violation-of-probation  
 5174 hearing at which both the state and the offender are  
 5175 represented.

5176 Section 119. For the purpose of incorporating the  
 5177 amendments made by this act to sections 775.21, 943.0435, and  
 5178 944.607, Florida Statutes, in references thereto, section  
 5179 948.063, Florida Statutes, is reenacted to read:

5180 948.063 Violations of probation or community control by  
 5181 designated sexual offenders and sexual predators.—

5182 (1) If probation or community control for any felony  
 5183 offense is revoked by the court pursuant to s. 948.06(2)(e) and  
 5184 the offender is designated as a sexual offender pursuant to s.  
 5185 943.0435 or s. 944.607 or as a sexual predator pursuant to s.  
 5186 775.21 for unlawful sexual activity involving a victim 15 years  
 5187 of age or younger and the offender is 18 years of age or older,

5188 and if the court imposes a subsequent term of supervision  
 5189 following the revocation of probation or community control, the  
 5190 court must order electronic monitoring as a condition of the  
 5191 subsequent term of probation or community control.

5192 (2) If the probationer or offender is required to register  
 5193 as a sexual predator under s. 775.21 or as a sexual offender  
 5194 under s. 943.0435 or s. 944.607 for unlawful sexual activity  
 5195 involving a victim 15 years of age or younger and the  
 5196 probationer or offender is 18 years of age or older and has  
 5197 violated the conditions of his or her probation or community  
 5198 control, but the court does not revoke the probation or  
 5199 community control, the court shall nevertheless modify the  
 5200 probation or community control to include electronic monitoring  
 5201 for any probationer or offender not then subject to electronic  
 5202 monitoring.

5203 Section 120. For the purpose of incorporating the  
 5204 amendment made by this act to section 775.21, Florida Statutes,  
 5205 in a reference thereto, subsection (4) of section 948.064,  
 5206 Florida Statutes, is reenacted to read:

5207 948.064 Notification of status as a violent felony  
 5208 offender of special concern.—

5209 (4) The state attorney, or the statewide prosecutor if  
 5210 applicable, shall advise the court at each critical stage in the  
 5211 judicial process, at which the state attorney or statewide  
 5212 prosecutor is represented, whether an alleged or convicted

5213 offender is a violent felony offender of special concern; a  
 5214 person who is on felony probation or community control for any  
 5215 offense committed on or after the effective date of this act and  
 5216 who is arrested for a qualifying offense; or a person who is on  
 5217 felony probation or community control and has previously been  
 5218 found by a court to be a habitual violent felony offender as  
 5219 defined in s. 775.084(1)(b), a three-time violent felony  
 5220 offender as defined in s. 775.084(1)(c), or a sexual predator  
 5221 under s. 775.21, and who is arrested for committing a qualifying  
 5222 offense on or after the effective date of this act.

5223 Section 121. For the purpose of incorporating the  
 5224 amendment made by this act to section 948.06, Florida Statutes,  
 5225 in a reference thereto, paragraph (a) of subsection (7) of  
 5226 section 948.08, Florida Statutes, is reenacted to read:

5227 948.08 Pretrial intervention program.—

5228 (7) (a) Notwithstanding any provision of this section, a  
 5229 person who is charged with a felony, other than a felony listed  
 5230 in s. 948.06(8)(c), and identified as a veteran, as defined in  
 5231 s. 1.01, including a veteran who is discharged or released under  
 5232 a general discharge, or servicemember, as defined in s. 250.01,  
 5233 who suffers from a military service-related mental illness,  
 5234 traumatic brain injury, substance abuse disorder, or  
 5235 psychological problem, is eligible for voluntary admission into  
 5236 a pretrial veterans' treatment intervention program approved by  
 5237 the chief judge of the circuit, upon motion of either party or

5238 the court's own motion, except:

5239 1. If a defendant was previously offered admission to a  
 5240 pretrial veterans' treatment intervention program at any time  
 5241 before trial and the defendant rejected that offer on the  
 5242 record, the court may deny the defendant's admission to such a  
 5243 program.

5244 2. If a defendant previously entered a court-ordered  
 5245 veterans' treatment program, the court may deny the defendant's  
 5246 admission into the pretrial veterans' treatment program.

5247 Section 122. For the purpose of incorporating the  
 5248 amendment made by this act to section 775.21, Florida Statutes,  
 5249 in a reference thereto, subsection (3) of section 948.12,  
 5250 Florida Statutes, is reenacted to read:

5251 948.12 Intensive supervision for postprison release of  
 5252 violent offenders.—It is the finding of the Legislature that the  
 5253 population of violent offenders released from state prison into  
 5254 the community poses the greatest threat to the public safety of  
 5255 the groups of offenders under community supervision. Therefore,  
 5256 for the purpose of enhanced public safety, any offender released  
 5257 from state prison who:

5258 (3) Has been found to be a sexual predator pursuant to s.  
 5259 775.21,

5260  
 5261 and who has a term of probation to follow the period of  
 5262 incarceration shall be provided intensive supervision by

5263 | experienced correctional probation officers. Subject to specific  
 5264 | appropriation by the Legislature, caseloads may be restricted to  
 5265 | a maximum of 40 offenders per officer to provide for enhanced  
 5266 | public safety as well as to effectively monitor conditions of  
 5267 | electronic monitoring or curfews, if such was ordered by the  
 5268 | court.

5269 |       Section 123. For the purpose of incorporating the  
 5270 | amendments made by this act to sections 775.21 and 943.0435,  
 5271 | Florida Statutes, in references thereto, paragraph (b) of  
 5272 | subsection (3) and subsection (4) of section 948.30, Florida  
 5273 | Statutes, are reenacted to read:

5274 |       948.30 Additional terms and conditions of probation or  
 5275 | community control for certain sex offenses.—Conditions imposed  
 5276 | pursuant to this section do not require oral pronouncement at  
 5277 | the time of sentencing and shall be considered standard  
 5278 | conditions of probation or community control for offenders  
 5279 | specified in this section.

5280 |       (3) Effective for a probationer or community controllee  
 5281 | whose crime was committed on or after September 1, 2005, and  
 5282 | who:

5283 |       (b) Is designated a sexual predator pursuant to s. 775.21;  
 5284 | or

5285 |  
 5286 | the court must order, in addition to any other provision of this  
 5287 | section, mandatory electronic monitoring as a condition of the

5288 | probation or community control supervision.

5289 |         (4) In addition to all other conditions imposed, for a  
 5290 | probationer or community controllee who is subject to  
 5291 | supervision for a crime that was committed on or after May 26,  
 5292 | 2010, and who has been convicted at any time of committing, or  
 5293 | attempting, soliciting, or conspiring to commit, any of the  
 5294 | criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a  
 5295 | similar offense in another jurisdiction, against a victim who  
 5296 | was under the age of 18 at the time of the offense; if the  
 5297 | offender has not received a pardon for any felony or similar law  
 5298 | of another jurisdiction necessary for the operation of this  
 5299 | subsection, if a conviction of a felony or similar law of  
 5300 | another jurisdiction necessary for the operation of this  
 5301 | subsection has not been set aside in any postconviction  
 5302 | proceeding, or if the offender has not been removed from the  
 5303 | requirement to register as a sexual offender or sexual predator  
 5304 | pursuant to s. 943.04354, the court must impose the following  
 5305 | conditions:

5306 |         (a) A prohibition on visiting schools, child care  
 5307 | facilities, parks, and playgrounds, without prior approval from  
 5308 | the offender's supervising officer. The court may also designate  
 5309 | additional locations to protect a victim. The prohibition  
 5310 | ordered under this paragraph does not prohibit the offender from  
 5311 | visiting a school, child care facility, park, or playground for  
 5312 | the sole purpose of attending a religious service as defined in

5313 s. 775.0861 or picking up or dropping off the offender's  
 5314 children or grandchildren at a child care facility or school.

5315 (b) A prohibition on distributing candy or other items to  
 5316 children on Halloween; wearing a Santa Claus costume, or other  
 5317 costume to appeal to children, on or preceding Christmas;  
 5318 wearing an Easter Bunny costume, or other costume to appeal to  
 5319 children, on or preceding Easter; entertaining at children's  
 5320 parties; or wearing a clown costume; without prior approval from  
 5321 the court.

5322 Section 124. For the purpose of incorporating the  
 5323 amendments made by this act to sections 775.21, 943.0435,  
 5324 944.606, and 944.607, Florida Statutes, in references thereto,  
 5325 section 948.31, Florida Statutes, is reenacted to read:

5326 948.31 Evaluation and treatment of sexual predators and  
 5327 offenders on probation or community control.—The court may  
 5328 require any probationer or community controllee who is required  
 5329 to register as a sexual predator under s. 775.21 or sexual  
 5330 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
 5331 an evaluation, at the probationer or community controllee's  
 5332 expense, by a qualified practitioner to determine whether such  
 5333 probationer or community controllee needs sexual offender  
 5334 treatment. If the qualified practitioner determines that sexual  
 5335 offender treatment is needed and recommends treatment, the  
 5336 probationer or community controllee must successfully complete  
 5337 and pay for the treatment. Such treatment must be obtained from

5338 a qualified practitioner as defined in s. 948.001. Treatment may  
 5339 not be administered by a qualified practitioner who has been  
 5340 convicted or adjudicated delinquent of committing, or  
 5341 attempting, soliciting, or conspiring to commit, any offense  
 5342 that is listed in s. 943.0435(1)(h)1.a.(I).

5343 Section 125. For the purpose of incorporating the  
 5344 amendment made by this act to section 775.0877, Florida  
 5345 Statutes, in a reference thereto, section 951.27, Florida  
 5346 Statutes, is reenacted to read:

5347 951.27 Blood tests of inmates.—

5348 (1) Each county and each municipal detention facility  
 5349 shall have a written procedure developed, in consultation with  
 5350 the facility medical provider, establishing conditions under  
 5351 which an inmate will be tested for infectious disease, including  
 5352 human immunodeficiency virus pursuant to s. 775.0877, which  
 5353 procedure is consistent with guidelines of the Centers for  
 5354 Disease Control and Prevention and recommendations of the  
 5355 Correctional Medical Authority. It is not unlawful for the  
 5356 person receiving the test results to divulge the test results to  
 5357 the sheriff or chief correctional officer.

5358 (2) Except as otherwise provided in this subsection,  
 5359 serologic blood test results obtained pursuant to subsection (1)  
 5360 are confidential and exempt from the provisions of s. 119.07(1)  
 5361 and s. 24(a), Art. I of the State Constitution. However, such  
 5362 results may be provided to employees or officers of the sheriff

5363 or chief correctional officer who are responsible for the  
 5364 custody and care of the affected inmate and have a need to know  
 5365 such information, and as provided in ss. 775.0877 and 960.003.  
 5366 In addition, upon request of the victim or the victim's legal  
 5367 guardian, or the parent or legal guardian of the victim if the  
 5368 victim is a minor, the results of any HIV test performed on an  
 5369 inmate who has been arrested for any sexual offense involving  
 5370 oral, anal, or vaginal penetration by, or union with, the sexual  
 5371 organ of another, shall be disclosed to the victim or the  
 5372 victim's legal guardian, or to the parent or legal guardian of  
 5373 the victim if the victim is a minor. In such cases, the county  
 5374 or municipal detention facility shall furnish the test results  
 5375 to the Department of Health, which is responsible for disclosing  
 5376 the results to public health agencies as provided in s. 775.0877  
 5377 and to the victim or the victim's legal guardian, or the parent  
 5378 or legal guardian of the victim if the victim is a minor, as  
 5379 provided in s. 960.003(3).

5380 (3) The results of any serologic blood test on an inmate  
 5381 are a part of that inmate's permanent medical file. Upon  
 5382 transfer of the inmate to any other correctional facility, such  
 5383 file is also transferred, and all relevant authorized persons  
 5384 must be notified of positive HIV test results, as required in s.  
 5385 775.0877.

5386 Section 126. For the purpose of incorporating the  
 5387 amendment made by this act to section 775.0877, Florida

5388 Statutes, in references thereto, paragraphs (a) and (b) of  
 5389 subsection (2) and paragraph (a) of subsection (3) of section  
 5390 960.003, Florida Statutes, are reenacted to read:

5391 960.003 Hepatitis and HIV testing for persons charged with  
 5392 or alleged by petition for delinquency to have committed certain  
 5393 offenses; disclosure of results to victims.—

5394 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION  
 5395 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5396 (a) In any case in which a person has been charged by  
 5397 information or indictment with or alleged by petition for  
 5398 delinquency to have committed any offense enumerated in s.  
 5399 775.0877(1)(a)-(n), which involves the transmission of body  
 5400 fluids from one person to another, upon request of the victim or  
 5401 the victim's legal guardian, or of the parent or legal guardian  
 5402 of the victim if the victim is a minor, the court shall order  
 5403 such person to undergo hepatitis and HIV testing within 48 hours  
 5404 after the information, indictment, or petition for delinquency  
 5405 is filed. In the event the victim or, if the victim is a minor,  
 5406 the victim's parent or legal guardian requests hepatitis and HIV  
 5407 testing after 48 hours have elapsed from the filing of the  
 5408 indictment, information, or petition for delinquency, the  
 5409 testing shall be done within 48 hours after the request.

5410 (b) However, when a victim of any sexual offense  
 5411 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at  
 5412 the time the offense was committed or when a victim of any

5413 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.  
 5414 825.1025 is a disabled adult or elderly person as defined in s.  
 5415 825.1025 regardless of whether the offense involves the  
 5416 transmission of bodily fluids from one person to another, then  
 5417 upon the request of the victim or the victim's legal guardian,  
 5418 or of the parent or legal guardian, the court shall order such  
 5419 person to undergo hepatitis and HIV testing within 48 hours  
 5420 after the information, indictment, or petition for delinquency  
 5421 is filed. In the event the victim or, if the victim is a minor,  
 5422 the victim's parent or legal guardian requests hepatitis and HIV  
 5423 testing after 48 hours have elapsed from the filing of the  
 5424 indictment, information, or petition for delinquency, the  
 5425 testing shall be done within 48 hours after the request. The  
 5426 testing shall be performed under the direction of the Department  
 5427 of Health in accordance with s. 381.004. The results of a  
 5428 hepatitis and HIV test performed on a defendant or juvenile  
 5429 offender pursuant to this subsection shall not be admissible in  
 5430 any criminal or juvenile proceeding arising out of the alleged  
 5431 offense.

5432 (3) DISCLOSURE OF RESULTS.—

5433 (a) The results of the test shall be disclosed no later  
 5434 than 2 weeks after the court receives such results, under the  
 5435 direction of the Department of Health, to the person charged  
 5436 with or alleged by petition for delinquency to have committed or  
 5437 to the person convicted of or adjudicated delinquent for any

5438 offense enumerated in s. 775.0877(1)(a)-(n), which involves the  
 5439 transmission of body fluids from one person to another, and,  
 5440 upon request, to the victim or the victim's legal guardian, or  
 5441 the parent or legal guardian of the victim if the victim is a  
 5442 minor, and to public health agencies pursuant to s. 775.0877. If  
 5443 the alleged offender is a juvenile, the test results shall also  
 5444 be disclosed to the parent or guardian. When the victim is a  
 5445 victim as described in paragraph (2)(b), the test results must  
 5446 also be disclosed no later than 2 weeks after the court receives  
 5447 such results, to the person charged with or alleged by petition  
 5448 for delinquency to have committed or to the person convicted of  
 5449 or adjudicated delinquent for any offense enumerated in s.  
 5450 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the  
 5451 offense involves the transmission of bodily fluids from one  
 5452 person to another, and, upon request, to the victim or the  
 5453 victim's legal guardian, or the parent or legal guardian of the  
 5454 victim, and to public health agencies pursuant to s. 775.0877.  
 5455 Otherwise, hepatitis and HIV test results obtained pursuant to  
 5456 this section are confidential and exempt from the provisions of  
 5457 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and  
 5458 shall not be disclosed to any other person except as expressly  
 5459 authorized by law or court order.

5460 Section 127. For the purpose of incorporating the  
 5461 amendment made by this act to section 39.01, Florida Statutes,  
 5462 in a reference thereto, subsection (5) of section 960.065,

5463 Florida Statutes, is reenacted to read:

5464 960.065 Eligibility for awards.—

5465 (5) A person is not ineligible for an award pursuant to  
 5466 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
 5467 person is a victim of sexual exploitation of a child as defined  
 5468 in s. 39.01(70) (g).

5469 Section 128. For the purpose of incorporating the  
 5470 amendment made by this act to section 39.01, Florida Statutes,  
 5471 in a reference thereto, subsection (2) of section 984.03,  
 5472 Florida Statutes, is reenacted to read:

5473 984.03 Definitions.—When used in this chapter, the term:

5474 (2) "Abuse" means any willful act that results in any  
 5475 physical, mental, or sexual injury that causes or is likely to  
 5476 cause the child's physical, mental, or emotional health to be  
 5477 significantly impaired. Corporal discipline of a child by a  
 5478 parent or guardian for disciplinary purposes does not in itself  
 5479 constitute abuse when it does not result in harm to the child as  
 5480 defined in s. 39.01.

5481 Section 129. For the purpose of incorporating the  
 5482 amendment made by this act to section 985.475, Florida Statutes,  
 5483 in a reference thereto, paragraph (c) of subsection (5) of  
 5484 section 985.0301, Florida Statutes, is reenacted to read:

5485 985.0301 Jurisdiction.—

5486 (5)

5487 (c) The court shall retain jurisdiction over a juvenile

5488 sexual offender, as defined in s. 985.475, who has been placed  
 5489 on community-based treatment alternative with supervision or who  
 5490 has been placed in a program or facility for juvenile sexual  
 5491 offenders, pursuant to s. 985.48, until the juvenile sexual  
 5492 offender reaches 21 years of age, specifically for the purpose  
 5493 of allowing the juvenile to complete the program.

5494 Section 130. For the purpose of incorporating the  
 5495 amendments made by this act to sections 775.21, 943.0435,  
 5496 944.606 and 944.607, Florida Statutes, in references thereto,  
 5497 paragraph (b) of subsection (6) of section 985.04, Florida  
 5498 Statutes, is reenacted to read:

5499 985.04 Oaths; records; confidential information.—

5500 (6)

5501 (b) Sexual offender and predator registration information  
 5502 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,  
 5503 and 985.4815 is a public record pursuant to s. 119.07(1) and as  
 5504 otherwise provided by law.

5505 Section 131. For the purpose of incorporating the  
 5506 amendment made by this act to section 985.475, Florida Statutes,  
 5507 in a reference thereto, paragraph (c) of subsection (1) of  
 5508 section 985.441, Florida Statutes, is reenacted to read:

5509 985.441 Commitment.—

5510 (1) The court that has jurisdiction of an adjudicated  
 5511 delinquent child may, by an order stating the facts upon which a  
 5512 determination of a sanction and rehabilitative program was made

5513 | at the disposition hearing:

5514 |       (c) Commit the child to the department for placement in a  
5515 | program or facility for juvenile sexual offenders in accordance  
5516 | with s. 985.48, subject to specific appropriation for such a  
5517 | program or facility.

5518 |       1. The child may only be committed for such placement  
5519 | pursuant to determination that the child is a juvenile sexual  
5520 | offender under the criteria specified in s. 985.475.

5521 |       2. Any commitment of a juvenile sexual offender to a  
5522 | program or facility for juvenile sexual offenders must be for an  
5523 | indeterminate period of time, but the time may not exceed the  
5524 | maximum term of imprisonment that an adult may serve for the  
5525 | same offense.

5526 |       Section 132. For the purpose of incorporating the  
5527 | amendments made by this act to sections 775.21 and 943.0435  
5528 | Florida Statutes, in references thereto, subsection (9) of  
5529 | section 985.4815, Florida Statutes, is reenacted to read:

5530 |       985.4815 Notification to Department of Law Enforcement of  
5531 | information on juvenile sexual offenders.—

5532 |       (9) A sexual offender, as described in this section, who  
5533 | is under the care, jurisdiction, or supervision of the  
5534 | department but who is not incarcerated shall, in addition to the  
5535 | registration requirements provided in subsection (4), register  
5536 | in the manner provided in s. 943.0435(3), (4), and (5), unless  
5537 | the sexual offender is a sexual predator, in which case he or

5538 she shall register as required under s. 775.21. A sexual  
 5539 offender who fails to comply with the requirements of s.  
 5540 943.0435 is subject to the penalties provided in s. 943.0435(9).

5541 Section 133. For the purpose of incorporating the  
 5542 amendment made by this act to section 943.0435, Florida  
 5543 Statutes, in a reference thereto, paragraph (g) of subsection  
 5544 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5545 1012.467 Noninstructional contractors who are permitted  
 5546 access to school grounds when students are present; background  
 5547 screening requirements.—

5548 (2)

5549 (g) A noninstructional contractor for whom a criminal  
 5550 history check is required under this section may not have been  
 5551 convicted of any of the following offenses designated in the  
 5552 Florida Statutes, any similar offense in another jurisdiction,  
 5553 or any similar offense committed in this state which has been  
 5554 redesignated from a former provision of the Florida Statutes to  
 5555 one of the following offenses:

5556 1. Any offense listed in s. 943.0435(1)(h)1., relating to  
 5557 the registration of an individual as a sexual offender.

5558 2. Section 393.135, relating to sexual misconduct with  
 5559 certain developmentally disabled clients and the reporting of  
 5560 such sexual misconduct.

5561 3. Section 394.4593, relating to sexual misconduct with  
 5562 certain mental health patients and the reporting of such sexual

- 5563 misconduct.
- 5564 4. Section 775.30, relating to terrorism.
- 5565 5. Section 782.04, relating to murder.
- 5566 6. Section 787.01, relating to kidnapping.
- 5567 7. Any offense under chapter 800, relating to lewdness and
- 5568 indecent exposure.
- 5569 8. Section 826.04, relating to incest.
- 5570 9. Section 827.03, relating to child abuse, aggravated
- 5571 child abuse, or neglect of a child.
- 5572 Section 134. This act shall take effect October 1, 2017.