

27 | has a reasonable expectation of privacy, when the
28 | other person is located in a public or private
29 | dwelling, structure, or conveyance; defining the term
30 | "intimate area"; amending s. 921.0022, F.S.; assigning
31 | offense severity rankings for new lewd or lascivious
32 | battery and molestation offenses and sexual battery
33 | offenses; amending s. 921.0024, F.S.; providing that
34 | sentence points are multiplied for specified sex
35 | offenses committed by an adult upon a minor under
36 | certain circumstances; amending s. 944.275, F.S.;
37 | prohibiting award of gain-time for certain offenses;
38 | amending s. 947.1405, F.S.; providing for tolling of
39 | conditional release supervision; providing
40 | applicability; amending ss. 947.1405 and 948.30, F.S.;
41 | prohibiting certain conditional releasees,
42 | probationers, or community controllees from viewing,
43 | accessing, owning, or possessing any obscene,
44 | pornographic, or sexually stimulating material;
45 | providing exceptions; amending s. 948.012, F.S.;
46 | requiring split sentence for certain sexual offenses;
47 | providing for tolling of probation or community
48 | control; amending s. 948.31, F.S.; authorizing the
49 | court to require a sexual offender or sexual predator
50 | who is on probation or community control to undergo an
51 | evaluation to determine whether the offender or
52 | predator needs sexual offender treatment; requiring

53 the probationer or community controllee to pay for the
 54 treatment; removing a provision prohibiting contact
 55 with minors if sexual offender treatment is
 56 recommended; providing applicability; providing
 57 severability; providing an effective date.

58
 59 Be It Enacted by the Legislature of the State of Florida:

60
 61 Section 1. Section 92.55, Florida Statutes, is amended to
 62 read:

63 92.55 Judicial or other proceedings involving victim or
 64 witness who was under the age of 16, a ~~or~~ person who has an
 65 intellectual disability, or a sexual offense victim or witness;
 66 special protections; use of registered service or therapy
 67 animals.-

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

69 (a) "Sexual offense victim or witness" means a person who
 70 was under the age of 16 when he or she was the victim of or a
 71 witness to a sexual offense.

72 (b) "Sexual offense" means any offense specified in s.
 73 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

74 (2)~~(1)~~ Upon motion of any party, upon motion of a parent,
 75 guardian, attorney, or guardian ad litem for a victim or witness
 76 who was under the age of 16, a ~~or~~ person who has an intellectual
 77 disability, or a sexual offense victim or witness, or upon its
 78 own motion, the court may enter any order necessary to protect

79 the ~~such~~ victim or witness in any judicial proceeding or other
 80 official proceeding from severe emotional or mental harm due to
 81 the presence of the defendant if the victim or witness is
 82 required to testify in open court. Such orders must relate to
 83 the taking of testimony and include, but are not limited to:

84 (a) Interviewing or the taking of depositions as part of a
 85 civil or criminal proceeding.

86 (b) Examination and cross-examination for the purpose of
 87 qualifying as a witness or testifying in any proceeding.

88 (c) The use of testimony taken outside of the courtroom,
 89 including proceedings under ss. 92.53 and 92.54.

90 (3)~~(2)~~ In ruling upon the motion, the court shall
 91 consider:

92 (a) The age of the child, the nature of the offense or
 93 act, the relationship of the child to the parties in the case or
 94 to the defendant in a criminal action, the degree of emotional
 95 trauma that will result to the child as a consequence of the
 96 defendant's presence, and any other fact that the court deems
 97 relevant; ~~or~~

98 (b) The age of the person who has an intellectual
 99 disability, the functional capacity of such person, the nature
 100 of the offenses or act, the relationship of the person to the
 101 parties in the case or to the defendant in a criminal action,
 102 the degree of emotional trauma that will result to the person as
 103 a consequence of the defendant's presence, and any other fact
 104 that the court deems relevant; or

105 (c) The age of the sexual offense victim or witness when
 106 the sexual offense occurred, the relationship of the sexual
 107 offense victim or witness to the parties in the case or to the
 108 defendant in a criminal action, the degree of emotional trauma
 109 that will result to the sexual offense victim or witness as a
 110 consequence of the defendant's presence, and any other fact that
 111 the court deems relevant.

112 (4)-(3) In addition to such other relief provided by law,
 113 the court may enter orders limiting the number of times that a
 114 child, ~~or~~ a person who has an intellectual disability, or a
 115 sexual offense victim or witness may be interviewed, prohibiting
 116 depositions of the victim or witness ~~such child or person~~,
 117 requiring the submission of questions before the examination of
 118 the victim or witness ~~child or person~~, setting the place and
 119 conditions for interviewing the victim or witness ~~child or~~
 120 ~~person~~ or for conducting any other proceeding, or permitting or
 121 prohibiting the attendance of any person at any proceeding. The
 122 court shall enter any order necessary to protect the rights of
 123 all parties, including the defendant in any criminal action.

124 (5)-(4) The court may set any other conditions it finds
 125 just and appropriate when taking the testimony of a child victim
 126 or witness or a sexual offense victim or witness, including the
 127 use of a service or therapy animal that has been evaluated and
 128 registered according to national standards, in any proceeding
 129 involving a sexual offense. When deciding whether to permit a
 130 child victim or witness or sexual offense victim or witness to

131 testify with the assistance of a registered service or therapy
 132 animal, the court shall consider the age of the child victim or
 133 witness, the age of the sexual offense victim or witness at the
 134 time the sexual offense occurred, the interests of the child
 135 victim or witness or sexual offense victim or witness, the
 136 rights of the parties to the litigation, and any other relevant
 137 factor that would facilitate the testimony by the child victim
 138 or witness or sexual offense victim or witness.

139 Section 2. Subsection (18) is added to section 775.15,
 140 Florida Statutes, to read:

141 775.15 Time limitations; general time limitations;
 142 exceptions.—

143 (18) (a) If the offense is a violation of s. 800.04(4) or
 144 (5) and the victim was younger than 16 years of age at the time
 145 the offense was committed, a prosecution of the offense may be
 146 commenced at any time. This paragraph does not apply if, at the
 147 time of the offense, the offender is less than 18 years of age
 148 and the offender is no more than 4 years older than the victim.

149 (b) Paragraph (a) applies to any offense committed on or
 150 after October 1, 2014.

151 Section 3. Subsections (4), (5), and (6), paragraph (b) of
 152 subsection (8), and subsections (9) and (10) of section 794.011,
 153 Florida Statutes, are amended to read:

154 794.011 Sexual battery.—

155 (4) (a) A person 18 years of age or older who commits
 156 sexual battery upon a person 12 years of age or older but

157 younger than 18 years of age without that person's consent,
 158 under any of the ~~following~~ circumstances listed in paragraph
 159 (e), commits a felony of the first degree, punishable by a term
 160 of years not exceeding life or as provided in s. 775.082, s.
 161 775.083, s. 775.084, or s. 794.0115.†

162 (b) A person 18 years of age or older who commits sexual
 163 battery upon a person 18 years of age or older without that
 164 person's consent, under any of the circumstances listed in
 165 paragraph (e), commits a felony of the first degree, punishable
 166 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 167 794.0115.

168 (c) A person younger than 18 years of age who commits
 169 sexual battery upon a person 12 years of age or older without
 170 that person's consent, under any of the circumstances listed in
 171 paragraph (e), commits a felony of the first degree, punishable
 172 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
 173 794.0115.

174 (d) A person commits a felony of the first degree,
 175 punishable by a term of years not exceeding life or as provided
 176 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
 177 person commits sexual battery upon a person 12 years of age or
 178 older without that person's consent, under any of the
 179 circumstances listed in paragraph (e), and such person was
 180 previously convicted of a violation of:

181 1. Section 787.01(2) or s. 787.02(2) when the violation
 182 involved a victim who was a minor and, in the course of

183 committing that violation, the defendant committed against the
 184 minor a sexual battery under this chapter or a lewd act under s.
 185 800.04 or s. 847.0135(5);

186 2. Section 787.01(3)(a)2. or 3.;

187 3. Section 787.02(3)(a)2. or 3.;

188 4. Section 800.04;

189 5. Section 825.1025;

190 6. Section 847.0135(5); or

191 7. This chapter, excluding subsection (10) of this
 192 section.

193 (e) The following circumstances apply to paragraphs (a)-
 194 (d):

195 1.(a) When The victim is physically helpless to resist.

196 2.(b) When The offender coerces the victim to submit by
 197 threatening to use force or violence likely to cause serious
 198 personal injury on the victim, and the victim reasonably
 199 believes that the offender has the present ability to execute
 200 the threat.

201 3.(c) When The offender coerces the victim to submit by
 202 threatening to retaliate against the victim, or any other
 203 person, and the victim reasonably believes that the offender has
 204 the ability to execute the threat in the future.

205 4.(d) When The offender, without the prior knowledge or
 206 consent of the victim, administers or has knowledge of someone
 207 else administering to the victim any narcotic, anesthetic, or
 208 other intoxicating substance that ~~which~~ mentally or physically

209 incapacitates the victim.

210 5.(e) ~~When~~ The victim is mentally defective, and the
 211 offender has reason to believe this or has actual knowledge of
 212 this fact.

213 6.(f) ~~When~~ The victim is physically incapacitated.

214 7.(g) ~~When~~ The offender is a law enforcement officer,
 215 correctional officer, or correctional probation officer as
 216 defined in ~~by~~ s. 943.10(1), (2), (3), (6), (7), (8), or (9), who
 217 is certified under ~~the provisions of~~ s. 943.1395 or is an
 218 elected official exempt from such certification by virtue of s.
 219 943.253, or any other person in a position of control or
 220 authority in a probation, community control, controlled release,
 221 detention, custodial, or similar setting, and such officer,
 222 official, or person is acting in such a manner as to lead the
 223 victim to reasonably believe that the offender is in a position
 224 of control or authority as an agent or employee of government.

225 (5) (a) A person 18 years of age or older who commits
 226 sexual battery upon a person 12 years of age or older but
 227 younger than 18 years of age, without that person's consent, and
 228 in the process ~~thereof~~ does not use physical force and violence
 229 likely to cause serious personal injury commits a felony of the
 230 first ~~second~~ degree, punishable as provided in s. 775.082, s.
 231 775.083, s. 775.084, or s. 794.0115.

232 (b) A person 18 years of age or older who commits sexual
 233 battery upon a person 18 years of age or older, without that
 234 person's consent, and in the process does not use physical force

235 and violence likely to cause serious personal injury commits a
 236 felony of the second degree, punishable as provided in s.
 237 775.082, s. 775.083, s. 775.084, or s. 794.0115.

238 (c) A person younger than 18 years of age who commits
 239 sexual battery upon a person 12 years of age or older, without
 240 that person's consent, and in the process does not use physical
 241 force and violence likely to cause serious personal injury
 242 commits a felony of the second degree, punishable as provided in
 243 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

244 (d) A person commits a felony of the first degree,
 245 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
 246 s. 794.0115 if the person commits sexual battery upon a person
 247 12 years of age or older, without that person's consent, and in
 248 the process does not use physical force and violence likely to
 249 cause serious personal injury and the person was previously
 250 convicted of a violation of:

251 1. Section 787.01(2) or s. 787.02(2) when the violation
 252 involved a victim who was a minor and, in the course of
 253 committing that violation, the defendant committed against the
 254 minor a sexual battery under this chapter or a lewd act under s.
 255 800.04 or s. 847.0135(5);

256 2. Section 787.01(3)(a)2. or 3.;

257 3. Section 787.02(3)(a)2. or 3.;

258 4. Section 800.04;

259 5. Section 825.1025;

260 6. Section 847.0135(5); or

261 7. This chapter, excluding subsection (10) of this
 262 section.

263 (6) (a) The offenses ~~offense~~ described in paragraphs
 264 (5) (a)-(c) are subsection (5) ~~is~~ included in any sexual battery
 265 offense charged under subsection (3) ~~or subsection (4)~~.

266 (b) The offense described in paragraph (5) (a) is included
 267 in an offense charged under paragraph (4) (a).

268 (c) The offense described in paragraph (5) (b) is included
 269 in an offense charged under paragraph (4) (b).

270 (d) The offense described in paragraph (5) (c) is included
 271 in an offense charged under paragraph (4) (c).

272 (e) The offense described in paragraph (5) (d) is included
 273 in an offense charged under paragraph (4) (d).

274 (8) Without regard to the willingness or consent of the
 275 victim, which is not a defense to prosecution under this
 276 subsection, a person who is in a position of familial or
 277 custodial authority to a person less than 18 years of age and
 278 who:

279 (b) Engages in any act with that person while the person
 280 is 12 years of age or older but younger ~~less~~ than 18 years of
 281 age which constitutes sexual battery under paragraph (1) (h)
 282 commits a felony of the first degree, punishable by a term of
 283 years not exceeding life or as provided in s. 775.082, s.
 284 775.083, or s. 775.084.

285 (9) For prosecution under paragraph (4) (a), paragraph
 286 (4) (b), paragraph (4) (c), or paragraph (4) (d) which involves an

287 offense committed under any of the circumstances listed in
 288 subparagraph (4) (e) 7. ~~paragraph (4) (g)~~, acquiescence to a person
 289 reasonably believed by the victim to be in a position of
 290 authority or control does not constitute consent, and it is not
 291 a defense that the perpetrator was not actually in a position of
 292 control or authority if the circumstances were such as to lead
 293 the victim to reasonably believe that the person was in such a
 294 position.

295 (10) A ~~Any~~ person who falsely accuses a ~~any~~ person listed
 296 in subparagraph (4) (e) 7. ~~paragraph (4) (g)~~ or other person in a
 297 position of control or authority as an agent or employee of
 298 government of violating paragraph (4) (a), paragraph (4) (b),
 299 paragraph (4) (c), or paragraph (4) (d) commits ~~(4) (g) is guilty~~
 300 ~~of~~ a felony of the third degree, punishable as provided in s.
 301 775.082, s. 775.083, or s. 775.084.

302 Section 4. Subsection (2) of section 794.0115, Florida
 303 Statutes, is amended to read:

304 794.0115 Dangerous sexual felony offender; mandatory
 305 sentencing.—

306 (2) Any person who is convicted of a violation of s.
 307 787.025(2) (c); s. 794.011(2), (3), (4), (5), or (8); s.
 308 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
 309 (4); or s. 847.0145; or of any similar offense under a former
 310 designation, which offense the person committed when he or she
 311 was 18 years of age or older, and the person:

312 (a) Caused serious personal injury to the victim as a

313 result of the commission of the offense;

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

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

318 (d) Committed the offense while under the jurisdiction of
319 a court for a felony offense under the laws of this state, for
320 an offense that is a felony in another jurisdiction, or for an
321 offense that would be a felony if that offense were committed in
322 this state; or

323 (e) Has previously been convicted of a violation of s.
324 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
325 800.04(4) or (5); s. 825.1025(2) or (3); s. 827.071(2), (3), or
326 (4); s. 847.0145; of any offense under a former statutory
327 designation which is similar in elements to an offense described
328 in this paragraph; or of any offense that is a felony in another
329 jurisdiction, or would be a felony if that offense were
330 committed in this state, and which is similar in elements to an
331 offense described in this paragraph,

332
333 is a dangerous sexual felony offender, who must be sentenced to
334 a mandatory minimum term of 25 years imprisonment up to, and
335 including, life imprisonment. If the offense described in this
336 subsection was committed on or after October 1, 2014, a person
337 who qualifies as a dangerous sexual felony offender pursuant to
338 this subsection must be sentenced to a mandatory minimum term of

339 50 years imprisonment up to, and including, life imprisonment.

340 Section 5. Subsection (1) of section 794.05, Florida
341 Statutes, is amended to read:

342 794.05 Unlawful sexual activity with certain minors.—

343 (1) A person 24 years of age or older who engages in
344 sexual activity with a person 16 or 17 years of age commits a
345 felony of the second degree, punishable as provided in s.
346 775.082, s. 775.083, or s. 775.084. As used in this section,
347 "sexual activity" means oral, anal, or vaginal penetration by,
348 or union with, the sexual organ of another or the anal or
349 vaginal penetration of another by any other object; however,
350 sexual activity does not include an act done for a bona fide
351 medical purpose.

352 Section 6. Subsections (4) and (5) of section 800.04,
353 Florida Statutes, are amended to read:

354 800.04 Lewd or lascivious offenses committed upon or in
355 the presence of persons less than 16 years of age.—

356 (4) LEWD OR LASCIVIOUS BATTERY.—~~A person who:~~

357 (a) A person commits lewd or lascivious battery by:

358 1. Engaging in sexual activity with a person 12 years of
359 age or older but less than 16 years of age; or

360 2. Encouraging, forcing, or enticing any person less than
361 16 years of age to engage in sadomasochistic abuse, sexual
362 bestiality, prostitution, or any other act involving sexual
363 activity.

364 (b) Except as provided in paragraph (c), an offender who

365 commits lewd or lascivious battery commits a felony of the
 366 second degree, punishable as provided in s. 775.082, s. 775.083,
 367 or s. 775.084.

368 (c) A person commits a felony of the first degree,
 369 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 370 if the person is an offender 18 years of age or older who
 371 commits lewd or lascivious battery and was previously convicted
 372 of a violation of:

373 1. Section 787.01(2) or s. 787.02(2) when the violation
 374 involved a victim who was a minor and, in the course of
 375 committing that violation, the defendant committed against the
 376 minor a sexual battery under chapter 794 or a lewd act under
 377 this section or s. 847.0135(5);

378 2. Section 787.01(3)(a)2. or 3.;

379 3. Section 787.02(3)(a)2. or 3.;

380 4. Chapter 794, excluding s. 794.011(10);

381 5. Section 825.1025;

382 6. Section 847.0135(5); or

383 7. This section.

384 ~~(a) Engages in sexual activity with a person 12 years of~~
 385 ~~age or older but less than 16 years of age; or~~

386 ~~(b) Encourages, forces, or entices any person less than 16~~
 387 ~~years of age to engage in sadomasochistic abuse, sexual~~
 388 ~~bestiality, prostitution, or any other act involving sexual~~
 389 ~~activity~~

390

391 ~~commits lewd or lascivious battery, a felony of the second~~
 392 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
 393 ~~775.084.~~

394 (5) LEWD OR LASCIVIOUS MOLESTATION.—

395 (a) A person who intentionally touches in a lewd or
 396 lascivious manner the breasts, genitals, genital area, or
 397 buttocks, or the clothing covering them, of a person less than
 398 16 years of age, or forces or entices a person under 16 years of
 399 age to so touch the perpetrator, commits lewd or lascivious
 400 molestation.

401 (b) An offender 18 years of age or older who commits lewd
 402 or lascivious molestation against a victim less than 12 years of
 403 age commits a life felony, punishable as provided in s.
 404 775.082(3)(a)4.

405 (c)1. An offender less than 18 years of age who commits
 406 lewd or lascivious molestation against a victim less than 12
 407 years of age; or

408 2. An offender 18 years of age or older who commits lewd
 409 or lascivious molestation against a victim 12 years of age or
 410 older but less than 16 years of age

411
 412 commits a felony of the second degree, punishable as provided in
 413 s. 775.082, s. 775.083, or s. 775.084.

414 (d) An offender less than 18 years of age who commits lewd
 415 or lascivious molestation against a victim 12 years of age or
 416 older but less than 16 years of age commits a felony of the

417 | third degree, punishable as provided in s. 775.082, s. 775.083,
 418 | or s. 775.084.

419 | (e) A person commits a felony of the first degree,
 420 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084
 421 | if the person is 18 years of age or older and commits lewd or
 422 | lascivious molestation against a victim 12 years of age or older
 423 | but less than 16 years of age and the person was previously
 424 | convicted of a violation of:

425 | 1. Section 787.01(2) or s. 787.02(2) when the violation
 426 | involved a victim who was a minor and, in the course of
 427 | committing the violation, the defendant committed against the
 428 | minor a sexual battery under chapter 794 or a lewd act under
 429 | this section or s. 847.0135(5);

430 | 2. Section 787.01(3)(a)2. or 3.;

431 | 3. Section 787.02(3)(a)2. or 3.;

432 | 4. Chapter 794, excluding s. 794.011(10);

433 | 5. Section 825.1025;

434 | 6. Section 847.0135(5); or

435 | 7. This section.

436 | Section 7. Subsection (1) of section 810.14, Florida
 437 | Statutes, is amended to read:

438 | 810.14 Voyeurism prohibited; penalties.—

439 | (1) A person commits the offense of voyeurism when he or
 440 | she, with lewd, lascivious, or indecent intent:~~7~~

441 | (a) Secretly observes another person when the other person
 442 | is located in a dwelling, structure, or conveyance and such

443 location provides a reasonable expectation of privacy.

444 (b) Secretly observes another person's intimate areas in
 445 which the person has a reasonable expectation of privacy, when
 446 the other person is located in a public or private dwelling,
 447 structure, or conveyance. As used in this paragraph, the term
 448 "intimate area" means any portion of a person's body or
 449 undergarments that is covered by clothing and intended to be
 450 protected from public view.

451 Section 8. Paragraphs (g) through (i) of subsection (3) of
 452 section 921.0022, Florida Statutes, are amended to read:

453 921.0022 Criminal Punishment Code; offense severity
 454 ranking chart.—

455 (3) OFFENSE SEVERITY RANKING CHART

456 (g) LEVEL 7

457

Florida Statute	Felony Degree	Description
316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.

460

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316.1935 (3) (b)

1st

Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

461

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

462

402.319 (2)

2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

463

409.920

3rd

Medicaid provider fraud; \$10,000 or less.

(2) (b) 1.a.

464

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465	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
466	456.065 (2)	3rd	Practicing a health care profession without a license.
467	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
468	458.327 (1)	3rd	Practicing medicine without a license.
469	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
470	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a

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license.

471			
472	462.17	3rd	Practicing naturopathy without a license.
473	463.015 (1)	3rd	Practicing optometry without a license.
474	464.016 (1)	3rd	Practicing nursing without a license.
475	465.015 (2)	3rd	Practicing pharmacy without a license.
476	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
477	467.201	3rd	Practicing midwifery without a license.
478	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

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479			laboratory personnel without a license.
	483.901 (9)	3rd	Practicing medical physics without a license.
480			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
481			
	484.053	3rd	Dispensing hearing aids without a license.
482			
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001- 494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
483			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding

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2014

484	560.125 (5) (a)	3rd	<p>\$300 but less than \$20,000 by a money services business.</p> <p>Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
485	655.50 (10) (b) 1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
486	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew <u>driver</u> driver's license or identification card; other registration violations.</p>
487	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
488			

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489	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
490	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
491	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
492	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by

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the operation of a vessel in
a reckless manner (vessel
homicide).

493

784.045 (1) (a) 1.

2nd Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

494

784.045 (1) (a) 2.

2nd Aggravated battery;
using deadly weapon.

495

784.045 (1) (b)

2nd Aggravated battery;
perpetrator aware victim
pregnant.

496

784.048 (4)

3rd Aggravated stalking;
violation of injunction or
court order.

497

784.048 (7)

3rd Aggravated stalking;
violation of court order.

498

784.07 (2) (d)

1st Aggravated battery on law
enforcement officer.

499

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ORIGINAL

2014

500	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
501	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
502	784.081 (1)	1st	Aggravated battery on specified official or employee.
503	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
504	784.083 (1)	1st	Aggravated battery on code inspector.
505	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
	787.06 (3) (e)	1st	Human trafficking using

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ORIGINAL

2014

506	790.07(4)	1st	coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
507	790.16(1)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
508	790.165(2)	2nd	Discharge of a machine gun under specified circumstances.
509	790.165(3)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
510	790.166(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
			Possessing, selling, using,

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ORIGINAL

2014

511	790.166 (4)	2nd	<p>or attempting to use a hoax weapon of mass destruction.</p> <p>Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.</p>
512	790.23	1st, PBL	<p>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</p>
513	794.08 (4)	3rd	<p>Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.</p>
514	796.03	2nd	<p>Procuring any person under 16 years for prostitution.</p>
515			

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ORIGINAL

2014

516	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim <u>younger</u> less than 12 years of age; offender <u>younger</u> less than 18 years.
517	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but <u>younger</u> less than 16 years; offender 18 years or older.
518	<u>800.04 (5) (e)</u>	<u>1st</u>	<u>Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.</u>
519	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.

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ORIGINAL

2014

520	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
521	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
522	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
523	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
524	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen,

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ORIGINAL

2014

525	812.014 (2) (b) 3.	2nd	<p>cargo valued at less than \$50,000, grand theft in 2nd degree.</p> <p>Property stolen, emergency medical equipment; 2nd degree grand theft.</p>
526	812.014 (2) (b) 4.	2nd	<p>Property stolen, law enforcement equipment from authorized emergency vehicle.</p>
527	812.0145 (2) (a)	1st	<p>Theft from person 65 years of age or older; \$50,000 or more.</p>
528	812.019 (2)	1st	<p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
529			

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ORIGINAL

2014

530	812.131 (2) (a)	2nd	Robbery by sudden snatching.
531	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
532	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
533	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
534	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
535	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341	1st	Making false entries of

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ORIGINAL

2014

(2) (b) & (3) (b)

material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

536

817.535 (2) (a)

3rd Filing false lien or other unauthorized document.

537

825.102 (3) (b)

2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

538

825.103 (2) (b)

2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

539

827.03 (2) (b)

2nd Neglect of a child causing

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ORIGINAL

2014

540			great bodily harm, disability, or disfigurement.
540	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
541	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
542	838.015	2nd	Bribery.
543	838.016	2nd	Unlawful compensation or reward for official behavior.
544	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
545	838.22	2nd	Bid tampering.
546	843.0855 (2)	3rd	Impersonation of a public officer or employee.
547			

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ORIGINAL

2014

548	843.0855 (3)	3rd	Unlawful simulation of legal process.
549	843.0855 (4)	3rd	Intimidation of a public officer or employee.
550	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
551	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
552	872.06	2nd	Abuse of a dead human body.
553	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

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ORIGINAL

2014

554

893.13(1)(c)1.

1st

manages, or supervises
criminal gang-related
activity.

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

555

893.13(1)(e)1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4., within 1,000
feet of property used for

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ORIGINAL

2014

556	893.13(4)(a)	1st	<p>religious services or a specified business site.</p> <p>Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).</p>
557	893.135(1)(a)1.	1st	<p>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p>
558	893.135 (1)(b)1.a.	1st	<p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>
559	893.135 (1)(c)1.a.	1st	<p>Trafficking in illegal drugs, more than 4 grams, less than 14 grams.</p>
560	893.135(1)(d)1.	1st	<p>Trafficking in phencyclidine, more than 28 grams, less than 200 grams.</p>
561			

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ORIGINAL

2014

562	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
563	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
564	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
565	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
566	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

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ORIGINAL

2014

567	(1) (k) 2.a.		10 grams or more, less than 200 grams.
568	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
569	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
570	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
571	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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ORIGINAL

2014

572	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
573	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
574	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
575	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
576	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.

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ORIGINAL

2014

577	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
578	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
579	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
580	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor

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ORIGINAL

2014

581			or conceal a sexual offender.
582	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
583			
584	(h) LEVEL 8		
585			
	Florida	Felony	
	Statute	Degree	Description
586	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
587	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
588			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
589			
	499.0051 (7)	1st	Knowing trafficking in

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ORIGINAL

2014

590	499.0051 (8)	1st	contraband prescription drugs.
591	560.123 (8) (b) 2.	2nd	Knowing forgery of prescription labels or prescription drug labels.
592	560.125 (5) (b)	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
593	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
			Failure to report financial transactions totaling or exceeding

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ORIGINAL

2014

594	777.03 (2) (a)	1st	\$20,000, but less than \$100,000 by financial institutions.
595	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.
596	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
597			

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ORIGINAL

2014

598	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
599	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
600	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
601	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
	787.06 (3) (f)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any individual from outside Florida to within

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ORIGINAL

2014

602	790.161 (3)	1st	the state.
603	<u>794.011 (5) (a)</u>	<u>1st</u>	Discharging a destructive device which results in bodily harm or property damage.
604	<u>794.011 (5) (b)</u>	<u>2nd</u>	<u>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.</u>
605	<u>794.011 (5) (c)</u>	<u>2nd</u>	<u>Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.</u>
			<u>Sexual battery; victim 12 years of age or older; offender younger than 18</u>

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ORIGINAL

2014

606	<u>794.011 (5) (d)</u>	<u>1st</u>	<u>years; offender does not use physical force likely to cause injury.</u>
607	794.011 (5)	2nd	<u>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.</u>
608	794.08 (3)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
609	<u>800.04 (4) (b)</u>	<u>2nd</u>	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
			<u>Lewd or lascivious</u>

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ORIGINAL

2014

610			<u>battery.</u>
	<u>800.04 (4) (c)</u>	<u>1st</u>	<u>Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.</u>
611	800.04 (4)	2nd	Lewd or lascivious battery.
612	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
613	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
614	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
615	810.02 (2) (c)	1st	Burglary of a dwelling or

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ORIGINAL

2014

616	812.014 (2) (a) 2.	1st	structure causing structural damage or \$1,000 or more property damage.
617	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
618	812.135 (2) (c)	1st	Robbery with a weapon.
619	817.535 (2) (b)	2nd	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
620	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
			Filing false lien or other unauthorized document; property owner is a public officer or

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ORIGINAL

2014

621

817.535 (4) (a) 1.

2nd

employee.

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

622

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.

623

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

624

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

625

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ORIGINAL

2014

626	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
627	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
628	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
629	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
630	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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ORIGINAL

2014

631	860.16	1st	Aircraft piracy.
632	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).
633	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
634	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
635	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
636	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.

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ORIGINAL

2014

637	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
638	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
639	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
640	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
641	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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2014

642	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
643	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
644	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
645	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
646	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.

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ORIGINAL

2014

647	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
648	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
649	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
650	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.

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2014

651			
652	(i) LEVEL 9		
653			
	Florida	Felony	
	Statute	Degree	Description
654			
	316.193	1st	DUI manslaughter; failing
	(3) (c) 3.b.		to render aid or give
			information.
655			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing
			to render aid or give
			information.
656			
	409.920	1st	Medicaid provider fraud;
	(2) (b) 1.c.		\$50,000 or more.
657			
	499.0051 (9)	1st	Knowing sale or purchase
			of contraband
			prescription drugs
			resulting in great bodily
			harm.
658			
	560.123 (8) (b) 3.	1st	Failure to report
			currency or payment

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2014

659	560.125 (5) (c)	1st	instruments totaling or exceeding \$100,000 by money transmitter.
660	655.50 (10) (b) 3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
661	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
662	782.04 (1)	1st	Aggravated white collar crime.
663	782.04 (3)	1st, PBL	Attempt, conspire, or solicit to commit premeditated murder.

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ORIGINAL

2014

664	782.051 (1)	1st	<p>connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.</p> <p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).</p>
665	782.07 (2)	1st	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
666	787.01 (1) (a) 1.	1st, PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
667	787.01 (1) (a) 2.	1st, PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>
668			

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ORIGINAL

2014

669	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
670	787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
671	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
672	787.06 (3) (g)	1st, PBL	Human trafficking for commercial sexual activity of a child under the age of 18.

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ORIGINAL

2014

673	787.06 (4)	1st	Selling or buying of minors into human trafficking.
674	790.161	1st	Attempted capital destructive device offense.
675	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
676	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
677	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
677	<u>794.011 (4) (a)</u>	<u>1st, PBL</u>	<u>Sexual battery, certain circumstances; victim 12</u>

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2014

678	<u>794.011 (4) (b)</u>	<u>1st</u>	<u>years of age or older but younger than 18 years; offender 18 years or older.</u>
679	<u>794.011 (4) (c)</u>	<u>1st</u>	<u>Sexual battery, certain circumstances; victim and offender 18 years of age or older.</u>
680	<u>794.011 (4) (d)</u>	<u>1st, PBL</u>	<u>Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.</u>
681	794.011 (4)	1st	<u>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</u>
682			Sexual battery; victim 12 years or older, certain circumstances.

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2014

683	794.011 (8) (b)	1st, <u>PBL</u>	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
684	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
685	796.035	1st	Selling or buying of minors into prostitution.
686	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
687	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
688	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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2014

	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
693	827.03 (2) (a)	1st	Aggravated child abuse.
694	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
695	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
696	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill

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ORIGINAL

2014

697			or injure another person.
698	893.135	1st	Attempted capital trafficking offense.
699	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
700	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
701	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
702	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
703	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

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704	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
705	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
706	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
707	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
708	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration

requirements, financial transactions totaling or exceeding \$100,000.

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Section 9. Section 921.0024, Florida Statutes, is amended to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1) (a) The Criminal Punishment Code worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA CRIMINAL PUNISHMENT CODE
WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points	Total
10	116	=
9	92	=

	PCS for HB 7027		ORIGINAL		2014
727	8	74	=	.....
728	7	56	=	.....
729	6	36	=	.....
730	5	28	=	.....
731	4	22	=	.....
732	3	16	=	.....
733	2	10	=	.....
734	1	4	=	.....
735					Total
736					
737					
738					
739			Additional Offenses		
740	Level	Sentence Points	Counts		Total

	PCS for HB 7027			ORIGINAL		2014
741	10	58	x	.....	=	.....
742	9	46	x	.....	=	.....
743	8	37	x	.....	=	.....
744	7	28	x	.....	=	.....
745	6	18	x	=
746	5	5.4	x	=
747	4	3.6	x	=
748	3	2.4	x	=
749	2	1.2	x	=
750	1	0.7	x	=
751	M	0.2	x	=
752						Total
753						

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2014

Victim Injury

Level	Sentence Points		Number		Total
2nd degree murder-death	240	x	=
Death	120	x	....	=	....
Severe	40	x	=
Moderate	18	x	=
Slight	4	x	=
Sexual penetration	80	x	=
Sexual contact	40	x	=

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

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Total

766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781

Primary Offense + Additional Offenses + Victim Injury =

TOTAL OFFENSE SCORE

PRIOR RECORD SCORE

Prior Record

Level	Sentence Points		Number		Total
10	29	x	=
9	23	x	=
8	19	x	=
7	14	x	=
6	9	x	=
5	3.6	x	=
4	2.4	x	=

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2014

782	3	1.6	x	=
783	2	0.8	x	=
784	1	0.5	x	=
785	M	0.2	x	=
786						
787						Total
788						
789				TOTAL OFFENSE SCORE.....		
790				TOTAL PRIOR RECORD SCORE.....		
791						
792				LEGAL STATUS.....		
793				COMMUNITY SANCTION VIOLATION.....		
794				PRIOR SERIOUS FELONY.....		
795				PRIOR CAPITAL FELONY.....		
796				FIREARM OR SEMIAUTOMATIC WEAPON.....		
797					SUBTOTAL.....	
798						
799				PRISON RELEASEE REOFFENDER (no) (yes).....		
800				VIOLENT CAREER CRIMINAL (no) (yes).....		
801				HABITUAL VIOLENT OFFENDER (no) (yes).....		

PCS for HB 7027

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

802 HABITUAL OFFENDER (no) (yes).....

803 DRUG TRAFFICKER (no) (yes) (x multiplier).....

804 LAW ENF. PROTECT. (no) (yes) (x multiplier).....

805 MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....

806 CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....

807 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)

808 (x multiplier).....

809 ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....

810

811 TOTAL SENTENCE POINTS.....

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender's legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

- 1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the

828 violation, and for each successive community sanction violation
 829 involving a new felony conviction.

830 2. If the community sanction violation is committed by a
 831 violent felony offender of special concern as defined in s.
 832 948.06:

833 a. Twelve (12) community sanction violation points are
 834 assessed for the violation and for each successive violation of
 835 felony probation or community control where:

836 I. The violation does not include a new felony conviction;
 837 and

838 II. The community sanction violation is not based solely
 839 on the probationer or offender's failure to pay costs or fines
 840 or make restitution payments.

841 b. Twenty-four (24) community sanction violation points
 842 are assessed for the violation and for each successive violation
 843 of felony probation or community control where the violation
 844 includes a new felony conviction.

845
 846 Multiple counts of community sanction violations before the
 847 sentencing court shall not be a basis for multiplying the
 848 assessment of community sanction violation points.

849
 850 Prior serious felony points: If the offender has a primary
 851 offense or any additional offense ranked in level 8, level 9, or
 852 level 10, and one or more prior serious felonies, a single
 853 assessment of thirty (30) points shall be added. For purposes of

854 this section, a prior serious felony is an offense in the
 855 offender's prior record that is ranked in level 8, level 9, or
 856 level 10 under s. 921.0022 or s. 921.0023 and for which the
 857 offender is serving a sentence of confinement, supervision, or
 858 other sanction or for which the offender's date of release from
 859 confinement, supervision, or other sanction, whichever is later,
 860 is within 3 years before the date the primary offense or any
 861 additional offense was committed.

862
 863 Prior capital felony points: If the offender has one or more
 864 prior capital felonies in the offender's criminal record, points
 865 shall be added to the subtotal sentence points of the offender
 866 equal to twice the number of points the offender receives for
 867 the primary offense and any additional offense. A prior capital
 868 felony in the offender's criminal record is a previous capital
 869 felony offense for which the offender has entered a plea of nolo
 870 contendere or guilty or has been found guilty; or a felony in
 871 another jurisdiction which is a capital felony in that
 872 jurisdiction, or would be a capital felony if the offense were
 873 committed in this state.

874
 875 Possession of a firearm, semiautomatic firearm, or machine gun:
 876 If the offender is convicted of committing or attempting to
 877 commit any felony other than those enumerated in s. 775.087(2)
 878 while having in his or her possession: a firearm as defined in
 879 s. 790.001(6), an additional eighteen (18) sentence points are

880 assessed; or if the offender is convicted of committing or
 881 attempting to commit any felony other than those enumerated in
 882 s. 775.087(3) while having in his or her possession a
 883 semiautomatic firearm as defined in s. 775.087(3) or a machine
 884 gun as defined in s. 790.001(9), an additional twenty-five (25)
 885 sentence points are assessed.

886
 887 Sentencing multipliers:

888
 889 Drug trafficking: If the primary offense is drug trafficking
 890 under s. 893.135, the subtotal sentence points are multiplied,
 891 at the discretion of the court, for a level 7 or level 8
 892 offense, by 1.5. The state attorney may move the sentencing
 893 court to reduce or suspend the sentence of a person convicted of
 894 a level 7 or level 8 offense, if the offender provides
 895 substantial assistance as described in s. 893.135(4).

896
 897 Law enforcement protection: If the primary offense is a
 898 violation of the Law Enforcement Protection Act under s.
 899 775.0823(2), (3), or (4), the subtotal sentence points are
 900 multiplied by 2.5. If the primary offense is a violation of s.
 901 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 902 are multiplied by 2.0. If the primary offense is a violation of
 903 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 904 Protection Act under s. 775.0823(10) or (11), the subtotal
 905 sentence points are multiplied by 1.5.

906
 907 Grand theft of a motor vehicle: If the primary offense is grand
 908 theft of the third degree involving a motor vehicle and in the
 909 offender's prior record, there are three or more grand thefts of
 910 the third degree involving a motor vehicle, the subtotal
 911 sentence points are multiplied by 1.5.

912
 913 Offense related to a criminal gang: If the offender is convicted
 914 of the primary offense and committed that offense for the
 915 purpose of benefiting, promoting, or furthering the interests of
 916 a criminal gang as defined in s. 874.03, the subtotal sentence
 917 points are multiplied by 1.5. If applying the multiplier results
 918 in the lowest permissible sentence exceeding the statutory
 919 maximum sentence for the primary offense under chapter 775, the
 920 court may not apply the multiplier and must sentence the
 921 defendant to the statutory maximum sentence.

922
 923 Domestic violence in the presence of a child: If the offender is
 924 convicted of the primary offense and the primary offense is a
 925 crime of domestic violence, as defined in s. 741.28, which was
 926 committed in the presence of a child under 16 years of age who
 927 is a family or household member as defined in s. 741.28(3) with
 928 the victim or perpetrator, the subtotal sentence points are
 929 multiplied by 1.5.

930
 931 Adult-on-minor sex offense: If the offender was 18 years of age

932 or older and the victim was younger than 18 years of age at the
933 time the offender committed the primary offense, and if the
934 primary offense was an offense committed on or after October 1,
935 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
936 violation involved a victim who was a minor and, in the course
937 of committing that violation, the defendant committed a sexual
938 battery under chapter 794 or a lewd act under s. 800.04 or s.
939 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
940 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
941 800.04; or s. 847.0135(5), the subtotal sentence points are
942 multiplied by 2.0. If applying the multiplier results in the
943 lowest permissible sentence exceeding the statutory maximum
944 sentence for the primary offense under chapter 775, the court
945 may not apply the multiplier and must sentence the defendant to
946 the statutory maximum sentence.

947 (2) The lowest permissible sentence is the minimum
948 sentence that may be imposed by the trial court, absent a valid
949 reason for departure. The lowest permissible sentence is any
950 nonstate prison sanction in which the total sentence points
951 equals or is less than 44 points, unless the court determines
952 within its discretion that a prison sentence, which may be up to
953 the statutory maximums for the offenses committed, is
954 appropriate. When the total sentence points exceeds 44 points,
955 the lowest permissible sentence in prison months shall be
956 calculated by subtracting 28 points from the total sentence
957 points and decreasing the remaining total by 25 percent. The

958 total sentence points shall be calculated only as a means of
 959 determining the lowest permissible sentence. The permissible
 960 range for sentencing shall be the lowest permissible sentence up
 961 to and including the statutory maximum, as defined in s.
 962 775.082, for the primary offense and any additional offenses
 963 before the court for sentencing. The sentencing court may impose
 964 such sentences concurrently or consecutively. However, any
 965 sentence to state prison must exceed 1 year. If the lowest
 966 permissible sentence under the code exceeds the statutory
 967 maximum sentence as provided in s. 775.082, the sentence
 968 required by the code must be imposed. If the total sentence
 969 points are greater than or equal to 363, the court may sentence
 970 the offender to life imprisonment. An offender sentenced to life
 971 imprisonment under this section is not eligible for any form of
 972 discretionary early release, except executive clemency or
 973 conditional medical release under s. 947.149.

974 (3) A single scoresheet shall be prepared for each
 975 defendant to determine the permissible range for the sentence
 976 that the court may impose, except that if the defendant is
 977 before the court for sentencing for more than one felony and the
 978 felonies were committed under more than one version or revision
 979 of the guidelines or the code, separate scoresheets must be
 980 prepared. The scoresheet or scoresheets must cover all the
 981 defendant's offenses pending before the court for sentencing.
 982 The state attorney shall prepare the scoresheet or scoresheets,
 983 which must be presented to the defense counsel for review for

984 accuracy in all cases unless the judge directs otherwise. The
985 defendant's scoresheet or scoresheets must be approved and
986 signed by the sentencing judge.

987 (4) The Department of Corrections, in consultation with
988 the Office of the State Courts Administrator, state attorneys,
989 and public defenders, must develop and submit the revised
990 Criminal Punishment Code scoresheet to the Supreme Court for
991 approval by June 15 of each year, as necessary. Upon the Supreme
992 Court's approval of the revised scoresheet, the Department of
993 Corrections shall produce and provide sufficient copies of the
994 revised scoresheets by September 30 of each year, as necessary.
995 Scoresheets must include item entries for the scoresheet
996 preparer's use in indicating whether any prison sentence imposed
997 includes a mandatory minimum sentence or the sentence imposed
998 was a downward departure from the lowest permissible sentence
999 under the Criminal Punishment Code.

1000 (5) The Department of Corrections shall distribute
1001 sufficient copies of the Criminal Punishment Code scoresheets to
1002 those persons charged with the responsibility for preparing
1003 scoresheets.

1004 (6) The clerk of the circuit court shall transmit a
1005 complete, accurate, and legible copy of the Criminal Punishment
1006 Code scoresheet used in each sentencing proceeding to the
1007 Department of Corrections. Scoresheets must be transmitted no
1008 less frequently than monthly, by the first of each month, and
1009 may be sent collectively.

1010 (7) A sentencing scoresheet must be prepared for every
 1011 defendant who is sentenced for a felony offense. A copy of the
 1012 individual offender's Criminal Punishment Code scoresheet and
 1013 any attachments thereto prepared pursuant to Rule 3.701, Rule
 1014 3.702, or Rule 3.703, Florida Rules of Criminal Procedure, or
 1015 any other rule pertaining to the preparation and submission of
 1016 felony sentencing scoresheets, must be attached to the copy of
 1017 the uniform judgment and sentence form provided to the
 1018 Department of Corrections.

1019 Section 10. Paragraph (e) is added to subsection (4) of
 1020 section 944.275, Florida Statutes, to read:

1021 944.275 Gain-time.—

1022 (4)

1023 (e) Notwithstanding subparagraph (b)3., for sentences
 1024 imposed for offenses committed on or after October 1, 2014, the
 1025 department may not grant incentive gain-time if the offense is a
 1026 violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s.
 1027 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 1028 800.04; s. 825.1025; or s. 847.0135(5).

1029 Section 11. Subsections (13) and (14) are added to section
 1030 947.1405, Florida Statutes, to read:

1031 947.1405 Conditional release program.—

1032 (13) If a person who is transferred to the custody of the
 1033 Department of Children and Families pursuant to part V of
 1034 chapter 394 is subject to conditional release supervision, the
 1035 period of conditional release supervision is tolled until such

1036 person is no longer in the custody of the Department of Children
 1037 and Families. This subsection applies to all periods of
 1038 conditional release supervision which begin on or after October
 1039 1, 2014, regardless of the date of the underlying offense.

1040 (14) Effective for a releasee whose crime was committed on
 1041 or after October 1, 2014, in violation of chapter 794, s.
 1042 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, in addition
 1043 to any other provision of this section, the commission must
 1044 impose a condition prohibiting the releasee from viewing,
 1045 accessing, owning, or possessing any obscene, pornographic, or
 1046 sexually stimulating visual or auditory material unless
 1047 otherwise indicated in the treatment plan provided by a
 1048 qualified practitioner in the sexual offender treatment program.
 1049 Visual or auditory material includes, but is not limited to,
 1050 telephone, electronic media, computer programs, and computer
 1051 services.

1052 Section 12. Subsection (1) of section 948.012, Florida
 1053 Statutes, is amended, and subsections (5) and (6) are added to
 1054 that section, to read:

1055 948.012 Split sentence of probation or community control
 1056 and imprisonment.—

1057 (1) If ~~Whenever~~ punishment by imprisonment for a
 1058 misdemeanor or a felony, except for a capital felony, is
 1059 prescribed, the court, ~~in its discretion,~~ may, at the time of
 1060 sentencing, impose a split sentence whereby the defendant is to
 1061 be placed on probation or, with respect to any such felony, into

1062 community control upon completion of any specified period of
 1063 such sentence which may include a term of years or less. In such
 1064 case, the court shall stay and withhold the imposition of the
 1065 remainder of sentence imposed upon the defendant and direct that
 1066 the defendant be placed upon probation or into community control
 1067 after serving such period as may be imposed by the court. Except
 1068 as provided in subsection (6), the period of probation or
 1069 community control shall commence immediately upon the release of
 1070 the defendant from incarceration, whether by parole or gain-time
 1071 allowances.

1072 (5) (a) Effective for offenses committed on or after
 1073 October 1, 2014, if the court imposes a term of years in
 1074 accordance with s. 775.082 which is less than the maximum
 1075 sentence for the offense, the court must impose a split sentence
 1076 pursuant to subsection (1) for any person who is convicted of a
 1077 violation of:

- 1078 1. Section 782.04(1)(a)2.c.;
- 1079 2. Section 787.01(3)(a)2. or 3.;
- 1080 3. Section 787.02(3)(a)2. or 3.;
- 1081 4. Section 794.011, excluding s. 794.011(10);
- 1082 5. Section 800.04;
- 1083 6. Section 825.1025; or
- 1084 7. Section 847.0135(5).

1085 (b) The probation or community control portion of the
 1086 split sentence imposed by the court must extend for at least 2
 1087 years. However, if the term of years imposed by the court

1088 extends to within 2 years of the maximum sentence for the
 1089 offense, the probation or community control portion of the split
 1090 sentence must extend for the remainder of the maximum sentence.

1091 (6) If a defendant who has been sentenced to a split
 1092 sentence pursuant to subsection (1) is transferred to the
 1093 custody of the Department of Children and Families pursuant to
 1094 part V of chapter 394, the period of probation or community
 1095 control is tolled until such person is no longer in the custody
 1096 of the Department of Children and Families. This subsection
 1097 applies to all sentences of probation or community control which
 1098 begin on or after October 1, 2014, regardless of the date of the
 1099 underlying offense.

1100 Section 13. Subsection (5) is added to section 948.30,
 1101 Florida Statutes, to read:

1102 948.30 Additional terms and conditions of probation or
 1103 community control for certain sex offenses.—Conditions imposed
 1104 pursuant to this section do not require oral pronouncement at
 1105 the time of sentencing and shall be considered standard
 1106 conditions of probation or community control for offenders
 1107 specified in this section.

1108 (5) Effective for a probationer or community controllee
 1109 whose crime was committed on or after October 1, 2014, and who
 1110 is placed on probation or community control for a violation of
 1111 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
 1112 847.0145, in addition to all other conditions imposed, the court
 1113 must impose a condition prohibiting the probationer or community

1114 controllee from viewing, accessing, owning, or possessing any
 1115 obscene, pornographic, or sexually stimulating visual or
 1116 auditory material unless otherwise indicated in the treatment
 1117 plan provided by a qualified practitioner in the sexual offender
 1118 treatment program. Visual or auditory material includes, but is
 1119 not limited to, telephone, electronic media, computer programs,
 1120 and computer services.

1121 Section 14. Section 948.31, Florida Statutes, is amended
 1122 to read:

1123 948.31 Evaluation and treatment of sexual predators and
 1124 offenders on probation or community control.—The court may ~~shall~~
 1125 ~~require an evaluation by a qualified practitioner to determine~~
 1126 ~~the need of a probationer or community controllee for treatment.~~
 1127 ~~If the court determines that a need therefor is established by~~
 1128 ~~the evaluation process, the court shall require sexual offender~~
 1129 ~~treatment as a term or condition of probation or community~~
 1130 ~~control for any probationer or community controllee ~~person~~ who~~
 1131 is required to register as a sexual predator under s. 775.21 or
 1132 sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to
 1133 undergo an evaluation, at the probationer or community
 1134 controllee's expense, by a qualified practitioner to determine
 1135 whether such probationer or community controllee needs sexual
 1136 offender treatment. If the qualified practitioner determines
 1137 that sexual offender treatment is needed and recommends
 1138 treatment, the probationer or community controllee must
 1139 successfully complete and pay for the treatment. Such treatment

1140 ~~must~~ shall be required to be obtained from a qualified
 1141 practitioner as defined in s. 948.001. Treatment may not be
 1142 administered by a qualified practitioner who has been convicted
 1143 or adjudicated delinquent of committing, or attempting,
 1144 soliciting, or conspiring to commit, any offense that is listed
 1145 in s. 943.0435(1)(a)1.a.(I). ~~The court shall impose a~~
 1146 ~~restriction against contact with minors if sexual offender~~
 1147 ~~treatment is recommended. The evaluation and recommendations for~~
 1148 ~~treatment of the probationer or community controllee shall be~~
 1149 ~~provided to the court for review.~~

1150 Section 15. If any provision of this act or its
 1151 application to any person or circumstance is held invalid, the
 1152 invalidity does not affect other provisions or applications of
 1153 this act which can be given effect without the invalid provision
 1154 or application, and to this end the provisions of this act are
 1155 severable.

1156 Section 16. This act shall take effect October 1, 2014.