

1 A bill to be entitled
 2 An act relating to child pornography; amending s.
 3 775.0847, F.S.; revising definitions; conforming to
 4 changes made by the act; repealing s. 827.071; F.S.;
 5 repealing provisions relating to sexual performance by
 6 a child; amending s. 847.001, F.S.; revising
 7 definitions; creating s. 847.003, F.S.; providing
 8 definitions; prohibiting a person from using a child
 9 in a sexual performance; prohibiting a person from
 10 promoting a sexual performance by a child; providing
 11 penalties; amending s. 847.0137, F.S.; providing
 12 definitions; prohibiting a person from possessing with
 13 the intent to promote child pornography; prohibiting a
 14 person from knowingly possessing, controlling, or
 15 intentionally viewing child pornography; providing
 16 penalties; amending s. 947.1405, F.S.; requiring
 17 certain conditions of supervision be imposed on
 18 conditional releasees convicted of specified offenses;
 19 amending s. 948.013, F.S.; prohibiting certain
 20 offenders from being placed on administrative
 21 probation; amending s. 948.30, F.S.; requiring certain
 22 conditions of supervision be imposed on offenders
 23 convicted of specified offenses; amending ss. 16.56,
 24 39.01, 39.0132, 39.0139, 39.301, 39.509, 90.404,
 25 92.56, 92.561, 92.565, 435.04, 456.074, 480.041,
 26 480.043, 743.067, 772.102, 775.082, 775.0877, 775.21,

27 | 775.215, 784.046, 794.0115, 794.024, 794.056, 796.001,
 28 | 847.0135, 847.01357, 856.022, 895.02, 905.34, 937.07,
 29 | 938.085, 938.10, 943.0435, 943.04354, 943.0585,
 30 | 943.059, 944.606, 944.607, 948.03, 948.04, 948.06,
 31 | 948.062, 948.101, 948.32, 960.03, 960.197, 985.04,
 32 | 985.475, 1012.315, and 921.0022 to conform to changes
 33 | made by the act; reenacting s. 944.11, F.S., to
 34 | incorporate the amendment made the act to s. 847.001,
 35 | F.S.; directing the Division of Law Revision and
 36 | Information to rename Chapter 847, F.S., as
 37 | "Obscenity; Child Pornography;" providing an effective
 38 | date.

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:
 41 |

42 | Section 1. Paragraph (a) of subsection (1) of section
 43 | 16.56, Florida Statutes, is amended to read:

44 | 16.56 Office of Statewide Prosecution.—

45 | (1) There is created in the Department of Legal Affairs an
 46 | Office of Statewide Prosecution. The office shall be a separate
 47 | "budget entity" as that term is defined in chapter 216. The
 48 | office may:

49 | (a) Investigate and prosecute the offenses of:

50 | 1. Bribery, burglary, criminal usury, extortion, gambling,
 51 | kidnapping, larceny, murder, prostitution, perjury, robbery,
 52 | carjacking, and home-invasion robbery;

- 53 2. Any crime involving narcotic or other dangerous drugs;
- 54 3. Any violation of the provisions of the Florida RICO
- 55 (Racketeer Influenced and Corrupt Organization) Act, including
- 56 any offense listed in the definition of racketeering activity in
- 57 s. 895.02(1)(a), providing such listed offense is investigated
- 58 in connection with a violation of s. 895.03 and is charged in a
- 59 separate count of an information or indictment containing a
- 60 count charging a violation of s. 895.03, the prosecution of
- 61 which listed offense may continue independently if the
- 62 prosecution of the violation of s. 895.03 is terminated for any
- 63 reason;
- 64 4. Any violation of the provisions of the Florida Anti-
- 65 Fencing Act;
- 66 5. Any violation of the provisions of the Florida
- 67 Antitrust Act of 1980, as amended;
- 68 6. Any crime involving, or resulting in, fraud or deceit
- 69 upon any person;
- 70 7. Any violation of s. 847.0135, relating to computer
- 71 pornography and child exploitation prevention, or any offense
- 72 related to a violation of former s. 827.071, s. 847.003, s.
- 73 847.0135, or s. 847.0137 ~~or any violation of chapter 827~~ where
- 74 the crime is facilitated by or connected to the use of the
- 75 Internet or any device capable of electronic data storage or
- 76 transmission;
- 77 8. Any violation of the provisions of chapter 815;
- 78 9. Any criminal violation of part I of chapter 499;

79 10. Any violation of the provisions of the Florida Motor
80 Fuel Tax Relief Act of 2004;

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

82 12. Any crime involving voter registration, voting, or
83 candidate or issue petition activities;

84 13. Any criminal violation of the Florida Money Laundering
85 Act;

86 14. Any criminal violation of the Florida Securities and
87 Investor Protection Act; or

88 15. Any violation of the provisions of chapter 787, as
89 well as any and all offenses related to a violation of the
90 provisions of chapter 787;

91
92 or any attempt, solicitation, or conspiracy to commit any of the
93 crimes specifically enumerated above. The office shall have such
94 power only when any such offense is occurring, or has occurred,
95 in two or more judicial circuits as part of a related
96 transaction, or when any such offense is connected with an
97 organized criminal conspiracy affecting two or more judicial
98 circuits. Informations or indictments charging such offenses
99 shall contain general allegations stating the judicial circuits
100 and counties in which crimes are alleged to have occurred or the
101 judicial circuits and counties in which crimes affecting such
102 circuits or counties are alleged to have been connected with an
103 organized criminal conspiracy.

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

105 (g) of subsection (69) of section 39.01, Florida Statutes, are
 106 amended to read:

107 39.01 Definitions.—When used in this chapter, unless the
 108 context otherwise requires:

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

111 (c) Allows, encourages, or forces the sexual exploitation
 112 of a child, which includes allowing, encouraging, or forcing a
 113 child to:

- 114 1. Solicit for or engage in prostitution; or
- 115 2. Engage in a sexual performance, as defined by former s.
 116 827.081, ~~chapter 827~~ or s. 847.003.

117 (69) "Sexual abuse of a child" for purposes of finding a
 118 child to be dependent means one or more of the following acts:

119 (g) The sexual exploitation of a child, which includes the
 120 act of a child offering to engage in or engaging in
 121 prostitution, provided that the child is not under arrest or is
 122 not being prosecuted in a delinquency or criminal proceeding for
 123 a violation of any offense in chapter 796 based on such
 124 behavior; or allowing, encouraging, or forcing a child to:

- 125 1. Solicit for or engage in prostitution;
- 126 2. Engage in a sexual performance, as defined by former s.
 127 827.071, ~~chapter 827~~ or s. 847.003; or

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

130 Section 3. Paragraph (b) of subsection (4) of section

131 39.0132, Florida Statutes, is amended to read:
 132 39.0132 Oaths, records, and confidential information.—
 133 (4)
 134 (b) The department shall disclose to the school
 135 superintendent the presence of any child in the care and custody
 136 or under the jurisdiction or supervision of the department who
 137 has a known history of criminal sexual behavior with other
 138 juveniles; is an alleged juvenile sex offender, as defined in s.
 139 39.01; or has pled guilty or nolo contendere to, or has been
 140 found to have committed, a violation of chapter 794, chapter
 141 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 142 or 847.0137, regardless of adjudication. Any employee of a
 143 district school board who knowingly and willfully discloses such
 144 information to an unauthorized person commits a misdemeanor of
 145 the second degree, punishable as provided in s. 775.082 or s.
 146 775.083.
 147 Section 4. Paragraph (a) of subsection (3) of section
 148 39.0139, Florida Statutes, is amended to read:
 149 39.0139 Visitation or other contact; restrictions.—
 150 (3) PRESUMPTION OF DETRIMENT.—
 151 (a) A rebuttable presumption of detriment to a child is
 152 created when:
 153 1. A court of competent jurisdiction has found probable
 154 cause exists that a parent or caregiver has sexually abused a
 155 child as defined in s. 39.01;
 156 2. A parent or caregiver has been found guilty of,

157 regardless of adjudication, or has entered a plea of guilty or
 158 nolo contendere to, charges under the following statutes or
 159 substantially similar statutes of other jurisdictions:

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

162 b. Section 794.011, relating to sexual battery;

163 c. Section 798.02, relating to lewd and lascivious
 164 behavior;

165 d. Chapter 800, relating to lewdness and indecent
 166 exposure;

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

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

169 g. Section 847.003, relating to sexual performance by a
 170 child; or

171 h. Section 847.0137, relating to child pornography; or

172 3. A court of competent jurisdiction has determined a
 173 parent or caregiver to be a sexual predator as defined in s.
 174 775.21 or a parent or caregiver has received a substantially
 175 similar designation under laws of another jurisdiction.

176 Section 5. Paragraph (b) of subsection (2) of section
 177 39.301, Florida Statutes, is amended to read:

178 39.301 Initiation of protective investigations.-

179 (2)

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

182 1. A child is known or suspected to be the victim of child

183 abuse, as defined in s. 827.03, or of neglect of a child, as
 184 defined in s. 827.03.

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

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

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

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

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

197 Section 6. Paragraph (a) of subsection (6) of section
 198 39.509, Florida Statutes, is amended to read:

199 39.509 Grandparents rights.—Notwithstanding any other
 200 provision of law, a maternal or paternal grandparent as well as
 201 a stepgrandparent is entitled to reasonable visitation with his
 202 or her grandchild who has been adjudicated a dependent child and
 203 taken from the physical custody of the parent unless the court
 204 finds that such visitation is not in the best interest of the
 205 child or that such visitation would interfere with the goals of
 206 the case plan. Reasonable visitation may be unsupervised and,
 207 where appropriate and feasible, may be frequent and continuing.
 208 Any order for visitation or other contact must conform to the

209 provisions of s. 39.0139.

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

213 (a) The finding of guilt, regardless of adjudication, or
 214 entry or plea of guilty or nolo contendere to charges under the
 215 following statutes, or similar statutes of other jurisdictions:
 216 s. 787.04, relating to removing minors from the state or
 217 concealing minors contrary to court order; s. 794.011, relating
 218 to sexual battery; s. 798.02, relating to lewd and lascivious
 219 behavior; chapter 800, relating to lewdness and indecent
 220 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
 221 relating to the abuse of children, s. 847.003, relating to
 222 sexual performance by a child; or s. 847.0137, relating to child
 223 pornography.

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

226 90.404 Character evidence; when admissible.—

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

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

233 2. For the purposes of this paragraph, the term "child
 234 molestation" means conduct proscribed by s. 787.025(2)(c), s.

235 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
 236 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
 237 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
 238 847.0137, s. 847.0145, or s. 985.701(1) when committed against a
 239 person 16 years of age or younger.

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

245 2. For the purposes of this paragraph, the term "sexual
 246 offense" means conduct proscribed by s. 787.025(2)(c), s.
 247 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
 248 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
 249 former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
 250 847.003, s. 847.0135(5), s. 847.0137, s. 847.0145, or s.
 251 985.701(1).

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

254 92.56 Judicial proceedings and court records involving
 255 sexual offenses and human trafficking.—

256 (2) A defendant charged with a crime described in s.
 257 787.06(3)(a)1., (c)1., or (e)1.; or s. 787.06(3)(b), (d), (f), or
 258 (g); or chapter 794; ~~or~~ ~~chapter 800~~; or with child abuse or
 259 aggravated child abuse, ~~or sexual performance by a child as~~
 260 described in chapter 827; or sexual performance by a child as

261 described in former s. 827.071 or s. 847.003; may apply to the
 262 trial court for an order of disclosure of information in court
 263 records held confidential and exempt pursuant to s.
 264 119.0714(1)(h) or maintained as confidential and exempt pursuant
 265 to court order under this section. Such identifying information
 266 concerning the victim may be released to the defendant or his or
 267 her attorney in order to prepare the defense. The confidential
 268 and exempt status of this information may not be construed to
 269 prevent the disclosure of the victim's identity to the
 270 defendant; however, the defendant may not disclose the victim's
 271 identity to any person other than the defendant's attorney or
 272 any other person directly involved in the preparation of the
 273 defense. A willful and knowing disclosure of the identity of the
 274 victim to any other person by the defendant constitutes
 275 contempt.

276 (3) The state may use a pseudonym instead of the victim's
 277 name to designate the victim of a crime described in s.
 278 787.06(3)(a)1., (c)1., or (e)1.; in s. 787.06(3)(b), (d), (f),
 279 or (g); ~~or in~~ chapter 794; ~~or~~ chapter 800; ~~or~~
 280 or aggravated child abuse, ~~or sexual performance by a child~~ as
 281 described in chapter 827; ~~or~~ or of sexual performance by a child
 282 as described in former s. 827.071 or s. 847.003; or any crime
 283 involving the production, possession, or promotion of child
 284 pornography as described in chapter 847, in all court records
 285 and records of court proceedings, both civil and criminal.

286 (5) This section does not prohibit the publication or

287 broadcast of the substance of trial testimony in a prosecution
 288 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.;;
 289 s. 787.06(3)(b), (d), (f), or (g);; chapter 794;;~~or~~ chapter
 290 800;;~~or~~ a crime of child abuse or aggravated child abuse, ~~or~~
 291 ~~sexual performance by a child,~~ as described in chapter 827; or
 292 sexual performance by a child as described in former s. 827.071
 293 or s. 847.003; but the publication or broadcast may not include
 294 an identifying photograph, an identifiable voice, or the name or
 295 address of the victim, unless the victim has consented in
 296 writing to the publication and filed such consent with the court
 297 or unless the court has declared such records not confidential
 298 and exempt as provided for in subsection (1).

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

301 92.561 Prohibition on reproduction of child pornography.—

302 (1) In a criminal proceeding, any property or material
 303 that portrays sexual performance by a child as defined in former
 304 s. 827.071 or s. 847.003, or constitutes child pornography as
 305 defined in s. 847.0137 ~~s. 847.001~~, must remain secured or locked
 306 in the care, custody, and control of a law enforcement agency,
 307 the state attorney, or the court.

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

310 92.565 Admissibility of confession in sexual abuse cases.—

311 (2) In any criminal action in which the defendant is
 312 charged with a crime against a victim under s. 794.011; s.

313 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
 314 s. 827.04, involving sexual abuse; former s. 827.071; s.
 315 847.003; ~~or~~ s. 847.0135(5); or s. 847.0137, or any other crime
 316 involving sexual abuse of another, or with any attempt,
 317 solicitation, or conspiracy to commit any of these crimes, the
 318 defendant's memorialized confession or admission is admissible
 319 during trial without the state having to prove a corpus delicti
 320 of the crime if the court finds in a hearing conducted outside
 321 the presence of the jury that the state is unable to show the
 322 existence of each element of the crime, and having so found,
 323 further finds that the defendant's confession or admission is
 324 trustworthy. Factors which may be relevant in determining
 325 whether the state is unable to show the existence of each
 326 element of the crime include, but are not limited to, the fact
 327 that, at the time the crime was committed, the victim was:

- 328 (a) Physically helpless, mentally incapacitated, or
- 329 mentally defective, as those terms are defined in s. 794.011;
- 330 (b) Physically incapacitated due to age, infirmity, or any
- 331 other cause; or
- 332 (c) Less than 12 years of age.

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

335 435.04 Level 2 screening standards.—

- 336 (2) The security background investigations under this
- 337 section must ensure that no persons subject to the provisions of
- 338 this section have been arrested for and are awaiting final

339 disposition of, have been found guilty of, regardless of
 340 adjudication, or entered a plea of nolo contendere or guilty to,
 341 or have been adjudicated delinquent and the record has not been
 342 sealed or expunged for, any offense prohibited under any of the
 343 following provisions of state law or similar law of another
 344 jurisdiction:

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

347 (qq) Chapter 847, relating to obscenity and child
 348 pornography ~~obscene literature~~.

349 Section 12. Paragraphs (o), (p), (q), (r), and (s) of
 350 subsection (5) of section 456.074, Florida Statutes, are amended
 351 to read:

352 456.074 Certain health care practitioners; immediate
 353 suspension of license.—

354 (5) The department shall issue an emergency order
 355 suspending the license of a massage therapist or establishment
 356 as defined in chapter 480 upon receipt of information that the
 357 massage therapist, a person with an ownership interest in the
 358 establishment, or, for a corporation that has more than \$250,000
 359 of business assets in this state, the owner, officer, or
 360 individual directly involved in the management of the
 361 establishment has been convicted or found guilty of, or has
 362 entered a plea of guilty or nolo contendere to, regardless of
 363 adjudication, a felony offense under any of the following
 364 provisions of state law or a similar provision in another

365 jurisdiction:

366 (o) Former s. Section 827.071 and s. 847.003, relating to
367 sexual performance by a child.

368 (p) Section 847.0133, relating to the protection of
369 minors.

370 (q) Section 847.0135, relating to computer pornography.

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

372 (s)~~(r)~~ Section 847.0138, relating to the transmission of
373 material harmful to minors to a minor by electronic device or
374 equipment.

375 (t)~~(s)~~ Section 847.0145, relating to the selling or buying
376 of minors.

377 Section 13. Paragraphs (o), (p), (q), (r), and (s) of
378 subsection (7) of section 480.041, Florida Statutes, are amended
379 to read:

380 480.041 Massage therapists; qualifications; licensure;
381 endorsement.—

382 (7) The board shall deny an application for a new or
383 renewal license if an applicant has been convicted or found
384 guilty of, or enters a plea of guilty or nolo contendere to,
385 regardless of adjudication, a felony offense under any of the
386 following provisions of state law or a similar provision in
387 another jurisdiction:

388 (o) Former s. Section 827.071 and 847.003, relating to
389 sexual performance by a child.

390 (p) Section 847.0133, relating to the protection of

391 minors.

392 (q) Section 847.0135, relating to computer pornography.

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

394 (s)~~(r)~~ Section 847.0138, relating to the transmission of

395 material harmful to minors to a minor by electronic device or

396 equipment.

397 (t)~~(s)~~ Section 847.0145, relating to the selling or buying

398 of minors.

399 Section 14. Paragraphs (o), (p), (q), (r), and (s) of

400 subsection (8) of section 480.043, Florida Statutes, are amended

401 to read:

402 480.043 Massage establishments; requisites; licensure;

403 inspection.-

404 (8) The department shall deny an application for a new or

405 renewal license if a person with an ownership interest in the

406 establishment or, for a corporation that has more than \$250,000

407 of business assets in this state, the owner, officer, or

408 individual directly involved in the management of the

409 establishment has been convicted or found guilty of, or entered

410 a plea of guilty or nolo contendere to, regardless of

411 adjudication, a felony offense under any of the following

412 provisions of state law or a similar provision in another

413 jurisdiction:

414 (o) Former s. Section 827.071 and 847.003, relating to

415 sexual performance by a child.

416 (p) Section 847.0133, relating to the protection of

417 minors.

418 (q) Section 847.0135, relating to computer pornography.

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

420 (s)~~(r)~~ Section 847.0138, relating to the transmission of

421 material harmful to minors to a minor by electronic device or

422 equipment.

423 (t)~~(s)~~ Section 847.0145, relating to the selling or buying

424 of minors.

425 Section 15. Paragraph (b) of subsection (3) of section

426 743.067, Florida Statutes, is amended to read:

427 743.067 Unaccompanied homeless youths.—

428 (3) An unaccompanied homeless youth may:

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

430 dental, psychological, substance abuse, and surgical diagnosis

431 and treatment, including preventative care and care by a

432 facility licensed under chapter 394, chapter 395, or chapter 397

433 and any forensic medical examination for the purpose of

434 investigating any felony offense under chapter 784, chapter 787,

435 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.

436 847.0137, for:

437 1. Himself or herself; or

438 2. His or her child, if the unaccompanied homeless youth

439 is unmarried, is the parent of the child, and has actual custody

440 of the child.

441 Section 16. Paragraph (a) of subsection (1) of section

442 772.102, Florida Statutes, is amended to read:

443 772.102 Definitions.—As used in this chapter, the term:
 444 (1) "Criminal activity" means to commit, to attempt to
 445 commit, to conspire to commit, or to solicit, coerce, or
 446 intimidate another person to commit:
 447 (a) Any crime that is chargeable by indictment or
 448 information under the following provisions:
 449 1. Section 210.18, relating to evasion of payment of
 450 cigarette taxes.
 451 2. Section 414.39, relating to public assistance fraud.
 452 3. Section 440.105 or s. 440.106, relating to workers'
 453 compensation.
 454 4. Part IV of chapter 501, relating to telemarketing.
 455 5. Chapter 517, relating to securities transactions.
 456 6. Section 550.235 or s. 550.3551, relating to dogracing
 457 and horseracing.
 458 7. Chapter 550, relating to jai alai frontons.
 459 8. Chapter 552, relating to the manufacture, distribution,
 460 and use of explosives.
 461 9. Chapter 562, relating to beverage law enforcement.
 462 10. Section 624.401, relating to transacting insurance
 463 without a certificate of authority, s. 624.437(4)(c)1., relating
 464 to operating an unauthorized multiple-employer welfare
 465 arrangement, or s. 626.902(1)(b), relating to representing or
 466 aiding an unauthorized insurer.
 467 11. Chapter 687, relating to interest and usurious
 468 practices.

- 469 12. Section 721.08, s. 721.09, or s. 721.13, relating to
- 470 real estate timeshare plans.
- 471 13. Chapter 782, relating to homicide.
- 472 14. Chapter 784, relating to assault and battery.
- 473 15. Chapter 787, relating to kidnapping or human
- 474 trafficking.
- 475 16. Chapter 790, relating to weapons and firearms.
- 476 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
- 477 relating to prostitution.
- 478 18. Chapter 806, relating to arson.
- 479 19. Section 810.02(2)(c), relating to specified burglary
- 480 of a dwelling or structure.
- 481 20. Chapter 812, relating to theft, robbery, and related
- 482 crimes.
- 483 21. Chapter 815, relating to computer-related crimes.
- 484 22. Chapter 817, relating to fraudulent practices, false
- 485 pretenses, fraud generally, and credit card crimes.
- 486 23. Former Section 827.071, relating to commercial sexual
- 487 exploitation of children.
- 488 24. Chapter 831, relating to forgery and counterfeiting.
- 489 25. Chapter 832, relating to issuance of worthless checks
- 490 and drafts.
- 491 26. Section 836.05, relating to extortion.
- 492 27. Chapter 837, relating to perjury.
- 493 28. Chapter 838, relating to bribery and misuse of public
- 494 office.

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

496 30. Section 847.003, relating to sexual performance by a

497 child.

498 ~~3130.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

499 or s. 847.07, relating to obscene literature and profanity.

500 ~~3231.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

501 s. 849.25, relating to gambling.

502 ~~3332.~~ Chapter 893, relating to drug abuse prevention and

503 control.

504 ~~3433.~~ Section 914.22 or s. 914.23, relating to witnesses,

505 victims, or informants.

506 ~~3534.~~ Section 918.12 or s. 918.13, relating to tampering

507 with jurors and evidence.

508 Section 17. Paragraph (a) of subsection (9) of section

509 775.082, Florida Statutes, is amended to read:

510 775.082 Penalties; applicability of sentencing structures;

511 mandatory minimum sentences for certain reoffenders previously

512 released from prison.—

513 (9) (a)1. "Prison release reoffender" means any defendant

514 who commits, or attempts to commit:

515 a. Treason;

516 b. Murder;

517 c. Manslaughter;

518 d. Sexual battery;

519 e. Carjacking;

520 f. Home-invasion robbery;

- 521 g. Robbery;
- 522 h. Arson;
- 523 i. Kidnapping;
- 524 j. Aggravated assault with a deadly weapon;
- 525 k. Aggravated battery;
- 526 l. Aggravated stalking;
- 527 m. Aircraft piracy;
- 528 n. Unlawful throwing, placing, or discharging of a
- 529 destructive device or bomb;
- 530 o. Any felony that involves the use or threat of physical
- 531 force or violence against an individual;
- 532 p. Armed burglary;
- 533 q. Burglary of a dwelling or burglary of an occupied
- 534 structure; or
- 535 r. Any felony violation of s. 790.07, s. 800.04, s.
- 536 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
- 537 847.0137;
- 538
- 539 within 3 years after being released from a state correctional
- 540 facility operated by the Department of Corrections or a private
- 541 vendor or within 3 years after being released from a
- 542 correctional institution of another state, the District of
- 543 Columbia, the United States, any possession or territory of the
- 544 United States, or any foreign jurisdiction, following
- 545 incarceration for an offense for which the sentence is
- 546 punishable by more than 1 year in this state.

547 2. "Prison releasee reoffender" also means any defendant
 548 who commits or attempts to commit any offense listed in sub-
 549 subparagraphs (a)1.a.-r. while the defendant was serving a
 550 prison sentence or on escape status from a state correctional
 551 facility operated by the Department of Corrections or a private
 552 vendor or while the defendant was on escape status from a
 553 correctional institution of another state, the District of
 554 Columbia, the United States, any possession or territory of the
 555 United States, or any foreign jurisdiction, following
 556 incarceration for an offense for which the sentence is
 557 punishable by more than 1 year in this state.

558 3. If the state attorney determines that a defendant is a
 559 prison releasee reoffender as defined in subparagraph 1., the
 560 state attorney may seek to have the court sentence the defendant
 561 as a prison releasee reoffender. Upon proof from the state
 562 attorney that establishes by a preponderance of the evidence
 563 that a defendant is a prison releasee reoffender as defined in
 564 this section, such defendant is not eligible for sentencing
 565 under the sentencing guidelines and must be sentenced as
 566 follows:

567 a. For a felony punishable by life, by a term of
 568 imprisonment for life;

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

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

573 d. For a felony of the third degree, by a term of
574 imprisonment of 5 years.

575 Section 18. Paragraphs (b) and (f) of subsection (1) and
576 subsection (2) of section 775.0847, Florida Statutes, are
577 amended to read:

578 775.0847 Possession or promotion of certain visual
579 depictions ~~images~~ of child pornography; reclassification.-

580 (1) For purposes of this section:

581 (b) "Child pornography" has the same meaning as in s.
582 847.0137 ~~means any image depicting a minor engaged in sexual~~
583 ~~conduct.~~

584 (f) "Sexual conduct" means actual or simulated sexual
585 intercourse, deviate sexual intercourse, sexual bestiality,
586 masturbation, or sadomasochistic abuse; actual or simulated lewd
587 exhibition of the genitals; actual physical contact with a
588 person's clothed or unclothed genitals, pubic area, buttocks,
589 or, if such person is a female, breast with the intent to arouse
590 or gratify the sexual desire of either party; or any act or
591 conduct which constitutes sexual battery or simulates that
592 sexual battery is being or will be committed. A mother's
593 breastfeeding of her baby does not under any circumstance
594 constitute "sexual conduct."

595 (2) A violation of former s. 827.071, s. 847.003, s.
596 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
597 the next higher degree as provided in subsection (3) if:

598 (a) The offender possesses 10 or more visual depictions or

599 images of any form of child pornography regardless of content;
 600 and

601 (b) The content of at least one visual depiction or image
 602 contains one or more of the following:

- 603 1. A child who is younger than the age of 5.
- 604 2. Sadomasochistic abuse involving a child.
- 605 3. Sexual battery involving a child.
- 606 4. Sexual bestiality involving a child.
- 607 5. Any movie involving a child, regardless of length and
 608 regardless of whether the movie contains sound.

609 Section 19. Paragraph (1) of subsection (1) of section
 610 775.0877, Florida Statutes, is amended to read:

611 775.0877 Criminal transmission of HIV; procedures;
 612 penalties.—

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

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

620
 621 the court shall order the offender to undergo HIV testing, to be
 622 performed under the direction of the Department of Health in
 623 accordance with s. 381.004, unless the offender has undergone
 624 HIV testing voluntarily or pursuant to procedures established in

625 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 626 rule providing for HIV testing of criminal offenders or inmates,
 627 subsequent to her or his arrest for an offense enumerated in
 628 paragraphs (a)-(n) for which she or he was convicted or to which
 629 she or he pled nolo contendere or guilty. The results of an HIV
 630 test performed on an offender pursuant to this subsection are
 631 not admissible in any criminal proceeding arising out of the
 632 alleged offense.

633 Section 20. Paragraph (a) of subsection (4) and paragraph
 634 (b) of subsection (10) of section 775.21, Florida Statutes, is
 635 amended to read:

636 775.21 The Florida Sexual Predators Act.—

637 (4) SEXUAL PREDATOR CRITERIA.—

638 (a) For a current offense committed on or after October 1,
 639 1993, upon conviction, an offender shall be designated as a
 640 "sexual predator" under subsection (5), and subject to
 641 registration under subsection (6) and community and public
 642 notification under subsection (7) if:

643 1. The felony is:

644 a. A capital, life, or first degree felony violation, or
 645 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 646 is a minor and the defendant is not the victim's parent or
 647 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 648 violation of a similar law of another jurisdiction; or

649 b. Any felony violation, or any attempt thereof, of s.
 650 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

651 787.025(2)(c), where the victim is a minor and the defendant is
 652 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 653 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 654 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 655 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
 656 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
 657 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a
 658 similar law of another jurisdiction, and the offender has
 659 previously been convicted of or found to have committed, or has
 660 pled nolo contendere or guilty to, regardless of adjudication,
 661 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
 662 787.02, or s. 787.025(2)(c), where the victim is a minor and the
 663 defendant is not the victim's parent or guardian; s.
 664 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 665 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 666 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071;
 667 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 668 847.0137; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
 669 violation of a similar law of another jurisdiction;

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

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

676 (10) PENALTIES.—

677 (b) A sexual predator who has been convicted of or found
 678 to have committed, or has pled nolo contendere or guilty to,
 679 regardless of adjudication, any violation, or attempted
 680 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 681 the victim is a minor and the defendant is not the victim's
 682 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
 683 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
 684 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
 685 847.0137; s. 847.0145; or s. 985.701(1); or a violation of a
 686 similar law of another jurisdiction when the victim of the
 687 offense was a minor, and who works, whether for compensation or
 688 as a volunteer, at any business, school, child care facility,
 689 park, playground, or other place where children regularly
 690 congregate, commits a felony of the third degree, punishable as
 691 provided in s. 775.082, s. 775.083, or s. 775.084.

692 Section 21. Subsection (2) and paragraphs (a) and (c) of
 693 subsection (3) of section 775.215, Florida Statutes, are amended
 694 to read:

695 775.215 Residency restriction for persons convicted of
 696 certain sex offenses.—

697 (2) (a) A person who has been convicted of a violation of
 698 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 699 847.0135(5), or s. 847.0145, regardless of whether adjudication
 700 has been withheld, in which the victim of the offense was less
 701 than 16 years of age, may not reside within 1,000 feet of any
 702 school, child care facility, park, or playground. However, a

703 person does not violate this subsection and may not be forced to
 704 relocate if he or she is living in a residence that meets the
 705 requirements of this subsection and a school, child care
 706 facility, park, or playground is subsequently established within
 707 1,000 feet of his or her residence.

708 (b) A person who violates this subsection and whose
 709 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
 710 847.003, s. 847.0135(5), or s. 847.0145 was classified as a
 711 felony of the first degree or higher commits a felony of the
 712 third degree, punishable as provided in s. 775.082 or s.
 713 775.083. A person who violates this subsection and whose
 714 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
 715 847.003, s. 847.0135(5), or s. 847.0145 was classified as a
 716 felony of the second or third degree commits a misdemeanor of
 717 the first degree, punishable as provided in s. 775.082 or s.
 718 775.083.

719 (c) This subsection applies to any person convicted of a
 720 violation of s. 794.011, s. 800.04, former s. 827.071, s.
 721 847.003, s. 847.0135(5), or s. 847.0145 for offenses that occur
 722 on or after October 1, 2004, excluding persons who have been
 723 removed from the requirement to register as a sexual offender or
 724 sexual predator pursuant to s. 943.04354.

725 (3) (a) A person who has been convicted of an offense in
 726 another jurisdiction that is similar to a violation of s.
 727 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 728 847.0135(5), or s. 847.0145, regardless of whether adjudication

729 has been withheld, in which the victim of the offense was less
 730 than 16 years of age, may not reside within 1,000 feet of any
 731 school, child care facility, park, or playground. However, a
 732 person does not violate this subsection and may not be forced to
 733 relocate if he or she is living in a residence that meets the
 734 requirements of this subsection and a school, child care
 735 facility, park, or playground is subsequently established within
 736 1,000 feet of his or her residence.

737 (c) This subsection applies to any person convicted of an
 738 offense in another jurisdiction that is similar to a violation
 739 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 740 847.0135(5), or s. 847.0145 if such offense occurred on or after
 741 May 26, 2010, excluding persons who have been removed from the
 742 requirement to register as a sexual offender or sexual predator
 743 pursuant to s. 943.04354.

744 Section 22. Paragraph (c) of subsection (1) of section
 745 784.046, Florida Statutes, is amended to read:

746 784.046 Action by victim of repeat violence, sexual
 747 violence, or dating violence for protective injunction; dating
 748 violence investigations, notice to victims, and reporting;
 749 pretrial release violations; public records exemption.—

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

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

- 752 1. Sexual battery, as defined in chapter 794;
- 753 2. A lewd or lascivious act, as defined in chapter 800,
- 754 committed upon or in the presence of a person younger than 16

755 years of age;

756 3. Luring or enticing a child, as described in chapter
757 787;

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

760 5. Any other forcible felony wherein a sexual act is
761 committed or attempted,

762
763 regardless of whether criminal charges based on the incident
764 were filed, reduced, or dismissed by the state attorney.

765 Section 23. Subsection (2) of section 794.0115, Florida
766 Statutes, is amended to read:

767 794.0115 Dangerous sexual felony offender; mandatory
768 sentencing.—

769 (2) Any person who is convicted of a violation of s.
770 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
771 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
772 (3), or (4); s. 847.003, s. 847.0137(2)(a), or s. 847.0145; or
773 of any similar offense under a former designation, which offense
774 the person committed when he or she was 18 years of age or
775 older, and the person:

776 (e) Has previously been convicted of a violation of s.
777 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
778 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
779 (3), or (4); s. 847.003, s. 847.0137(2)(a), s. 847.0145; of any
780 offense under a former statutory designation which is similar in

781 elements to an offense described in this paragraph; or of any
 782 offense that is a felony in another jurisdiction, or would be a
 783 felony if that offense were committed in this state, and which
 784 is similar in elements to an offense described in this
 785 paragraph,

786
 787 is a dangerous sexual felony offender, who must be sentenced to
 788 a mandatory minimum term of 25 years imprisonment up to, and
 789 including, life imprisonment. If the offense described in this
 790 subsection was committed on or after October 1, 2014, a person
 791 who qualifies as a dangerous sexual felony offender pursuant to
 792 this subsection must be sentenced to a mandatory minimum term of
 793 50 years imprisonment up to, and including, life imprisonment.

794 Section 24. Subsection (1) of section 794.024, Florida
 795 Statutes, is amended to read:

796 794.024 Unlawful to disclose identifying information.—

797 (1) A public employee or officer who has access to the
 798 photograph, name, or address of a person who is alleged to be
 799 the victim of an offense described in this chapter, chapter 800,
 800 s. 827.03, s. 827.04, former ~~or~~ s. 827.071, s. 847.003, or s.
 801 847.0137 may not willfully and knowingly disclose it to a person
 802 who is not assisting in the investigation or prosecution of the
 803 alleged offense or to any person other than the defendant, the
 804 defendant's attorney, a person specified in an order entered by
 805 the court having jurisdiction of the alleged offense, or
 806 organizations authorized to receive such information made exempt

807 by s. 119.071(2)(h), or to a rape crisis center or sexual
 808 assault counselor, as defined in s. 90.5035(1)(b), who will be
 809 offering services to the victim.

810 Section 25. Subsection (1) of section 794.056, Florida
 811 Statutes, is amended to read:

812 794.056 Rape Crisis Program Trust Fund.—

813 (1) The Rape Crisis Program Trust Fund is created within
 814 the Department of Health for the purpose of providing funds for
 815 rape crisis centers in this state. Trust fund moneys shall be
 816 used exclusively for the purpose of providing services for
 817 victims of sexual assault. Funds credited to the trust fund
 818 consist of those funds collected as an additional court
 819 assessment in each case in which a defendant pleads guilty or
 820 nolo contendere to, or is found guilty of, regardless of
 821 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 822 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 823 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 824 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 825 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 826 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 827 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 828 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 829 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 830 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 831 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 832 credited to the trust fund also shall include revenues provided

833 by law, moneys appropriated by the Legislature, and grants from
834 public or private entities.

835 Section 26. Section 796.001, Florida Statutes, is amended
836 to read:

837 796.001 Offenses by adults involving minors; intent.—It is
838 the intent of the Legislature that adults who involve minors in
839 any behavior prohibited under this chapter be prosecuted under
840 other laws of this state, such as, but not limited to, s.
841 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
842 ~~chapter 827~~, and chapter 847. The Legislature finds that
843 prosecution of such adults under this chapter is inappropriate
844 since a minor is unable to consent to such behavior.

845 Section 27. Section 827.071, Florida Statutes, is
846 repealed.

847 Section 28. Subsections (3) and (16) of section 847.001,
848 Florida Statutes, are amended to read:

849 847.001 Definitions.—As used in this chapter, the term:

850 (3) "Child pornography" has the same meaning as in s.
851 847.0137 ~~means any image depicting a minor engaged in sexual~~
852 ~~conduct.~~

853 (16) "Sexual conduct" means actual or simulated sexual
854 intercourse, deviate sexual intercourse, sexual bestiality,
855 masturbation, or sadomasochistic abuse; actual or simulated lewd
856 exhibition of the genitals; actual physical contact with a
857 person's clothed or unclothed genitals, pubic area, buttocks,
858 or, if such person is a female, breast, with the intent to

859 arouse or gratify the sexual desire of either party; or any act
 860 or conduct which constitutes sexual battery or simulates that
 861 sexual battery is being or will be committed. A mother's
 862 breastfeeding of her baby does not under any circumstance
 863 constitute "sexual conduct."

864 Section 29. Section 847.003, Florida Statutes, is created
 865 to read:

866 847.003 Sexual performance by a child; penalties.—

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

868 (a) "Performance" means any play, motion picture,
 869 photograph, or dance or any other visual representation
 870 exhibited before an audience.

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

875 (c) "Sexual performance" means any performance or part
 876 thereof which includes sexual conduct by a minor.

877 (2) A person who, knowing the character and content
 878 thereof, employs, authorizes, or induces a minor to engage in a
 879 sexual performance or, being a parent, legal guardian, or
 880 custodian of such minor, consents to the participation by such
 881 minor in a sexual performance, commits the offense of use of a
 882 child in a sexual performance, a felony of the second degree,
 883 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

884 (3) A person who, knowing the character and content

885 thereof, produces, directs, or promotes any performance which
 886 includes sexual conduct by a minor commits the offense of
 887 promoting a sexual performance by a child, a felony of the
 888 second degree, punishable as provided in s. 775.082, s. 775.083,
 889 or s. 775.084.

890 Section 30. Subsections (3) and (4) of section 847.0135,
 891 Florida Statutes, are amended to read:

892 847.0135 Computer pornography; prohibited computer usage;
 893 traveling to meet minor; penalties.—

894 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 895 PROHIBITED.—Any person who knowingly uses a computer online
 896 service, Internet service, local bulletin board service, or any
 897 other device capable of electronic data storage or transmission
 898 to:

899 (a) Seduce, solicit, lure, or entice, or attempt to
 900 seduce, solicit, lure, or entice, a child or another person
 901 believed by the person to be a child, to commit any illegal act
 902 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 903 ~~chapter 827,~~ s. 847.003, or s. 847.0137 or to otherwise engage
 904 in any unlawful sexual conduct with a child or with another
 905 person believed by the person to be a child; or

906 (b) Solicit, lure, or entice, or attempt to solicit, lure,
 907 or entice a parent, legal guardian, or custodian of a child or a
 908 person believed to be a parent, legal guardian, or custodian of
 909 a child to consent to the participation of such child in any act
 910 described in chapter 794, chapter 800, former s. 827.071 ~~or~~

911 ~~chapter 827, s. 847.003, or s. 847.0137,~~ or to otherwise engage
 912 in any sexual conduct,
 913
 914 commits a felony of the third degree, punishable as provided in
 915 s. 775.082, s. 775.083, or s. 775.084. Any person who, in
 916 violating this subsection, misrepresents his or her age, commits
 917 a felony of the second degree, punishable as provided in s.
 918 775.082, s. 775.083, or s. 775.084. Each separate use of a
 919 computer online service, Internet service, local bulletin board
 920 service, or any other device capable of electronic data storage
 921 or transmission wherein an offense described in this section is
 922 committed may be charged as a separate offense.

923 (4) TRAVELING TO MEET A MINOR.—Any person who travels any
 924 distance either within this state, to this state, or from this
 925 state by any means, who attempts to do so, or who causes another
 926 to do so or to attempt to do so for the purpose of engaging in
 927 any illegal act described in chapter 794, chapter 800, former s.
 928 827.071 ~~or chapter 827, s. 847.003, or s. 847.0137,~~ or to
 929 otherwise engage in other unlawful sexual conduct with a child
 930 or with another person believed by the person to be a child
 931 after using a computer online service, Internet service, local
 932 bulletin board service, or any other device capable of
 933 electronic data storage or transmission to:

934 (a) Seduce, solicit, lure, or entice or attempt to seduce,
 935 solicit, lure, or entice a child or another person believed by
 936 the person to be a child, to engage in any illegal act described

937 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~
 938 s. 847.003, or s. 847.0137, or to otherwise engage in other
 939 unlawful sexual conduct with a child; or

940 (b) Solicit, lure, or entice or attempt to solicit, lure,
 941 or entice a parent, legal guardian, or custodian of a child or a
 942 person believed to be a parent, legal guardian, or custodian of
 943 a child to consent to the participation of such child in any act
 944 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 945 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 946 in any sexual conduct,

947
 948 commits a felony of the second degree, punishable as provided in
 949 s. 775.082, s. 775.083, or s. 775.084.

950 Section 31. Subsection (1) of section 847.01357, Florida
 951 Statutes, is amended to read:

952 847.01357 Exploited children's civil remedy.—

953 (1) Any person who, while under the age of 18, was a
 954 victim of a sexual abuse crime listed in chapter 794, chapter
 955 800, former s. 827.071 ~~chapter 827,~~ or chapter 847, where any
 956 portion of such abuse was used in the production of child
 957 pornography, and who suffers personal or psychological injury as
 958 a result of the production, promotion, or possession of such
 959 images or movies, may bring an action in an appropriate state
 960 court against the producer, promoter, or possessor of such
 961 images or movies, regardless of whether the victim is now an
 962 adult. In any action brought under this section, a prevailing

963 plaintiff shall recover the actual damages such person sustained
 964 and the cost of the suit, including reasonable attorney's fees.
 965 Any victim who is awarded damages under this section shall be
 966 deemed to have sustained damages of at least \$150,000.

967 Section 32. Section 847.0137, Florida Statutes, is amended
 968 to read:

969 847.0137 Child pornography; prohibited acts; penalties
 970 ~~Transmission of pornography by electronic device or equipment~~
 971 ~~prohibited; penalties.-~~

972 (1) For purposes of this section:

973 (a) "Child pornography" means a visual depiction of sexual
 974 conduct, where:

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

977 2. Such visual depiction has been created, adapted, or
 978 modified to appear that an identifiable minor is engaging in
 979 sexual conduct.

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

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

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

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

989 purposefully, and voluntarily view. Proof of intentional viewing
 990 requires establishing that a person deliberately, purposefully,
 991 and voluntarily viewed more than one visual depiction over any
 992 period of time.

993 (d)-(a) "Minor" means any person less than 18 years of age.

994 (e) "Promote" means to procure, manufacture, issue, sell,
 995 give, provide, lend, mail, deliver, transfer, transmute,
 996 publish, distribute, circulate, disseminate, present, exhibit,
 997 or advertise or to offer or agree to do the same.

998 (f)-(b) "Transmit" means the act of sending and causing to
 999 be delivered any visual depiction ~~image~~, information, or data
 1000 from one or more persons or places to one or more other persons
 1001 or places over or through any medium, including the Internet, by
 1002 use of any electronic equipment or device.

1003 (g) "Visual depiction" includes but is not limited to any
 1004 photograph, picture, motion picture, film, video,
 1005 representation, or computer or computer-generated image or
 1006 picture, whether made or produced by electronic, mechanical, or
 1007 other means. The term also includes undeveloped film and
 1008 videotape, data stored on computer disk or by electronic means
 1009 which is capable of conversion into a visual image, and data
 1010 which is capable of conversion into a visual image that has been
 1011 transmitted by any means, whether or not stored in a permanent
 1012 format.

1013 (2) (a) It is unlawful for any person to possess with the
 1014 intent to promote child pornography. The possession of three or

1015 more visual depictions of child pornography is prima facie
1016 evidence of an intent to promote. Whoever violates this
1017 subsection commits a felony of the second degree, punishable as
1018 provided in s. 775.082, s. 775.083, or s. 775.084.

1019 (b) It is unlawful for any person to knowingly possess,
1020 control, or intentionally view child pornography. The
1021 possession, control, or intentional viewing of each visual
1022 depiction of child pornography is a separate offense. If such
1023 visual depiction includes sexual conduct by more than one minor,
1024 then each such minor in each such visual depiction that is
1025 knowingly possessed, controlled, or intentionally viewed is a
1026 separate offense. A person who violates this subsection commits
1027 a felony of the third degree, punishable as provided in s.
1028 775.082, s. 775.083, or s. 775.084.

1029 (c) This subsection does not apply to child pornography
1030 possessed, controlled, or intentionally viewed as part of a law
1031 enforcement investigation.

1032 (d) Prosecution of any person for an offense under this
1033 subsection shall not prohibit prosecution of that person in this
1034 state for a violation of any law of this state, including a law
1035 providing for greater penalties than prescribed in this section
1036 or any other crime punishing the sexual performance or the
1037 sexual exploitation of children.

1038 (3) (a) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, any
1039 person in this state who knew or reasonably should have known
1040 that he or she was transmitting child pornography, ~~as defined in~~

1041 ~~s. 847.001,~~ to another person in this state or in another
 1042 jurisdiction commits a felony of the third degree, punishable as
 1043 provided in s. 775.082, s. 775.083, or s. 775.084.

1044 (b) ~~(3)~~ Notwithstanding ss. 847.012 and 847.0133, any
 1045 person in any jurisdiction other than this state who knew or
 1046 reasonably should have known that he or she was transmitting
 1047 child pornography, ~~as defined in s. 847.001,~~ to any person in
 1048 this state commits a felony of the third degree, punishable as
 1049 provided in s. 775.082, s. 775.083, or s. 775.084.

1050 (c) ~~(4)~~ This section does ~~shall~~ not be construed to
 1051 prohibit prosecution of a person in this state or another
 1052 jurisdiction for a violation of any law of this state, including
 1053 a law providing for greater penalties than prescribed in this
 1054 section, for the transmission of child pornography, ~~as defined~~
 1055 ~~in s. 847.001,~~ to any person in this state.

1056 (d) ~~(5)~~ A person is subject to prosecution in this state
 1057 pursuant to chapter 910 for any act or conduct proscribed by
 1058 this section, including a person in a jurisdiction other than
 1059 this state, if the act or conduct violates paragraph (b)
 1060 ~~subsection (3).~~

1061 (e) ~~The provisions of this~~ This subsection does ~~de~~ not
 1062 apply to subscription-based transmissions such as list servers.

1063 Section 33. Subsection (1) of section 856.022, Florida
 1064 Statutes, is amended to read:

1065 856.022 Loitering or prowling by certain offenders in
 1066 close proximity to children; penalty.-

1067 (1) Except as provided in subsection (2), this section
 1068 applies to a person convicted of committing, or attempting,
 1069 soliciting, or conspiring to commit, any of the criminal
 1070 offenses proscribed in the following statutes in this state or
 1071 similar offenses in another jurisdiction against a victim who
 1072 was under 18 years of age at the time of the offense: s. 787.01,
 1073 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1074 the offender was not the victim's parent or guardian; s.
 1075 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1076 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1077 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
 1078 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
 1079 s. 985.701(1); or any similar offense committed in this state
 1080 which has been redesignated from a former statute number to one
 1081 of those listed in this subsection, if the person has not
 1082 received a pardon for any felony or similar law of another
 1083 jurisdiction necessary for the operation of this subsection and
 1084 a conviction of a felony or similar law of another jurisdiction
 1085 necessary for the operation of this subsection has not been set
 1086 aside in any postconviction proceeding.

1087 Section 34. Paragraph (a) of subsection (1) of section
 1088 895.02, Florida Statutes, is amended to read:

1089 895.02 Definitions.—As used in ss. 895.01–895.08, the
 1090 term:

1091 (1) "Racketeering activity" means to commit, to attempt to
 1092 commit, to conspire to commit, or to solicit, coerce, or

1093 | intimidate another person to commit:

1094 | (a) Any crime that is chargeable by petition, indictment,
1095 | or information under the following provisions of the Florida
1096 | Statutes:

1097 | 1. Section 210.18, relating to evasion of payment of
1098 | cigarette taxes.

1099 | 2. Section 316.1935, relating to fleeing or attempting to
1100 | elude a law enforcement officer and aggravated fleeing or
1101 | eluding.

1102 | 3. Section 403.727(3)(b), relating to environmental
1103 | control.

1104 | 4. Section 409.920 or s. 409.9201, relating to Medicaid
1105 | fraud.

1106 | 5. Section 414.39, relating to public assistance fraud.

1107 | 6. Section 440.105 or s. 440.106, relating to workers'
1108 | compensation.

1109 | 7. Section 443.071(4), relating to creation of a
1110 | fictitious employer scheme to commit reemployment assistance
1111 | fraud.

1112 | 8. Section 465.0161, relating to distribution of medicinal
1113 | drugs without a permit as an Internet pharmacy.

1114 | 9. Section 499.0051, relating to crimes involving
1115 | contraband and adulterated drugs.

1116 | 10. Part IV of chapter 501, relating to telemarketing.

1117 | 11. Chapter 517, relating to sale of securities and
1118 | investor protection.

- 1119 12. Section 550.235 or s. 550.3551, relating to dogracing
 1120 and horseracing.
- 1121 13. Chapter 550, relating to jai alai frontons.
- 1122 14. Section 551.109, relating to slot machine gaming.
- 1123 15. Chapter 552, relating to the manufacture,
 1124 distribution, and use of explosives.
- 1125 16. Chapter 560, relating to money transmitters, if the
 1126 violation is punishable as a felony.
- 1127 17. Chapter 562, relating to beverage law enforcement.
- 1128 18. Section 624.401, relating to transacting insurance
 1129 without a certificate of authority, s. 624.437(4)(c)1., relating
 1130 to operating an unauthorized multiple-employer welfare
 1131 arrangement, or s. 626.902(1)(b), relating to representing or
 1132 aiding an unauthorized insurer.
- 1133 19. Section 655.50, relating to reports of currency
 1134 transactions, when such violation is punishable as a felony.
- 1135 20. Chapter 687, relating to interest and usurious
 1136 practices.
- 1137 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 1138 real estate timeshare plans.
- 1139 22. Section 775.13(5)(b), relating to registration of
 1140 persons found to have committed any offense for the purpose of
 1141 benefiting, promoting, or furthering the interests of a criminal
 1142 gang.
- 1143 23. Section 777.03, relating to commission of crimes by
 1144 accessories after the fact.

- 1145 | 24. Chapter 782, relating to homicide.
- 1146 | 25. Chapter 784, relating to assault and battery.
- 1147 | 26. Chapter 787, relating to kidnapping or human
- 1148 | trafficking.
- 1149 | 27. Chapter 790, relating to weapons and firearms.
- 1150 | 28. Chapter 794, relating to sexual battery, but only if
- 1151 | such crime was committed with the intent to benefit, promote, or
- 1152 | further the interests of a criminal gang, or for the purpose of
- 1153 | increasing a criminal gang member's own standing or position
- 1154 | within a criminal gang.
- 1155 | 29. Former section 796.03, former s. 796.035, s. 796.04,
- 1156 | s. 796.05, or s. 796.07, relating to prostitution.
- 1157 | 30. Chapter 806, relating to arson and criminal mischief.
- 1158 | 31. Chapter 810, relating to burglary and trespass.
- 1159 | 32. Chapter 812, relating to theft, robbery, and related
- 1160 | crimes.
- 1161 | 33. Chapter 815, relating to computer-related crimes.
- 1162 | 34. Chapter 817, relating to fraudulent practices, false
- 1163 | pretenses, fraud generally, and credit card crimes.
- 1164 | 35. Chapter 825, relating to abuse, neglect, or
- 1165 | exploitation of an elderly person or disabled adult.
- 1166 | 36. Former Section 827.071, relating to commercial sexual
- 1167 | exploitation of children.
- 1168 | 37. Section 828.122, relating to fighting or baiting
- 1169 | animals.
- 1170 | 38. Chapter 831, relating to forgery and counterfeiting.

1171 39. Chapter 832, relating to issuance of worthless checks
1172 and drafts.

1173 40. Section 836.05, relating to extortion.

1174 41. Chapter 837, relating to perjury.

1175 42. Chapter 838, relating to bribery and misuse of public
1176 office.

1177 43. Chapter 843, relating to obstruction of justice.

1178 44. Section 847.003, relating to sexual performance by a
1179 child.

1180 4544. Section 847.011, s. 847.012, s. 847.013, s. 847.06,
1181 or s. 847.07, relating to obscene literature and profanity.

1182 4645. Chapter 849, relating to gambling, lottery, gambling
1183 or gaming devices, slot machines, or any of the provisions
1184 within that chapter.

1185 4746. Chapter 874, relating to criminal gangs.

1186 4847. Chapter 893, relating to drug abuse prevention and
1187 control.

1188 4948. Chapter 896, relating to offenses related to
1189 financial transactions.

1190 5049. Sections 914.22 and 914.23, relating to tampering
1191 with or harassing a witness, victim, or informant, and
1192 retaliation against a witness, victim, or informant.

1193 5150. Sections 918.12 and 918.13, relating to tampering
1194 with jurors and evidence.

1195 Section 35. Subsection (8) of section 905.34, Florida
1196 Statutes, is amended to read:

1197 905.34 Powers and duties; law applicable.—The jurisdiction
 1198 of a statewide grand jury impaneled under this chapter shall
 1199 extend throughout the state. The subject matter jurisdiction of
 1200 the statewide grand jury shall be limited to the offenses of:

1201 (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
 1202 or s. 847.0138 relating to computer pornography and child
 1203 exploitation prevention, or any offense related to a violation
 1204 of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
 1205 violation of former s. 827.071 ~~chapter 827~~ where the crime is
 1206 facilitated by or connected to the use of the Internet or any
 1207 device capable of electronic data storage or transmission;

1208
 1209 or any attempt, solicitation, or conspiracy to commit any
 1210 violation of the crimes specifically enumerated above, when any
 1211 such offense is occurring, or has occurred, in two or more
 1212 judicial circuits as part of a related transaction or when any
 1213 such offense is connected with an organized criminal conspiracy
 1214 affecting two or more judicial circuits. The statewide grand
 1215 jury may return indictments and presentments irrespective of the
 1216 county or judicial circuit where the offense is committed or
 1217 triable. If an indictment is returned, it shall be certified and
 1218 transferred for trial to the county where the offense was
 1219 committed. The powers and duties of, and law applicable to,
 1220 county grand juries shall apply to a statewide grand jury except
 1221 when such powers, duties, and law are inconsistent with the
 1222 provisions of ss. 905.31-905.40.

1223 Section 36. Paragraph (a) of subsection (1) of section
 1224 934.07, Florida Statutes, is amended to read:

1225 934.07 Authorization for interception of wire, oral, or
 1226 electronic communications.—

1227 (1) The Governor, the Attorney General, the statewide
 1228 prosecutor, or any state attorney may authorize an application
 1229 to a judge of competent jurisdiction for, and such judge may
 1230 grant in conformity with ss. 934.03-934.09 an order authorizing
 1231 or approving the interception of, wire, oral, or electronic
 1232 communications by:

1233 (a) The Department of Law Enforcement or any law
 1234 enforcement agency as defined in s. 934.02 having responsibility
 1235 for the investigation of the offense as to which the application
 1236 is made when such interception may provide or has provided
 1237 evidence of the commission of the offense of murder, kidnapping,
 1238 aircraft piracy, arson, gambling, robbery, burglary, theft,
 1239 dealing in stolen property, criminal usury, bribery, or
 1240 extortion; any felony violation of ss. 790.161-790.166,
 1241 inclusive; any violation of s. 787.06; any violation of chapter
 1242 893; any violation of the provisions of the Florida Anti-Fencing
 1243 Act; any violation of chapter 895; any violation of chapter 896;
 1244 any violation of chapter 815; any violation of chapter 847; any
 1245 violation of former s. 827.071; any violation of s. 944.40; or
 1246 any conspiracy or solicitation to commit any violation of the
 1247 laws of this state relating to the crimes specifically
 1248 enumerated in this paragraph.

1249 Section 37. Section 938.085, Florida Statutes, is amended
 1250 to read:

1251 938.085 Additional cost to fund rape crisis centers.—In
 1252 addition to any sanction imposed when a person pleads guilty or
 1253 nolo contendere to, or is found guilty of, regardless of
 1254 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 1255 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1256 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1257 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1258 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1259 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1260 796.07(2) (a)–(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 1261 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
 1262 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135(2);
 1263 s. 847.0137; s. 847.0145; s. 943.0435(4) (c), (7), (8), (9) (a),
 1264 (13), and (14) (c); or s. 985.701(1), the court shall impose a
 1265 surcharge of \$151. Payment of the surcharge shall be a condition
 1266 of probation, community control, or any other court-ordered
 1267 supervision. The sum of \$150 of the surcharge shall be deposited
 1268 into the Rape Crisis Program Trust Fund established within the
 1269 Department of Health by chapter 2003-140, Laws of Florida. The
 1270 clerk of the court shall retain \$1 of each surcharge that the
 1271 clerk of the court collects as a service charge of the clerk's
 1272 office.

1273 Section 38. Subsection (1) of section 938.10, Florida
 1274 Statutes, is amended to read:

1275 938.10 Additional court cost imposed in cases of certain
 1276 crimes.—

1277 (1) If a person pleads guilty or nolo contendere to, or is
 1278 found guilty of, regardless of adjudication, any offense against
 1279 a minor in violation of s. 784.085, former s. 827.071, chapter
 1280 787, chapter 794, former s. 796.03, former s. 796.035, s.
 1281 800.04, chapter 827, s. 847.003, s. 847.012, s. 847.0133, s.
 1282 847.0135(5), s. 847.0137, s. 847.0138, s. 847.0145, s.
 1283 893.147(3), or s. 985.701, or any offense in violation of s.
 1284 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
 1285 court shall impose a court cost of \$151 against the offender in
 1286 addition to any other cost or penalty required by law.

1287 Section 39. Paragraph (a) of subsection (1) of section
 1288 943.0435, Florida Statutes, is amended to read:

1289 943.0435 Sexual offenders required to register with the
 1290 department; penalty.—

1291 (1) As used in this section, the term:

1292 (a)1. "Sexual offender" means a person who meets the
 1293 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1294 subparagraph c., or sub-subparagraph d., as follows:

1295 a.(I) Has been convicted of committing, or attempting,
 1296 soliciting, or conspiring to commit, any of the criminal
 1297 offenses proscribed in the following statutes in this state or
 1298 similar offenses in another jurisdiction: s. 393.135(2); s.
 1299 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1300 the victim is a minor and the defendant is not the victim's

1301 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 1302 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1303 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
 1304 s. 825.1025; former s. 827.071; s. 847.003; s. 847.0133; s.
 1305 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 1306 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
 1307 offense committed in this state which has been redesignated from
 1308 a former statute number to one of those listed in this sub-sub-
 1309 subparagraph; and

1310 (II) Has been released on or after October 1, 1997, from
 1311 the sanction imposed for any conviction of an offense described
 1312 in sub-sub-subparagraph (I). For purposes of sub-sub-
 1313 subparagraph (I), a sanction imposed in this state or in any
 1314 other jurisdiction includes, but is not limited to, a fine,
 1315 probation, community control, parole, conditional release,
 1316 control release, or incarceration in a state prison, federal
 1317 prison, private correctional facility, or local detention
 1318 facility;

1319 b. Establishes or maintains a residence in this state and
 1320 who has not been designated as a sexual predator by a court of
 1321 this state but who has been designated as a sexual predator, as
 1322 a sexually violent predator, or by another sexual offender
 1323 designation in another state or jurisdiction and was, as a
 1324 result of such designation, subjected to registration or
 1325 community or public notification, or both, or would be if the
 1326 person were a resident of that state or jurisdiction, without

1327 regard to whether the person otherwise meets the criteria for
 1328 registration as a sexual offender;

1329 c. Establishes or maintains a residence in this state who
 1330 is in the custody or control of, or under the supervision of,
 1331 any other state or jurisdiction as a result of a conviction for
 1332 committing, or attempting, soliciting, or conspiring to commit,
 1333 any of the criminal offenses proscribed in the following
 1334 statutes or similar offense in another jurisdiction: s.
 1335 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1336 787.025(2)(c), where the victim is a minor and the defendant is
 1337 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 1338 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
 1339 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 1340 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
 1341 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1342 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
 1343 985.701(1); or any similar offense committed in this state which
 1344 has been redesignated from a former statute number to one of
 1345 those listed in this sub-subparagraph; or

1346 d. On or after July 1, 2007, has been adjudicated
 1347 delinquent for committing, or attempting, soliciting, or
 1348 conspiring to commit, any of the criminal offenses proscribed in
 1349 the following statutes in this state or similar offenses in
 1350 another jurisdiction when the juvenile was 14 years of age or
 1351 older at the time of the offense:

1352 (I) Section 794.011, excluding s. 794.011(10);

1353 (II) Section 800.04(4)(a)2. where the victim is under 12
 1354 years of age or where the court finds sexual activity by the use
 1355 of force or coercion;

1356 (III) Section 800.04(5)(c)1. where the court finds
 1357 molestation involving unclothed genitals; or

1358 (IV) Section 800.04(5)(d) where the court finds the use of
 1359 force or coercion and unclothed genitals.

1360 2. For all qualifying offenses listed in sub-subparagraph
 1361 (1)(a)1.d., the court shall make a written finding of the age of
 1362 the offender at the time of the offense.

1363
 1364 For each violation of a qualifying offense listed in this
 1365 subsection, except for a violation of s. 794.011, the court
 1366 shall make a written finding of the age of the victim at the
 1367 time of the offense. For a violation of s. 800.04(4), the court
 1368 shall also make a written finding indicating whether the offense
 1369 involved sexual activity and indicating whether the offense
 1370 involved force or coercion. For a violation of s. 800.04(5), the
 1371 court shall also make a written finding that the offense did or
 1372 did not involve unclothed genitals or genital area and that the
 1373 offense did or did not involve the use of force or coercion.

1374 Section 40. Paragraph (a) of subsection (1) and subsection
 1375 (3) of section 943.04354, Florida Statutes, is amended to read:

1376 943.04354 Removal of the requirement to register as a
 1377 sexual offender or sexual predator in special circumstances.—

1378 (1) For purposes of this section, a person shall be

1379 considered for removal of the requirement to register as a
 1380 sexual offender or sexual predator only if the person:

1381 (a) Was convicted, regardless of adjudication, or
 1382 adjudicated delinquent of a violation of s. 794.011, s. 800.04,
 1383 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 1384 847.0137, or of a similar offense in another jurisdiction and if
 1385 the person does not have any other conviction, regardless of
 1386 adjudication, or adjudication of delinquency for a violation of
 1387 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, ~~s.~~
 1388 847.0135(5), or s. 847.0137, or for a similar offense in another
 1389 jurisdiction;

1390 (3) If a person provides to the Department of Law
 1391 Enforcement a certified copy of the court's order removing the
 1392 requirement that the person register as a sexual offender or
 1393 sexual predator for the violation of s. 794.011, s. 800.04,
 1394 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s.
 1395 847.0137, or a similar offense in another jurisdiction, the
 1396 registration requirement will not apply to the person and the
 1397 department shall remove all information about the person from
 1398 the public registry of sexual offenders and sexual predators
 1399 maintained by the department. However, the removal of this
 1400 information from the public registry does not mean that the
 1401 public is denied access to information about the person's
 1402 criminal history or record that is otherwise available as a
 1403 public record.

1404 Section 41. Section 943.0585, Florida Statutes, is amended

1405 to read:

1406 943.0585 Court-ordered expunction of criminal history

1407 records.—The courts of this state have jurisdiction over their

1408 own procedures, including the maintenance, expunction, and

1409 correction of judicial records containing criminal history

1410 information to the extent such procedures are not inconsistent

1411 with the conditions, responsibilities, and duties established by

1412 this section. Any court of competent jurisdiction may order a

1413 criminal justice agency to expunge the criminal history record

1414 of a minor or an adult who complies with the requirements of

1415 this section. The court shall not order a criminal justice

1416 agency to expunge a criminal history record until the person

1417 seeking to expunge a criminal history record has applied for and

1418 received a certificate of eligibility for expunction pursuant to

1419 subsection (2) or subsection (5). A criminal history record that

1420 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,

1421 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,

1422 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.

1423 847.0133, s. 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s.

1424 916.1075, a violation enumerated in s. 907.041, or any violation

1425 specified as a predicate offense for registration as a sexual

1426 predator pursuant to s. 775.21, without regard to whether that

1427 offense alone is sufficient to require such registration, or for

1428 registration as a sexual offender pursuant to s. 943.0435, may

1429 not be expunged, without regard to whether adjudication was

1430 withheld, if the defendant was found guilty of or pled guilty or

1431 nolo contendere to the offense, or if the defendant, as a minor,
 1432 was found to have committed, or pled guilty or nolo contendere
 1433 to committing, the offense as a delinquent act. The court may
 1434 only order expunction of a criminal history record pertaining to
 1435 one arrest or one incident of alleged criminal activity, except
 1436 as provided in this section. The court may, at its sole
 1437 discretion, order the expunction of a criminal history record
 1438 pertaining to more than one arrest if the additional arrests
 1439 directly relate to the original arrest. If the court intends to
 1440 order the expunction of records pertaining to such additional
 1441 arrests, such intent must be specified in the order. A criminal
 1442 justice agency may not expunge any record pertaining to such
 1443 additional arrests if the order to expunge does not articulate
 1444 the intention of the court to expunge a record pertaining to
 1445 more than one arrest. This section does not prevent the court
 1446 from ordering the expunction of only a portion of a criminal
 1447 history record pertaining to one arrest or one incident of
 1448 alleged criminal activity. Notwithstanding any law to the
 1449 contrary, a criminal justice agency may comply with laws, court
 1450 orders, and official requests of other jurisdictions relating to
 1451 expunction, correction, or confidential handling of criminal
 1452 history records or information derived therefrom. This section
 1453 does not confer any right to the expunction of any criminal
 1454 history record, and any request for expunction of a criminal
 1455 history record may be denied at the sole discretion of the
 1456 court.

1457 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
 1458 petitioning the court to expunge a criminal history record, a
 1459 person seeking to expunge a criminal history record shall apply
 1460 to the department for a certificate of eligibility for
 1461 expunction. The department shall, by rule adopted pursuant to
 1462 chapter 120, establish procedures pertaining to the application
 1463 for and issuance of certificates of eligibility for expunction.
 1464 A certificate of eligibility for expunction is valid for 12
 1465 months after the date stamped on the certificate when issued by
 1466 the department. After that time, the petitioner must reapply to
 1467 the department for a new certificate of eligibility. Eligibility
 1468 for a renewed certification of eligibility must be based on the
 1469 status of the applicant and the law in effect at the time of the
 1470 renewal application. The department shall issue a certificate of
 1471 eligibility for expunction to a person who is the subject of a
 1472 criminal history record if that person:

1473 (a) Has obtained, and submitted to the department, a
 1474 written, certified statement from the appropriate state attorney
 1475 or statewide prosecutor which indicates:

1476 1. That an indictment, information, or other charging
 1477 document was not filed or issued in the case.

1478 2. That an indictment, information, or other charging
 1479 document, if filed or issued in the case, was dismissed or nolle
 1480 prosequi by the state attorney or statewide prosecutor, or was
 1481 dismissed by a court of competent jurisdiction, and that none of
 1482 the charges related to the arrest or alleged criminal activity

1483 to which the petition to expunge pertains resulted in a trial,
 1484 without regard to whether the outcome of the trial was other
 1485 than an adjudication of guilt.

1486 3. That the criminal history record does not relate to a
 1487 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 1488 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
 1489 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
 1490 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a
 1491 violation enumerated in s. 907.041, or any violation specified
 1492 as a predicate offense for registration as a sexual predator
 1493 pursuant to s. 775.21, without regard to whether that offense
 1494 alone is sufficient to require such registration, or for
 1495 registration as a sexual offender pursuant to s. 943.0435, where
 1496 the defendant was found guilty of, or pled guilty or nolo
 1497 contendere to any such offense, or that the defendant, as a
 1498 minor, was found to have committed, or pled guilty or nolo
 1499 contendere to committing, such an offense as a delinquent act,
 1500 without regard to whether adjudication was withheld.

1501 Section 42. Section 943.059, Florida Statutes, is amended
 1502 to read:

1503 943.059 Court-ordered sealing of criminal history
 1504 records.—The courts of this state shall continue to have
 1505 jurisdiction over their own procedures, including the
 1506 maintenance, sealing, and correction of judicial records
 1507 containing criminal history information to the extent such
 1508 procedures are not inconsistent with the conditions,

1509 responsibilities, and duties established by this section. Any
 1510 court of competent jurisdiction may order a criminal justice
 1511 agency to seal the criminal history record of a minor or an
 1512 adult who complies with the requirements of this section. The
 1513 court shall not order a criminal justice agency to seal a
 1514 criminal history record until the person seeking to seal a
 1515 criminal history record has applied for and received a
 1516 certificate of eligibility for sealing pursuant to subsection
 1517 (2). A criminal history record that relates to a violation of s.
 1518 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
 1519 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
 1520 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
 1521 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a violation
 1522 enumerated in s. 907.041, or any violation specified as a
 1523 predicate offense for registration as a sexual predator pursuant
 1524 to s. 775.21, without regard to whether that offense alone is
 1525 sufficient to require such registration, or for registration as
 1526 a sexual offender pursuant to s. 943.0435, may not be sealed,
 1527 without regard to whether adjudication was withheld, if the
 1528 defendant was found guilty of or pled guilty or nolo contendere
 1529 to the offense, or if the defendant, as a minor, was found to
 1530 have committed or pled guilty or nolo contendere to committing
 1531 the offense as a delinquent act. The court may only order
 1532 sealing of a criminal history record pertaining to one arrest or
 1533 one incident of alleged criminal activity, except as provided in
 1534 this section. The court may, at its sole discretion, order the

1535 sealing of a criminal history record pertaining to more than one
 1536 arrest if the additional arrests directly relate to the original
 1537 arrest. If the court intends to order the sealing of records
 1538 pertaining to such additional arrests, such intent must be
 1539 specified in the order. A criminal justice agency may not seal
 1540 any record pertaining to such additional arrests if the order to
 1541 seal does not articulate the intention of the court to seal
 1542 records pertaining to more than one arrest. This section does
 1543 not prevent the court from ordering the sealing of only a
 1544 portion of a criminal history record pertaining to one arrest or
 1545 one incident of alleged criminal activity. Notwithstanding any
 1546 law to the contrary, a criminal justice agency may comply with
 1547 laws, court orders, and official requests of other jurisdictions
 1548 relating to sealing, correction, or confidential handling of
 1549 criminal history records or information derived therefrom. This
 1550 section does not confer any right to the sealing of any criminal
 1551 history record, and any request for sealing a criminal history
 1552 record may be denied at the sole discretion of the court.

1553 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 1554 petition to a court to seal a criminal history record is
 1555 complete only when accompanied by:

1556 (a) A valid certificate of eligibility for sealing issued
 1557 by the department pursuant to subsection (2).

1558 (b) The petitioner's sworn statement attesting that the
 1559 petitioner:

1560 1. Has never, prior to the date on which the petition is

1561 filed, been adjudicated guilty of a criminal offense or
 1562 comparable ordinance violation, or been adjudicated delinquent
 1563 for committing any felony or a misdemeanor specified in s.
 1564 943.051(3)(b).

1565 2. Has not been adjudicated guilty of or adjudicated
 1566 delinquent for committing any of the acts stemming from the
 1567 arrest or alleged criminal activity to which the petition to
 1568 seal pertains.

1569 3. Has never secured a prior sealing or expunction of a
 1570 criminal history record under this section, s. 943.0585, former
 1571 s. 893.14, former s. 901.33, or former s. 943.058.

1572 4. Is eligible for such a sealing to the best of his or
 1573 her knowledge or belief and does not have any other petition to
 1574 seal or any petition to expunge pending before any court.

1575
 1576 Any person who knowingly provides false information on such
 1577 sworn statement to the court commits a felony of the third
 1578 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1579 775.084.

1580 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
 1581 petitioning the court to seal a criminal history record, a
 1582 person seeking to seal a criminal history record shall apply to
 1583 the department for a certificate of eligibility for sealing. The
 1584 department shall, by rule adopted pursuant to chapter 120,
 1585 establish procedures pertaining to the application for and
 1586 issuance of certificates of eligibility for sealing. A

1587 certificate of eligibility for sealing is valid for 12 months
 1588 after the date stamped on the certificate when issued by the
 1589 department. After that time, the petitioner must reapply to the
 1590 department for a new certificate of eligibility. Eligibility for
 1591 a renewed certification of eligibility must be based on the
 1592 status of the applicant and the law in effect at the time of the
 1593 renewal application. The department shall issue a certificate of
 1594 eligibility for sealing to a person who is the subject of a
 1595 criminal history record provided that such person:

1596 (a) Has submitted to the department a certified copy of
 1597 the disposition of the charge to which the petition to seal
 1598 pertains.

1599 (b) Remits a \$75 processing fee to the department for
 1600 placement in the Department of Law Enforcement Operating Trust
 1601 Fund, unless such fee is waived by the executive director.

1602 (c) Has never, prior to the date on which the application
 1603 for a certificate of eligibility is filed, been adjudicated
 1604 guilty of a criminal offense or comparable ordinance violation,
 1605 or been adjudicated delinquent for committing any felony or a
 1606 misdemeanor specified in s. 943.051(3)(b).

1607 (d) Has not been adjudicated guilty of or adjudicated
 1608 delinquent for committing any of the acts stemming from the
 1609 arrest or alleged criminal activity to which the petition to
 1610 seal pertains.

1611 (e) Has never secured a prior sealing or expunction of a
 1612 criminal history record under this section, s. 943.0585, former

1613 s. 893.14, former s. 901.33, or former s. 943.058.

1614 (f) Is no longer under court supervision applicable to the
 1615 disposition of the arrest or alleged criminal activity to which
 1616 the petition to seal pertains.

1617 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1618 (a) In judicial proceedings under this section, a copy of
 1619 the completed petition to seal shall be served upon the
 1620 appropriate state attorney or the statewide prosecutor and upon
 1621 the arresting agency; however, it is not necessary to make any
 1622 agency other than the state a party. The appropriate state
 1623 attorney or the statewide prosecutor and the arresting agency
 1624 may respond to the court regarding the completed petition to
 1625 seal.

1626 (b) If relief is granted by the court, the clerk of the
 1627 court shall certify copies of the order to the appropriate state
 1628 attorney or the statewide prosecutor and to the arresting
 1629 agency. The arresting agency is responsible for forwarding the
 1630 order to any other agency to which the arresting agency
 1631 disseminated the criminal history record information to which
 1632 the order pertains. The department shall forward the order to
 1633 seal to the Federal Bureau of Investigation. The clerk of the
 1634 court shall certify a copy of the order to any other agency
 1635 which the records of the court reflect has received the criminal
 1636 history record from the court.

1637 (c) For an order to seal entered by a court prior to July
 1638 1, 1992, the department shall notify the appropriate state

1639 attorney or statewide prosecutor of any order to seal which is
 1640 contrary to law because the person who is the subject of the
 1641 record has previously been convicted of a crime or comparable
 1642 ordinance violation or has had a prior criminal history record
 1643 sealed or expunged. Upon receipt of such notice, the appropriate
 1644 state attorney or statewide prosecutor shall take action, within
 1645 60 days, to correct the record and petition the court to void
 1646 the order to seal. The department shall seal the record until
 1647 such time as the order is voided by the court.

1648 (d) On or after July 1, 1992, the department or any other
 1649 criminal justice agency is not required to act on an order to
 1650 seal entered by a court when such order does not comply with the
 1651 requirements of this section. Upon receipt of such an order, the
 1652 department must notify the issuing court, the appropriate state
 1653 attorney or statewide prosecutor, the petitioner or the
 1654 petitioner's attorney, and the arresting agency of the reason
 1655 for noncompliance. The appropriate state attorney or statewide
 1656 prosecutor shall take action within 60 days to correct the
 1657 record and petition the court to void the order. No cause of
 1658 action, including contempt of court, shall arise against any
 1659 criminal justice agency for failure to comply with an order to
 1660 seal when the petitioner for such order failed to obtain the
 1661 certificate of eligibility as required by this section or when
 1662 such order does not comply with the requirements of this
 1663 section.

1664 (e) An order sealing a criminal history record pursuant to

1665 | this section does not require that such record be surrendered to
 1666 | the court, and such record shall continue to be maintained by
 1667 | the department and other criminal justice agencies.

1668 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 1669 | history record of a minor or an adult which is ordered sealed by
 1670 | a court pursuant to this section is confidential and exempt from
 1671 | the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1672 | Constitution and is available only to the person who is the
 1673 | subject of the record, to the subject's attorney, to criminal
 1674 | justice agencies for their respective criminal justice purposes,
 1675 | which include conducting a criminal history background check for
 1676 | approval of firearms purchases or transfers as authorized by
 1677 | state or federal law, to judges in the state courts system for
 1678 | the purpose of assisting them in their case-related
 1679 | decisionmaking responsibilities, as set forth in s. 943.053(5),
 1680 | or to those entities set forth in subparagraphs (a)1., 4., 5.,
 1681 | 6., 8., 9., and 10. for their respective licensing, access
 1682 | authorization, and employment purposes.

1683 | (a) The subject of a criminal history record sealed under
 1684 | this section or under other provisions of law, including former
 1685 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 1686 | deny or fail to acknowledge the arrests covered by the sealed
 1687 | record, except when the subject of the record:

- 1688 | 1. Is a candidate for employment with a criminal justice
- 1689 | agency;
- 1690 | 2. Is a defendant in a criminal prosecution;

1691 3. Concurrently or subsequently petitions for relief under
 1692 this section, s. 943.0583, or s. 943.0585;

1693 4. Is a candidate for admission to The Florida Bar;

1694 5. Is seeking to be employed or licensed by or to contract
 1695 with the Department of Children and Families, the Division of
 1696 Vocational Rehabilitation within the Department of Education,
 1697 the Agency for Health Care Administration, the Agency for
 1698 Persons with Disabilities, the Department of Health, the
 1699 Department of Elderly Affairs, or the Department of Juvenile
 1700 Justice or to be employed or used by such contractor or licensee
 1701 in a sensitive position having direct contact with children, the
 1702 disabled, or the elderly;

1703 6. Is seeking to be employed or licensed by the Department
 1704 of Education, a district school board, a university laboratory
 1705 school, a charter school, a private or parochial school, or a
 1706 local governmental entity that licenses child care facilities;

1707 7. Is attempting to purchase a firearm from a licensed
 1708 importer, licensed manufacturer, or licensed dealer and is
 1709 subject to a criminal history check under state or federal law;

1710 8. Is seeking to be licensed by the Division of Insurance
 1711 Agent and Agency Services within the Department of Financial
 1712 Services;

1713 9. Is seeking to be appointed as a guardian pursuant to s.
 1714 744.3125; or

1715 10. Is seeking to be licensed by the Bureau of License
 1716 Issuance of the Division of Licensing within the Department of

1717 Agriculture and Consumer Services to carry a concealed weapon or
 1718 concealed firearm. This subparagraph applies only in the
 1719 determination of an applicant's eligibility under s. 790.06.

1720 (b) Subject to the exceptions in paragraph (a), a person
 1721 who has been granted a sealing under this section, former s.
 1722 893.14, former s. 901.33, or former s. 943.058 may not be held
 1723 under any provision of law of this state to commit perjury or to
 1724 be otherwise liable for giving a false statement by reason of
 1725 such person's failure to recite or acknowledge a sealed criminal
 1726 history record.

1727 (c) Information relating to the existence of a sealed
 1728 criminal record provided in accordance with the provisions of
 1729 paragraph (a) is confidential and exempt from the provisions of
 1730 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 1731 except that the department shall disclose the sealed criminal
 1732 history record to the entities set forth in subparagraphs (a)1.,
 1733 4., 5., 6., 8., 9., and 10. for their respective licensing,
 1734 access authorization, and employment purposes. An employee of an
 1735 entity set forth in subparagraph (a)1., subparagraph (a)4.,
 1736 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
 1737 subparagraph (a)9., or subparagraph (a)10. may not disclose
 1738 information relating to the existence of a sealed criminal
 1739 history record of a person seeking employment, access
 1740 authorization, or licensure with such entity or contractor,
 1741 except to the person to whom the criminal history record relates
 1742 or to persons having direct responsibility for employment,

1743 access authorization, or licensure decisions. A person who
 1744 violates the provisions of this paragraph commits a misdemeanor
 1745 of the first degree, punishable as provided in s. 775.082 or s.
 1746 775.083.

1747 (5) STATUTORY REFERENCES.—Any reference to any other
 1748 chapter, section, or subdivision of the Florida Statutes in this
 1749 section constitutes a general reference under the doctrine of
 1750 incorporation by reference.

1751 Section 43. Paragraph (b) of subsection (1) of section
 1752 944.606, Florida Statutes, is amended to read:

1753 944.606 Sexual offenders; notification upon release.—

1754 (1) As used in this section:

1755 (b) "Sexual offender" means a person who has been
 1756 convicted of committing, or attempting, soliciting, or
 1757 conspiring to commit, any of the criminal offenses proscribed in
 1758 the following statutes in this state or similar offenses in
 1759 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 1760 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1761 the defendant is not the victim's parent or guardian; s.
 1762 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 1763 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 1764 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 1765 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 1766 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 1767 916.1075(2); or s. 985.701(1); or any similar offense committed
 1768 in this state which has been redesignated from a former statute

1769 number to one of those listed in this subsection, when the
 1770 department has received verified information regarding such
 1771 conviction; an offender's computerized criminal history record
 1772 is not, in and of itself, verified information.

1773 Section 44. Paragraph (a) of subsection (1) of section
 1774 944.607, Florida Statutes, is amended to read:

1775 944.607 Notification to Department of Law Enforcement of
 1776 information on sexual offenders.—

1777 (1) As used in this section, the term:

1778 (a) "Sexual offender" means a person who is in the custody
 1779 or control of, or under the supervision of, the department or is
 1780 in the custody of a private correctional facility:

1781 1. On or after October 1, 1997, as a result of a
 1782 conviction for committing, or attempting, soliciting, or
 1783 conspiring to commit, any of the criminal offenses proscribed in
 1784 the following statutes in this state or similar offenses in
 1785 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 1786 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1787 the defendant is not the victim's parent or guardian; s.
 1788 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 1789 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 1790 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former
 1791 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 1792 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 1793 916.1075(2); or s. 985.701(1); or any similar offense committed
 1794 in this state which has been redesignated from a former statute

1795 number to one of those listed in this paragraph; or
 1796 2. Who establishes or maintains a residence in this state
 1797 and who has not been designated as a sexual predator by a court
 1798 of this state but who has been designated as a sexual predator,
 1799 as a sexually violent predator, or by another sexual offender
 1800 designation in another state or jurisdiction and was, as a
 1801 result of such designation, subjected to registration or
 1802 community or public notification, or both, or would be if the
 1803 person were a resident of that state or jurisdiction, without
 1804 regard as to whether the person otherwise meets the criteria for
 1805 registration as a sexual offender.

1806 Section 45. Subsections (7), (10), and (14) of section
 1807 947.1405, Florida Statutes, are amended, and subsection (15) is
 1808 added to that section, to read:

1809 947.1405 Conditional release program.—

1810 (7)(a) Any inmate who is convicted of a crime committed on
 1811 or after October 1, 1995, or who has been previously convicted
 1812 of a crime committed on or after October 1, 1995, in violation
 1813 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
 1814 s. 847.0145, and is subject to conditional release supervision,
 1815 shall have, in addition to any other conditions imposed, the
 1816 following special conditions imposed by the commission:

1817 1. A mandatory curfew from 10 p.m. to 6 a.m. The
 1818 commission may designate another 8-hour period if the offender's
 1819 employment precludes the above specified time, and such
 1820 alternative is recommended by the Department of Corrections. If

1821 the commission determines that imposing a curfew would endanger
 1822 the victim, the commission may consider alternative sanctions.
 1823 2. If the victim was under the age of 18, a prohibition on
 1824 living within 1,000 feet of a school, child care facility, park,
 1825 playground, designated public school bus stop, or other place
 1826 where children regularly congregate. A releasee who is subject
 1827 to this subparagraph may not relocate to a residence that is
 1828 within 1,000 feet of a public school bus stop. Beginning October
 1829 1, 2004, the commission or the department may not approve a
 1830 residence that is located within 1,000 feet of a school, child
 1831 care facility, park, playground, designated school bus stop, or
 1832 other place where children regularly congregate for any releasee
 1833 who is subject to this subparagraph. On October 1, 2004, the
 1834 department shall notify each affected school district of the
 1835 location of the residence of a releasee 30 days prior to release
 1836 and thereafter, if the releasee relocates to a new residence,
 1837 shall notify any affected school district of the residence of
 1838 the releasee within 30 days after relocation. If, on October 1,
 1839 2004, any public school bus stop is located within 1,000 feet of
 1840 the existing residence of such releasee, the district school
 1841 board shall relocate that school bus stop. Beginning October 1,
 1842 2004, a district school board may not establish or relocate a
 1843 public school bus stop within 1,000 feet of the residence of a
 1844 releasee who is subject to this subparagraph. The failure of the
 1845 district school board to comply with this subparagraph shall not
 1846 result in a violation of conditional release supervision. A

1847 releasee who is subject to this subparagraph may not be forced
1848 to relocate and does not violate his or her conditional release
1849 supervision if he or she is living in a residence that meets the
1850 requirements of this subparagraph and a school, child care
1851 facility, park, playground, designated public school bus stop,
1852 or other place where children regularly congregate is
1853 subsequently established within 1,000 feet of his or her
1854 residence.

1855 3. Active participation in and successful completion of a
1856 sex offender treatment program with qualified practitioners
1857 specifically trained to treat sex offenders, at the releasee's
1858 own expense. If a qualified practitioner is not available within
1859 a 50-mile radius of the releasee's residence, the offender shall
1860 participate in other appropriate therapy.

1861 4. A prohibition on any contact with the victim, directly
1862 or indirectly, including through a third person, unless approved
1863 by the victim, a qualified practitioner in the sexual offender
1864 treatment program, and the sentencing court.

1865 5. If the victim was under the age of 18, a prohibition
1866 against contact with children under the age of 18 without review
1867 and approval by the commission. The commission may approve
1868 supervised contact with a child under the age of 18 if the
1869 approval is based upon a recommendation for contact issued by a
1870 qualified practitioner who is basing the recommendation on a
1871 risk assessment. Further, the sex offender must be currently
1872 enrolled in or have successfully completed a sex offender

1873 therapy program. The commission may not grant supervised contact
 1874 with a child if the contact is not recommended by a qualified
 1875 practitioner and may deny supervised contact with a child at any
 1876 time. When considering whether to approve supervised contact
 1877 with a child, the commission must review and consider the
 1878 following:

1879 a. A risk assessment completed by a qualified
 1880 practitioner. The qualified practitioner must prepare a written
 1881 report that must include the findings of the assessment and
 1882 address each of the following components:

1883 (I) The sex offender's current legal status;

1884 (II) The sex offender's history of adult charges with
 1885 apparent sexual motivation;

1886 (III) The sex offender's history of adult charges without
 1887 apparent sexual motivation;

1888 (IV) The sex offender's history of juvenile charges,
 1889 whenever available;

1890 (V) The sex offender's offender treatment history,
 1891 including a consultation from the sex offender's treating, or
 1892 most recent treating, therapist;

1893 (VI) The sex offender's current mental status;

1894 (VII) The sex offender's mental health and substance abuse
 1895 history as provided by the Department of Corrections;

1896 (VIII) The sex offender's personal, social, educational,
 1897 and work history;

1898 (IX) The results of current psychological testing of the

1899 sex offender if determined necessary by the qualified
 1900 practitioner;

1901 (X) A description of the proposed contact, including the
 1902 location, frequency, duration, and supervisory arrangement;

1903 (XI) The child's preference and relative comfort level
 1904 with the proposed contact, when age-appropriate;

1905 (XII) The parent's or legal guardian's preference
 1906 regarding the proposed contact; and

1907 (XIII) The qualified practitioner's opinion, along with
 1908 the basis for that opinion, as to whether the proposed contact
 1909 would likely pose significant risk of emotional or physical harm
 1910 to the child.

1911

1912 The written report of the assessment must be given to the
 1913 commission.

1914 b. A recommendation made as a part of the risk-assessment
 1915 report as to whether supervised contact with the child should be
 1916 approved;

1917 c. A written consent signed by the child's parent or legal
 1918 guardian, if the parent or legal guardian is not the sex
 1919 offender, agreeing to the sex offender having supervised contact
 1920 with the child after receiving full disclosure of the sex
 1921 offender's present legal status, past criminal history, and the
 1922 results of the risk assessment. The commission may not approve
 1923 contact with the child if the parent or legal guardian refuses
 1924 to give written consent for supervised contact;

1925 d. A safety plan prepared by the qualified practitioner,
 1926 who provides treatment to the offender, in collaboration with
 1927 the sex offender, the child's parent or legal guardian, and the
 1928 child, when age appropriate, which details the acceptable
 1929 conditions of contact between the sex offender and the child.
 1930 The safety plan must be reviewed and approved by the Department
 1931 of Corrections before being submitted to the commission; and

1932 e. Evidence that the child's parent or legal guardian, if
 1933 the parent or legal guardian is not the sex offender,
 1934 understands the need for and agrees to the safety plan and has
 1935 agreed to provide, or to designate another adult to provide,
 1936 constant supervision any time the child is in contact with the
 1937 offender.

1938
 1939 The commission may not appoint a person to conduct a risk
 1940 assessment and may not accept a risk assessment from a person
 1941 who has not demonstrated to the commission that he or she has
 1942 met the requirements of a qualified practitioner as defined in
 1943 this section.

1944 6. If the victim was under age 18, a prohibition on
 1945 working for pay or as a volunteer at any school, child care
 1946 facility, park, playground, or other place where children
 1947 regularly congregate, as prescribed by the commission.

1948 7. Unless otherwise indicated in the treatment plan
 1949 provided by a qualified practitioner in the sexual offender
 1950 treatment program, a prohibition on viewing, owning, or

1951 possessing any obscene, pornographic, or sexually stimulating
 1952 visual or auditory material, including telephone, electronic
 1953 media, computer programs, or computer services that are relevant
 1954 to the offender's deviant behavior pattern.

1955 8. Effective for a releasee whose crime is committed on or
 1956 after July 1, 2005, a prohibition on accessing the Internet or
 1957 other computer services until a qualified practitioner in the
 1958 offender's sex offender treatment program, after a risk
 1959 assessment is completed, approves and implements a safety plan
 1960 for the offender's accessing or using the Internet or other
 1961 computer services.

1962 9. A requirement that the releasee must submit two
 1963 specimens of blood to the Department of Law Enforcement to be
 1964 registered with the DNA database.

1965 10. A requirement that the releasee make restitution to
 1966 the victim, as determined by the sentencing court or the
 1967 commission, for all necessary medical and related professional
 1968 services relating to physical, psychiatric, and psychological
 1969 care.

1970 11. Submission to a warrantless search by the community
 1971 control or probation officer of the probationer's or community
 1972 controllee's person, residence, or vehicle.

1973 (b) For a releasee whose crime was committed on or after
 1974 October 1, 1997, in violation of chapter 794, s. 800.04, former
 1975 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
 1976 to conditional release supervision, in addition to any other

1977 provision of this subsection, the commission shall impose the
 1978 following additional conditions of conditional release
 1979 supervision:

1980 1. As part of a treatment program, participation in a
 1981 minimum of one annual polygraph examination to obtain
 1982 information necessary for risk management and treatment and to
 1983 reduce the sex offender's denial mechanisms. The polygraph
 1984 examination must be conducted by a polygrapher who is a member
 1985 of a national or state polygraph association and who is
 1986 certified as a postconviction sex offender polygrapher, where
 1987 available, and at the expense of the releasee. The results of
 1988 the examination shall be provided to the releasee's probation
 1989 officer and qualified practitioner and may not be used as
 1990 evidence in a hearing to prove that a violation of supervision
 1991 has occurred.

1992 2. Maintenance of a driving log and a prohibition against
 1993 driving a motor vehicle alone without the prior approval of the
 1994 supervising officer.

1995 3. A prohibition against obtaining or using a post office
 1996 box without the prior approval of the supervising officer.

1997 4. If there was sexual contact, a submission to, at the
 1998 releasee's expense, an HIV test with the results to be released
 1999 to the victim or the victim's parent or guardian.

2000 5. Electronic monitoring of any form when ordered by the
 2001 commission. Any person who has been placed under supervision and
 2002 is electronically monitored by the department must pay the

2003 department for the cost of the electronic monitoring service at
 2004 a rate that may not exceed the full cost of the monitoring
 2005 service. Funds collected under this subparagraph shall be
 2006 deposited into the General Revenue Fund. The department may
 2007 exempt a person from the payment of all or any part of the
 2008 electronic monitoring service cost if the department finds that
 2009 any of the factors listed in s. 948.09(3) exist.

2010 (10) Effective for a releasee whose crime was committed on
 2011 or after September 1, 2005, in violation of chapter 794, s.
 2012 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
 2013 the unlawful activity involved a victim who was 15 years of age
 2014 or younger and the offender is 18 years of age or older or for a
 2015 releasee who is designated as a sexual predator pursuant to s.
 2016 775.21, in addition to any other provision of this section, the
 2017 commission must order electronic monitoring for the duration of
 2018 the releasee's supervision.

2019 (14) Effective for a releasee whose crime was committed on
 2020 or after October 1, 2014, in violation of chapter 794, s.
 2021 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
 2022 addition to any other provision of this section, the commission
 2023 must impose a condition prohibiting the releasee from viewing,
 2024 accessing, owning, or possessing any obscene, pornographic, or
 2025 sexually stimulating visual or auditory material unless
 2026 otherwise indicated in the treatment plan provided by a
 2027 qualified practitioner in the sexual offender treatment program.
 2028 Visual or auditory material includes, but is not limited to,

2029 telephone, electronic media, computer programs, and computer
 2030 services.

2031 (15) (a) Effective for a releasee whose crime was committed
 2032 on or after October 1, 2015, in violation of s. 847.003 or s.
 2033 847.0135(4), in addition to any other provision of this section,
 2034 the commission must impose the conditions specified in
 2035 subsections (7), (10), (12), and (14).

2036 (b) Effective for a releasee whose crime was committed on
 2037 or after October 1, 2015, in violation of s. 847.0137, in
 2038 addition to any other provision of this section, the commission
 2039 must impose the conditions specified in subsections (7) and
 2040 (14).

2041 Section 46. Subsection (2) of section 948.013, Florida
 2042 Statutes, is amended, and subsection (3) is added to that
 2043 section, to read:

2044 948.013 Administrative probation.—

2045 (2) Effective for an offense committed on or after July 1,
 2046 1998, a person is ineligible for placement on administrative
 2047 probation if the person is sentenced to or is serving a term of
 2048 probation or community control, regardless of the conviction or
 2049 adjudication, for committing, or attempting, conspiring, or
 2050 soliciting to commit, any of the felony offenses described in s.
 2051 787.01 or s. 787.02, where the victim is a minor and the
 2052 defendant is not the victim's parent; s. 787.025; s.
 2053 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.
 2054 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or

2055 s. 847.0145.

2056 (3) Effective for an offense committed on or after October
 2057 1, 2015, a person is ineligible for placement on administrative
 2058 probation if the person is sentenced to or is serving a term of
 2059 probation or community control, regardless of the conviction or
 2060 adjudication, for committing, or attempting, conspiring, or
 2061 soliciting to commit, any of the felony offenses described in s.
 2062 847.003 or s. 847.0137.

2063 Section 47. Subsection (2) of section 948.03, Florida
 2064 Statutes, is amended to read:

2065 948.03 Terms and conditions of probation.—

2066 (2) The enumeration of specific kinds of terms and
 2067 conditions shall not prevent the court from adding thereto such
 2068 other or others as it considers proper. However, the sentencing
 2069 court may only impose a condition of supervision allowing an
 2070 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
 2071 s. 847.003, s. 847.0135(5), or s. 847.0145, to reside in another
 2072 state, if the order stipulates that it is contingent upon the
 2073 approval of the receiving state interstate compact authority.
 2074 The court may rescind or modify at any time the terms and
 2075 conditions theretofore imposed by it upon the probationer.
 2076 However, if the court withholds adjudication of guilt or imposes
 2077 a period of incarceration as a condition of probation, the
 2078 period shall not exceed 364 days, and incarceration shall be
 2079 restricted to either a county facility, a probation and
 2080 restitution center under the jurisdiction of the Department of

2081 Corrections, a probation program drug punishment phase I secure
 2082 residential treatment institution, or a community residential
 2083 facility owned or operated by any entity providing such
 2084 services.

2085 Section 48. Subsection (1) of section 948.04, Florida
 2086 Statutes, is amended to read:

2087 948.04 Period of probation; duty of probationer; early
 2088 termination.—

2089 (1) Defendants found guilty of felonies who are placed on
 2090 probation shall be under supervision not to exceed 2 years
 2091 unless otherwise specified by the court. No defendant placed on
 2092 probation pursuant to s. 948.012(1) is subject to the probation
 2093 limitations of this subsection. A defendant who is placed on
 2094 probation or community control for a violation of chapter 794,
 2095 ~~or~~ chapter 827, or s. 847.003 is subject to the maximum level of
 2096 supervision provided by the supervising agency, and that
 2097 supervision shall continue through the full term of the court-
 2098 imposed probation or community control.

2099 Section 49. Subsection (4) and paragraph (c) of subsection
 2100 (8) of section 948.06, Florida Statutes, are amended to read:

2101 948.06 Violation of probation or community control;
 2102 revocation; modification; continuance; failure to pay
 2103 restitution or cost of supervision.—

2104 (4) Notwithstanding any other provision of this section, a
 2105 felony probationer or an offender in community control who is
 2106 arrested for violating his or her probation or community control

2107 | in a material respect may be taken before the court in the
 2108 | county or circuit in which the probationer or offender was
 2109 | arrested. That court shall advise him or her of the charge of a
 2110 | violation and, if such charge is admitted, shall cause him or
 2111 | her to be brought before the court that granted the probation or
 2112 | community control. If the violation is not admitted by the
 2113 | probationer or offender, the court may commit him or her or
 2114 | release him or her with or without bail to await further
 2115 | hearing. However, if the probationer or offender is under
 2116 | supervision for any criminal offense proscribed in chapter 794,
 2117 | s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
 2118 | a registered sexual predator or a registered sexual offender, or
 2119 | is under supervision for a criminal offense for which he or she
 2120 | would meet the registration criteria in s. 775.21, s. 943.0435,
 2121 | or s. 944.607 but for the effective date of those sections, the
 2122 | court must make a finding that the probationer or offender is
 2123 | not a danger to the public prior to release with or without
 2124 | bail. In determining the danger posed by the offender's or
 2125 | probationer's release, the court may consider the nature and
 2126 | circumstances of the violation and any new offenses charged; the
 2127 | offender's or probationer's past and present conduct, including
 2128 | convictions of crimes; any record of arrests without conviction
 2129 | for crimes involving violence or sexual crimes; any other
 2130 | evidence of allegations of unlawful sexual conduct or the use of
 2131 | violence by the offender or probationer; the offender's or
 2132 | probationer's family ties, length of residence in the community,

2133 employment history, and mental condition; his or her history and
 2134 conduct during the probation or community control supervision
 2135 from which the violation arises and any other previous
 2136 supervisions, including disciplinary records of previous
 2137 incarcerations; the likelihood that the offender or probationer
 2138 will engage again in a criminal course of conduct; the weight of
 2139 the evidence against the offender or probationer; and any other
 2140 facts the court considers relevant. The court, as soon as is
 2141 practicable, shall give the probationer or offender an
 2142 opportunity to be fully heard on his or her behalf in person or
 2143 by counsel. After the hearing, the court shall make findings of
 2144 fact and forward the findings to the court that granted the
 2145 probation or community control and to the probationer or
 2146 offender or his or her attorney. The findings of fact by the
 2147 hearing court are binding on the court that granted the
 2148 probation or community control. Upon the probationer or offender
 2149 being brought before it, the court that granted the probation or
 2150 community control may revoke, modify, or continue the probation
 2151 or community control or may place the probationer into community
 2152 control as provided in this section. However, the probationer or
 2153 offender shall not be released and shall not be admitted to
 2154 bail, but shall be brought before the court that granted the
 2155 probation or community control if any violation of felony
 2156 probation or community control other than a failure to pay costs
 2157 or fines or make restitution payments is alleged to have been
 2158 committed by:

2159 (a) A violent felony offender of special concern, as
 2160 defined in this section;

2161 (b) A person who is on felony probation or community
 2162 control for any offense committed on or after the effective date
 2163 of this act and who is arrested for a qualifying offense as
 2164 defined in this section; or

2165 (c) A person who is on felony probation or community
 2166 control and has previously been found by a court to be a
 2167 habitual violent felony offender as defined in s. 775.084(1)(b),
 2168 a three-time violent felony offender as defined in s.
 2169 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2170 arrested for committing a qualifying offense as defined in this
 2171 section on or after the effective date of this act.

2172 (8)

2173 (c) For purposes of this section, the term "qualifying
 2174 offense" means any of the following:

2175 1. Kidnapping or attempted kidnapping under s. 787.01,
 2176 false imprisonment of a child under the age of 13 under s.
 2177 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 2178 or (c).

2179 2. Murder or attempted murder under s. 782.04, attempted
 2180 felony murder under s. 782.051, or manslaughter under s. 782.07.

2181 3. Aggravated battery or attempted aggravated battery
 2182 under s. 784.045.

2183 4. Sexual battery or attempted sexual battery under s.
 2184 794.011(2), (3), (4), or (8)(b) or (c).

2185 5. Lewd or lascivious battery or attempted lewd or
 2186 lascivious battery under s. 800.04(4), lewd or lascivious
 2187 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 2188 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 2189 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 2190 computer under s. 847.0135(5)(b).

2191 6. Robbery or attempted robbery under s. 812.13,
 2192 carjacking or attempted carjacking under s. 812.133, or home
 2193 invasion robbery or attempted home invasion robbery under s.
 2194 812.135.

2195 7. Lewd or lascivious offense upon or in the presence of
 2196 an elderly or disabled person or attempted lewd or lascivious
 2197 offense upon or in the presence of an elderly or disabled person
 2198 under s. 825.1025.

2199 8. Sexual performance by a child or attempted sexual
 2200 performance by a child under former s. 827.071, or s. 847.003.

2201 9. Computer pornography under s. 847.0135(2) or (3),
 2202 ~~transmission of~~ child pornography under s. 847.0137, or selling
 2203 or buying of minors under s. 847.0145.

2204 10. Poisoning food or water under s. 859.01.

2205 11. Abuse of a dead human body under s. 872.06.

2206 12. Any burglary offense or attempted burglary offense
 2207 that is either a first degree felony or second degree felony
 2208 under s. 810.02(2) or (3).

2209 13. Arson or attempted arson under s. 806.01(1).

2210 14. Aggravated assault under s. 784.021.

2211 15. Aggravated stalking under s. 784.048(3), (4), (5), or
2212 (7).

2213 16. Aircraft piracy under s. 860.16.

2214 17. Unlawful throwing, placing, or discharging of a
2215 destructive device or bomb under s. 790.161(2), (3), or (4).

2216 18. Treason under s. 876.32.

2217 19. Any offense committed in another jurisdiction which
2218 would be an offense listed in this paragraph if that offense had
2219 been committed in this state.

2220 Section 50. Paragraph (c) of subsection (1) of section
2221 948.062, Florida Statutes, is amended to read:

2222 948.062 Reviewing and reporting serious offenses committed
2223 by offenders placed on probation or community control.—

2224 (1) The department shall review the circumstances related
2225 to an offender placed on probation or community control who has
2226 been arrested while on supervision for the following offenses:

2227 (c) Any sexual performance by a child as provided in
2228 former s. 827.071 or s. 847.003;

2229 Section 51. Subsection (2) of section 948.101, Florida
2230 Statutes, is amended to read:

2231 948.101 Terms and conditions of community control.—

2232 (2) The enumeration of specific kinds of terms and
2233 conditions does not prevent the court from adding any other
2234 terms or conditions that the court considers proper. However,
2235 the sentencing court may only impose a condition of supervision
2236 allowing an offender convicted of s. 794.011, s. 800.04, former

2237 s. 827.071, s. 847.003, s. 847.0135(5), or s. 847.0145 to reside
 2238 in another state if the order stipulates that it is contingent
 2239 upon the approval of the receiving state interstate compact
 2240 authority. The court may rescind or modify at any time the terms
 2241 and conditions theretofore imposed by it upon the offender in
 2242 community control. However, if the court withholds adjudication
 2243 of guilt or imposes a period of incarceration as a condition of
 2244 community control, the period may not exceed 364 days, and
 2245 incarceration shall be restricted to a county facility, a
 2246 probation and restitution center under the jurisdiction of the
 2247 Department of Corrections, a probation program drug punishment
 2248 phase I secure residential treatment institution, or a community
 2249 residential facility owned or operated by any entity providing
 2250 such services.

2251 Section 52. Subsections (1) and (2), paragraphs (a) and
 2252 (c) of subsection (3), and subsection (5) of section 948.30,
 2253 Florida Statutes, are amended, and subsection (6) is added to
 2254 that section, to read:

2255 948.30 Additional terms and conditions of probation or
 2256 community control for certain sex offenses.—Conditions imposed
 2257 pursuant to this section do not require oral pronouncement at
 2258 the time of sentencing and shall be considered standard
 2259 conditions of probation or community control for offenders
 2260 specified in this section.

2261 (1) Effective for probationers or community controllees
 2262 whose crime was committed on or after October 1, 1995, and who

2263 are placed under supervision for violation of chapter 794, s.
 2264 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
 2265 court must impose the following conditions in addition to all
 2266 other standard and special conditions imposed:

2267 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
 2268 may designate another 8-hour period if the offender's employment
 2269 precludes the above specified time, and the alternative is
 2270 recommended by the Department of Corrections. If the court
 2271 determines that imposing a curfew would endanger the victim, the
 2272 court may consider alternative sanctions.

2273 (b) If the victim was under the age of 18, a prohibition
 2274 on living within 1,000 feet of a school, child care facility,
 2275 park, playground, or other place where children regularly
 2276 congregate, as prescribed by the court. The 1,000-foot distance
 2277 shall be measured in a straight line from the offender's place
 2278 of residence to the nearest boundary line of the school, child
 2279 care facility, park, playground, or other place where children
 2280 congregate. The distance may not be measured by a pedestrian
 2281 route or automobile route. A probationer or community controllee
 2282 who is subject to this paragraph may not be forced to relocate
 2283 and does not violate his or her probation or community control
 2284 if he or she is living in a residence that meets the
 2285 requirements of this paragraph and a school, child care
 2286 facility, park, playground, or other place where children
 2287 regularly congregate is subsequently established within 1,000
 2288 feet of his or her residence.

2289 (c) Active participation in and successful completion of a
 2290 sex offender treatment program with qualified practitioners
 2291 specifically trained to treat sex offenders, at the
 2292 probationer's or community controllee's own expense. If a
 2293 qualified practitioner is not available within a 50-mile radius
 2294 of the probationer's or community controllee's residence, the
 2295 offender shall participate in other appropriate therapy.

2296 (d) A prohibition on any contact with the victim, directly
 2297 or indirectly, including through a third person, unless approved
 2298 by the victim, a qualified practitioner in the sexual offender
 2299 treatment program, and the sentencing court.

2300 (e) If the victim was under the age of 18, a prohibition
 2301 on contact with a child under the age of 18 except as provided
 2302 in this paragraph. The court may approve supervised contact with
 2303 a child under the age of 18 if the approval is based upon a
 2304 recommendation for contact issued by a qualified practitioner
 2305 who is basing the recommendation on a risk assessment. Further,
 2306 the sex offender must be currently enrolled in or have
 2307 successfully completed a sex offender therapy program. The court
 2308 may not grant supervised contact with a child if the contact is
 2309 not recommended by a qualified practitioner and may deny
 2310 supervised contact with a child at any time. When considering
 2311 whether to approve supervised contact with a child, the court
 2312 must review and consider the following:

- 2313 1. A risk assessment completed by a qualified
 2314 practitioner. The qualified practitioner must prepare a written

2315 report that must include the findings of the assessment and
 2316 address each of the following components:

- 2317 a. The sex offender's current legal status;
- 2318 b. The sex offender's history of adult charges with
 2319 apparent sexual motivation;
- 2320 c. The sex offender's history of adult charges without
 2321 apparent sexual motivation;
- 2322 d. The sex offender's history of juvenile charges,
 2323 whenever available;
- 2324 e. The sex offender's offender treatment history,
 2325 including consultations with the sex offender's treating, or
 2326 most recent treating, therapist;
- 2327 f. The sex offender's current mental status;
- 2328 g. The sex offender's mental health and substance abuse
 2329 treatment history as provided by the Department of Corrections;
- 2330 h. The sex offender's personal, social, educational, and
 2331 work history;
- 2332 i. The results of current psychological testing of the sex
 2333 offender if determined necessary by the qualified practitioner;
- 2334 j. A description of the proposed contact, including the
 2335 location, frequency, duration, and supervisory arrangement;
- 2336 k. The child's preference and relative comfort level with
 2337 the proposed contact, when age appropriate;
- 2338 l. The parent's or legal guardian's preference regarding
 2339 the proposed contact; and
- 2340 m. The qualified practitioner's opinion, along with the

2341 basis for that opinion, as to whether the proposed contact would
 2342 likely pose significant risk of emotional or physical harm to
 2343 the child.

2344
 2345 The written report of the assessment must be given to the court;

2346 2. A recommendation made as a part of the risk assessment
 2347 report as to whether supervised contact with the child should be
 2348 approved;

2349 3. A written consent signed by the child's parent or legal
 2350 guardian, if the parent or legal guardian is not the sex
 2351 offender, agreeing to the sex offender having supervised contact
 2352 with the child after receiving full disclosure of the sex
 2353 offender's present legal status, past criminal history, and the
 2354 results of the risk assessment. The court may not approve
 2355 contact with the child if the parent or legal guardian refuses
 2356 to give written consent for supervised contact;

2357 4. A safety plan prepared by the qualified practitioner,
 2358 who provides treatment to the offender, in collaboration with
 2359 the sex offender, the child's parent or legal guardian, if the
 2360 parent or legal guardian is not the sex offender, and the child,
 2361 when age appropriate, which details the acceptable conditions of
 2362 contact between the sex offender and the child. The safety plan
 2363 must be reviewed and approved by the court; and

2364 5. Evidence that the child's parent or legal guardian
 2365 understands the need for and agrees to the safety plan and has
 2366 agreed to provide, or to designate another adult to provide,

2367 constant supervision any time the child is in contact with the
 2368 offender.

2369
 2370 The court may not appoint a person to conduct a risk assessment
 2371 and may not accept a risk assessment from a person who has not
 2372 demonstrated to the court that he or she has met the
 2373 requirements of a qualified practitioner as defined in this
 2374 section.

2375 (f) If the victim was under age 18, a prohibition on
 2376 working for pay or as a volunteer at any place where children
 2377 regularly congregate, including, but not limited to, schools,
 2378 child care facilities, parks, playgrounds, pet stores,
 2379 libraries, zoos, theme parks, and malls.

2380 (g) Unless otherwise indicated in the treatment plan
 2381 provided by a qualified practitioner in the sexual offender
 2382 treatment program, a prohibition on viewing, accessing, owning,
 2383 or possessing any obscene, pornographic, or sexually stimulating
 2384 visual or auditory material, including telephone, electronic
 2385 media, computer programs, or computer services that are relevant
 2386 to the offender's deviant behavior pattern.

2387 (h) Effective for probationers and community controllees
 2388 whose crime is committed on or after July 1, 2005, a prohibition
 2389 on accessing the Internet or other computer services until a
 2390 qualified practitioner in the offender's sex offender treatment
 2391 program, after a risk assessment is completed, approves and
 2392 implements a safety plan for the offender's accessing or using

2393 the Internet or other computer services.

2394 (i) A requirement that the probationer or community
 2395 controllee must submit a specimen of blood or other approved
 2396 biological specimen to the Department of Law Enforcement to be
 2397 registered with the DNA data bank.

2398 (j) A requirement that the probationer or community
 2399 controllee make restitution to the victim, as ordered by the
 2400 court under s. 775.089, for all necessary medical and related
 2401 professional services relating to physical, psychiatric, and
 2402 psychological care.

2403 (k) Submission to a warrantless search by the community
 2404 control or probation officer of the probationer's or community
 2405 controllee's person, residence, or vehicle.

2406 (2) Effective for a probationer or community controllee
 2407 whose crime was committed on or after October 1, 1997, and who
 2408 is placed on community control or sex offender probation for a
 2409 violation of chapter 794, s. 800.04, former s. 827.071, s.
 2410 847.0135(5), or s. 847.0145, in addition to any other provision
 2411 of this section, the court must impose the following conditions
 2412 of probation or community control:

2413 (a) As part of a treatment program, participation at least
 2414 annually in polygraph examinations to obtain information
 2415 necessary for risk management and treatment and to reduce the
 2416 sex offender's denial mechanisms. A polygraph examination must
 2417 be conducted by a polygrapher who is a member of a national or
 2418 state polygraph association and who is certified as a

2419 postconviction sex offender polygrapher, where available, and
 2420 shall be paid for by the probationer or community controllee.
 2421 The results of the polygraph examination shall be provided to
 2422 the probationer's or community controllee's probation officer
 2423 and qualified practitioner and shall not be used as evidence in
 2424 court to prove that a violation of community supervision has
 2425 occurred.

2426 (b) Maintenance of a driving log and a prohibition against
 2427 driving a motor vehicle alone without the prior approval of the
 2428 supervising officer.

2429 (c) A prohibition against obtaining or using a post office
 2430 box without the prior approval of the supervising officer.

2431 (d) If there was sexual contact, a submission to, at the
 2432 probationer's or community controllee's expense, an HIV test
 2433 with the results to be released to the victim or the victim's
 2434 parent or guardian.

2435 (e) Electronic monitoring when deemed necessary by the
 2436 community control or probation officer and his or her
 2437 supervisor, and ordered by the court at the recommendation of
 2438 the Department of Corrections.

2439 (3) Effective for a probationer or community controllee
 2440 whose crime was committed on or after September 1, 2005, and
 2441 who:

2442 (a) Is placed on probation or community control for a
 2443 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
 2444 827.071, or s. 847.0145 and the unlawful sexual activity

2445 involved a victim 15 years of age or younger and the offender is
 2446 18 years of age or older;

2447 (c) Has previously been convicted of a violation of
 2448 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
 2449 847.0145 and the unlawful sexual activity involved a victim 15
 2450 years of age or younger and the offender is 18 years of age or
 2451 older,

2452
 2453 the court must order, in addition to any other provision of this
 2454 section, mandatory electronic monitoring as a condition of the
 2455 probation or community control supervision.

2456 (5) Effective for a probationer or community controllee
 2457 whose crime was committed on or after October 1, 2014, and who
 2458 is placed on probation or community control for a violation of
 2459 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
 2460 847.0145, in addition to all other conditions imposed, the court
 2461 must impose a condition prohibiting the probationer or community
 2462 controllee from viewing, accessing, owning, or possessing any
 2463 obscene, pornographic, or sexually stimulating visual or
 2464 auditory material unless otherwise indicated in the treatment
 2465 plan provided by a qualified practitioner in the sexual offender
 2466 treatment program. Visual or auditory material includes, but is
 2467 not limited to, telephone, electronic media, computer programs,
 2468 and computer services.

2469 (6) Effective for probationers or community controllees
 2470 whose crime was committed on or after October 1, 2015, and who

2471 are placed under supervision for violation of s. 847.003, s.
 2472 847.0135(4), or s. 847.0137, the court must impose the
 2473 conditions specified in subsections (1)-(5), in addition to all
 2474 other standard and special conditions imposed.

2475 Section 53. Subsection (1) of section 948.32, Florida
 2476 Statutes, is amended to read:

2477 948.32 Requirements of law enforcement agency upon arrest
 2478 of persons for certain sex offenses.—

2479 (1) When any state or local law enforcement agency
 2480 investigates or arrests a person for committing, or attempting,
 2481 soliciting, or conspiring to commit, a violation of s.
 2482 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 2483 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 2484 847.0135, or s. 847.0145, the law enforcement agency shall
 2485 contact the Department of Corrections to verify whether the
 2486 person under investigation or under arrest is on probation,
 2487 community control, parole, conditional release, or control
 2488 release.

2489 Section 54. Paragraph (d) of subsection (3) and subsection
 2490 (10) of section 960.03, Florida Statutes, are amended to read:

2491 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 2492 960.01-960.28, unless the context otherwise requires, the term:

2493 (3) "Crime" means:

2494 (d) A violation of former s. 827.071, s. 847.003, s.
 2495 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
 2496 exploitation and child pornography.

2497 (10) "Identified victim of child pornography" means any
 2498 person who, while under the age of 18, is depicted in any visual
 2499 depiction ~~image or movie~~ of child pornography, as defined in s.
 2500 847.0137, and who is identified through a report generated by a
 2501 law enforcement agency and provided to the National Center for
 2502 Missing and Exploited Children's Child Victim Identification
 2503 Program.

2504 Section 55. Section 960.197, Florida Statutes, is amended
 2505 to read:

2506 960.197 Assistance to victims of online sexual
 2507 exploitation and child pornography.—

2508 (1) Notwithstanding the criteria set forth in s. 960.13
 2509 for crime victim compensation awards, the department may award
 2510 compensation for counseling and other mental health services to
 2511 treat psychological injury or trauma to:

2512 (a) A child younger than 18 years of age who suffers
 2513 psychiatric or psychological injury as a direct result of online
 2514 sexual exploitation under any provision of former s. 827.071, s.
 2515 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
 2516 not otherwise sustain a personal injury or death; or

2517 (b) Any person who, while younger than age 18, was
 2518 depicted in any visual depiction ~~image or movie, regardless of~~
 2519 ~~length,~~ of child pornography as defined in s. 847.0137 ~~s.~~
 2520 ~~847.001~~, who has been identified by a law enforcement agency or
 2521 the National Center for Missing and Exploited Children as an
 2522 identified victim of child pornography, who suffers psychiatric

2523 or psychological injury as a direct result of the crime, and who
 2524 does not otherwise sustain a personal injury or death.

2525 (2) Compensation under this section is not contingent upon
 2526 pursuit of a criminal investigation or prosecution.

2527 Section 56. Paragraph (d) of subsection (4) of section
 2528 985.04, Florida Statutes, is amended to read:

2529 985.04 Oaths; records; confidential information.—

2530 (4)

2531 (d) The department shall disclose to the school
 2532 superintendent the presence of any child in the care and custody
 2533 or under the jurisdiction or supervision of the department who
 2534 has a known history of criminal sexual behavior with other
 2535 juveniles; is alleged to have committed juvenile sexual abuse as
 2536 defined in s. 39.01; or has pled guilty or nolo contendere to,
 2537 or has been found to have committed, a violation of chapter 794,
 2538 chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 2539 847.0133, or s. 847.0137, regardless of adjudication. Any
 2540 employee of a district school board who knowingly and willfully
 2541 discloses such information to an unauthorized person commits a
 2542 misdemeanor of the second degree, punishable as provided in s.
 2543 775.082 or s. 775.083.

2544 Section 57. Paragraph (a) of subsection (1) of section
 2545 985.475, Florida Statutes, is amended to read:

2546 985.475 Juvenile sexual offenders.—

2547 (1) CRITERIA.—A "juvenile sexual offender" means:

2548 (a) A juvenile who has been found by the court under s.

2549 985.35 to have committed a violation of chapter 794, chapter
 2550 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 2551 or s. 847.0137;

2552 Section 58. Paragraph (mm) of subsection (1) of section
 2553 1012.315, Florida Statutes, is amended to read:

2554 1012.315 Disqualification from employment.—A person is
 2555 ineligible for educator certification, and instructional
 2556 personnel and school administrators, as defined in s. 1012.01,
 2557 are ineligible for employment in any position that requires
 2558 direct contact with students in a district school system,
 2559 charter school, or private school that accepts scholarship
 2560 students under s. 1002.39 or s. 1002.395, if the person,
 2561 instructional personnel, or school administrator has been
 2562 convicted of:

2563 (1) Any felony offense prohibited under any of the
 2564 following statutes:

2565 (mm) Former s. Section 827.071, relating to sexual
 2566 performance by a child.

2567 Section 59. Paragraphs (e), (f), and (h) of subsection (3)
 2568 of section 921.0022, Florida Statutes, are amended to read:

2569 921.0022 Criminal Punishment Code; offense severity
 2570 ranking chart.—

2571 (3) OFFENSE SEVERITY RANKING CHART

2572 (e) LEVEL 5

2573

Florida	Felony	Description
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	Statute	Degree	
2574	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2575	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2576	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2577	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
2578	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2579	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

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2580	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2581	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
2582	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2583	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2584	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2585	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
2586	790.01(2)	3rd	Carrying a concealed firearm.

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2587	790.162	2nd	Threat to throw or discharge destructive device.
2588	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2589	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2590	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2591	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2592	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2593	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2594			

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2595	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2596	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2597	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2598	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2599	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2600	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2601	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than

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2602	817.2341 (1), (2) (a) & (3) (a)	3rd	<p>\$100,000.</p> <p>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</p>
2603	817.568 (2) (b)	2nd	<p>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 individuals.</p>
2604	817.625 (2) (b)	2nd	<p>Second or subsequent fraudulent use of scanning device or reencoder.</p>
2605	825.1025 (4)	3rd	<p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p>

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2606

~~827.071(4)~~ 2nd ~~Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.~~

2607

~~827.071(5)~~ 3rd ~~Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.~~

2608

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.

2609

843.01 3rd Resist officer with violence to person; resist arrest with violence.

2610

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

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2611	<u>847.0137(2)(a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
2612	<u>847.0137(2)(b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
2613	847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
2614	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2615	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2616	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2617	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver

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2618

893.13(1)(c)2. 2nd cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

2619

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.

2620

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs) within 1,000 feet of
university.

2620

893.13(1)(e)2. 2nd Sell, manufacture, or deliver

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			<p>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>
2621	<p>893.13(1)(f)1.</p>	<p>1st</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>
2622	<p>893.13(4)(b)</p>	<p>2nd</p>	<p>Deliver to minor 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).</p>
2623	<p>893.1351(1)</p>	<p>3rd</p>	<p>Ownership, lease, or rental for trafficking in or manufacturing</p>

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2015

of controlled substance.

2624

2625 (f) LEVEL 6

2626

Florida	Felony	
Statute	Degree	Description

2627

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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2628

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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2629

499.0051 (3)	2nd	Knowing forgery of pedigree papers.
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2630

499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
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2631

499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
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2632

775.0875 (1)	3rd	Taking firearm from law
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2015

			enforcement officer.
2633	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
2634	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
2635	784.041	3rd	Felony battery; domestic battery by strangulation.
2636	784.048 (3)	3rd	Aggravated stalking; credible threat.
2637	784.048 (5)	3rd	Aggravated stalking of person under 16.
2638	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
2639	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
2640	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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2641	784.081 (2)	2nd	Aggravated assault on specified official or employee.
2642	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
2643	784.083 (2)	2nd	Aggravated assault on code inspector.
2644	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
2645	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
2646	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
2647	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or

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2648			violence to state property.
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
2649			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
2650			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
2651			
	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.
2652			
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
2653			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
2654			

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2655	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
2656	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
2657	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
2658	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
2659	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
2660	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
2661	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).

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2662	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
2663	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
2664	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
2665	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
2666	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
2667	827.03 (2) (c)	3rd	Abuse of a child.
2668	827.03 (2) (d)	3rd	Neglect of a child.
2669	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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2670	836.05	2nd	Threats; extortion.
2671	836.10	2nd	Written threats to kill or do bodily injury.
2672	843.12	3rd	Aids or assists person to escape.
2673	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
2674	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
2675	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
2676	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness,

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2677			victim, or informant, with bodily injury.
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
2678			
	944.40	2nd	Escapes.
2679			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
2680			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
2681			
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

2682
2683 (h) LEVEL 8
2684

Florida Felony Description

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	Statute	Degree	
2685	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
2686	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
2687	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
2688	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
2689	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
2690	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.
2691	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency

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2692	655.50 (10) (b) 2.	2nd	or payment instruments totaling or exceeding \$20,000, but less than \$100,000. Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
2693	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
2694	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.
2695	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not

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2696			enumerated in s. 782.04(3).
	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
2697			
	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
2698			
	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
2699			
	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
2700			
	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
2701			
	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.

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2702	787.06 (3) (f) 2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
2703	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
2704	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.
2705	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.
2706	794.011 (5) (c)	2nd	Sexual battery; victim 12 years

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2707	794.011 (5) (d)	1st	of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
2708	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.
2709	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2710	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
2711	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive,

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2712			believing person in structure.
2713	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
2714	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2715	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2716	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
2717	812.13 (2) (b)	1st	Robbery with a weapon.
2718	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.

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2719	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
2720	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2721	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.
2722	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2723	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
2724	825.1025 (2)	2nd	Lewd or lascivious battery upon

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2725			an elderly person or disabled adult.
2726	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
2727	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2728	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
2729	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a computer service, to commit an unlawful sex act while misrepresenting one's age.</u>
2730	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

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2731	860.16	1st	Aircraft piracy.
2732	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).
2733	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2734	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
2735	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
2736	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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

2738

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

2739

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

2740

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

2741

893.135 1st Trafficking in amphetamine,
(1) (f) 1.b. more than 28 grams, less than
200 grams.

2742

893.135 1st Trafficking in flunitrazepam,
(1) (g) 1.b. 14 grams or more, less than 28
grams.

2743

893.135 1st Trafficking in gamma-

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2744	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
2745			
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
2746			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2747			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2748			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
2749			

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2750 895.03 (3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

2751 896.101 (5) (b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

2752 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.

2753 Section 60. For the purpose of incorporating the amendment
2754 made by this act to section 847.001, Florida Statutes, in a
2755 reference thereto, section 944.11, Florida Statutes, is
2756 reenacted to read:

2757 944.11 Department to regulate admission of books.—

2758 (1) The department shall regulate the admission of
2759 educational and other reading matter within the state
2760 institutions for the use of the prisoners, and for the proper
2761 observance of days of religious significance within the
2762 institutions and for the proper instruction of the prisoners in

2763 their basic moral and religious duties.

2764 (2) The department shall have the authority to prohibit
 2765 admission of reading materials or publications with content
 2766 which depicts sexual conduct as defined by s. 847.001 or
 2767 presents nudity in such a way as to create the appearance that
 2768 sexual conduct is imminent. The department shall have the
 2769 authority to prohibit admission of such materials at a
 2770 particular state correctional facility upon a determination by
 2771 the department that such material or publications would be
 2772 detrimental to the safety, security, order or rehabilitative
 2773 interests of a particular state correctional facility or would
 2774 create a risk of disorder at a particular state correctional
 2775 facility.

2776 Section 61. The Division of Law Revision and Information is
 2777 directed to rename Chapter 847, Florida Statutes, as "OBSCENITY;
 2778 CHILD PORNOGRAPHY."

2779 Section 62. This act shall take effect October 1, 2015.