

1 A bill to be entitled
2 An act relating to child exploitation; amending s.
3 16.56, F.S.; revising the offenses that may be
4 investigated and prosecuted by the Office of Statewide
5 Prosecution; amending s. 39.01, F.S.; conforming
6 provisions to changes made by the act; amending s.
7 39.0132, F.S.; revising the types of offenses
8 committed by a child in the custody of the Department
9 of Children and Families which require the department
10 to provide notice to the school superintendent;
11 conforming provisions to changes made by the act;
12 amending s. 39.0139, F.S.; revising the type of
13 offenses that create a rebuttable presumption of
14 detriment for judicial determinations related to
15 contact between a parent or caregiver and certain
16 child victims; conforming provisions to changes made
17 by the act; amending s. 39.301, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 39.509, F.S.; revising the offenses that may be
20 considered in determining whether grandparental
21 visitation is in the child's best interest; conforming
22 provisions to changes made by the act; amending s.
23 90.404, F.S.; conforming provisions to changes made by
24 the act; amending s. 92.56, F.S.; revising the
25 offenses for which a criminal defendant may seek an

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

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

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

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

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

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

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

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

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

236

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

238

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

242 16.56 Office of Statewide Prosecution.—

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

247 (a) Investigate and prosecute the offenses of:

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

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

276 | of 2004;

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

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

279 | candidate or issue petition activities;

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

281 | Act;

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

283 | Investor Protection Act; or

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

285 | offenses related to a violation of chapter 787;

286 |

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

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

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

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

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

292 | organized criminal conspiracy affecting two or more judicial

293 | circuits. Informations or indictments charging such offenses

294 | shall contain general allegations stating the judicial circuits

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

296 | judicial circuits and counties in which crimes affecting such

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

298 | organized criminal conspiracy.

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

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

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

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

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

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

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

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

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

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

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

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

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

329 39.0132 Oaths, records, and confidential information.—

330 (4)

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

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

346 39.0139 Visitation or other contact; restrictions.—

347 (3) PRESUMPTION OF DETRIMENT.—

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

350 1. A court of competent jurisdiction has found probable

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

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

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

359 b. Section 794.011, relating to sexual battery;

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

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

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

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

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

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

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

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

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

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

377 | 39.301 Initiation of protective investigations.—

378 | (2)

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

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

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

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

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

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

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

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

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

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

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

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

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

426 90.404 Character evidence; when admissible.—

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

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

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

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

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

451 985.701(1).

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

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

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

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

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

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

503 92.561 Prohibition on reproduction of child pornography.—

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

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

512 92.565 Admissibility of confession in sexual abuse cases.—

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

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

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

533 (b) Physically incapacitated due to age, infirmity, or any
534 other cause; or

535 (c) Less than 12 years of age.

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

538 435.04 Level 2 screening standards.—

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

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

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

551 exploitation ~~obscene literature~~.

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

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

560 (4)

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

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

576 | statutes:

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

578 | b. Section 782.04, relating to murder.

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

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

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

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

583 | paramedic.

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

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

586 | f. Section 787.01, relating to kidnapping.

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

588 | child.

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

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

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

592 | custody proceedings.

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

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

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

596 | dependency proceedings or proceedings concerning alleged abuse

597 | or neglect of a minor.

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

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

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

601 authority.

602 1. Section 794.05, relating to unlawful sexual activity
603 with certain minors.

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

605 n. Section 806.01, relating to arson.

606 o. Section 826.04, relating to incest.

607 p. Section 827.03, relating to child abuse, aggravated
608 child abuse, or neglect of a child.

609 q. Section 827.04, relating to contributing to the
610 delinquency or dependency of a child.

611 r. Former s. Section 827.071 or s. 847.003, relating to
612 sexual performance by a child.

613 s. Chapter 847, relating to obscenity and child
614 exploitation ~~pornography~~.

615 t. Section 985.701, relating to sexual misconduct in
616 juvenile justice programs.

617 2. A misdemeanor offense prohibited under any of the
618 following statutes:

619 a. Section 784.03, relating to battery, if the victim of
620 the offense was a minor.

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

623 c. Chapter 847, relating to obscenity and child
624 exploitation ~~pornography~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

698 743.067 Certified unaccompanied homeless youths.—

699 (3) A certified unaccompanied homeless youth may:

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

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

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

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

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

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

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

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

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

751 of a dwelling or structure.

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

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

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

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

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

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

762 26. Section 836.05, relating to extortion.

763 27. Chapter 837, relating to perjury.

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

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

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

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

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

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

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

776 | victims, or informants.

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

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

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

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

786 | a. Treason;

787 | b. Murder;

788 | c. Manslaughter;

789 | d. Sexual battery;

790 | e. Carjacking;

791 | f. Home-invasion robbery;

792 | g. Robbery;

793 | h. Arson;

794 | i. Kidnapping;

795 | j. Aggravated assault with a deadly weapon;

796 | k. Aggravated battery;

797 | l. Aggravated stalking;

798 | m. Aircraft piracy;

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

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

803 p. Armed burglary;

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

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

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

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

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

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

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

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

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

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

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

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

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851 (1) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

901 relating to battery;

902 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
903 relating to aggravated battery;

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

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

907 (j) Section 825.102(1), relating to abuse of an elderly
908 person or disabled adult;

909 (k) Section 825.102(2), relating to aggravated abuse of an
910 elderly person or disabled adult;

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

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

914 (n) Section 381.0041(11)(b), relating to donation of
915 blood, plasma, organs, skin, or other human tissue; or

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

918

919 the court shall order the offender to undergo HIV testing, to be
920 performed under the direction of the Department of Health in
921 accordance with s. 381.004, unless the offender has undergone
922 HIV testing voluntarily or pursuant to procedures established in
923 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
924 rule providing for HIV testing of criminal offenders or inmates,
925 subsequent to her or his arrest for an offense enumerated in

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

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

934 775.21 The Florida Sexual Predators Act.—

935 (4) SEXUAL PREDATOR CRITERIA.—

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

941 1. The felony is:

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

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

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

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

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

979 (10) PENALTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1110 794.024 Unlawful to disclose identifying information.—

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

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

1126 Statutes, is amended to read:

1127 794.056 Rape Crisis Program Trust Fund.—

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

1150 Section 27. Section 794.10, Florida Statutes, is created

1151 to read:

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

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

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

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

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

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

1166 (2) AUTHORIZATION.-

1167 (a) In any investigation of:

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

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

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

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

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

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

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

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

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

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

1201 (6) NONDISCLOSURE.—

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

1203 accompanied by a written certification under subparagraph 2. and

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

1205 person to whom information is disclosed under subparagraph

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

1207 person the existence or contents of the subpoena.

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

1209 criminal justice agency that issued the subpoena certifies in

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

1211 following circumstances:

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

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

1214 c. Destruction of or tampering with evidence;

1215 d. Intimidation of potential witnesses; or

1216 e. Otherwise seriously jeopardizing an investigation or

1217 unduly delaying a trial.

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

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

1220 to:

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

1222 comply with the subpoena;

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

1224 assistance regarding the subpoena; or

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

1226 agency that issued the subpoena.

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

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

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

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

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

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

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1251 (11) (b) .

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

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

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

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

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

1273 (11) ENFORCEMENT.—

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

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

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

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

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

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

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1301 information sought is not liable in any court in this state to
1302 any customer or other person for such production or disclosure.

1303 (13) JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENT.—

1304 (a)1.a. If a recipient of a subpoena under this section,
1305 or a person to whom information is disclosed under subparagraph
1306 (6)(b)1., wishes to have a court review a nondisclosure
1307 requirement under subsection (6), such recipient or person may
1308 notify the criminal justice agency issuing the subpoena or file
1309 a petition for judicial review in the circuit court described in
1310 subsection (5).

1311 b. Within 30 days after the date on which the criminal
1312 justice agency receives the notification under sub-subparagraph
1313 a., the criminal justice agency shall apply for an order
1314 prohibiting the disclosure of the existence or contents of the
1315 subpoena. An application under this sub-subparagraph may be
1316 filed in the circuit court described in subsection (5) or in the
1317 circuit court of the county in which the authorized
1318 investigation is being conducted.

1319 c. The nondisclosure requirement shall remain in effect
1320 during the pendency of proceedings relating to the requirement.

1321 d. A circuit court that receives a petition under sub-
1322 subparagraph a. or an application under sub-subparagraph b.
1323 shall rule on such petition or application as expeditiously as
1324 possible.

1325 2. An application for a nondisclosure order or extension

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1384 847.003 Sexual performance by a child; penalties.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1490 847.01357 Exploited children's civil remedy.—

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

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

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

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

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

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

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

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

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

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

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

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

1526 | or modifying the visual depiction.

1527 |
 1528 | This paragraph does not require proof of the actual identity of
 1529 | the identifiable minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1776 | communications by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1901 older at the time of the offense:

1902 (I) Section 794.011, excluding s. 794.011(10);

1903 (II) Section 800.04(4)(a)2. where the victim is under 12

1904 years of age or where the court finds sexual activity by the use

1905 of force or coercion;

1906 (III) Section 800.04(5)(c)1. where the court finds

1907 molestation involving unclothed genitals;

1908 (IV) Section 800.04(5)(d) where the court finds the use of

1909 force or coercion and unclothed genitals; or

1910 (V) Any similar offense committed in this state which has

1911 been redesignated from a former statute number to one of those

1912 listed in this sub-subparagraph.

1913 2. For all qualifying offenses listed in sub-subparagraph

1914 1.d., the court shall make a written finding of the age of the

1915 offender at the time of the offense.

1916

1917 For each violation of a qualifying offense listed in this

1918 subsection, except for a violation of s. 794.011, the court

1919 shall make a written finding of the age of the victim at the

1920 time of the offense. For a violation of s. 800.04(4), the court

1921 shall also make a written finding indicating whether the offense

1922 involved sexual activity and indicating whether the offense

1923 involved force or coercion. For a violation of s. 800.04(5), the

1924 court shall also make a written finding that the offense did or

1925 did not involve unclothed genitals or genital area and that the

1926 | offense did or did not involve the use of force or coercion.

1927 | Section 42. Paragraph (a) of subsection (1) and subsection
1928 | (3) of section 943.04354, Florida Statutes, are amended to read:

1929 | 943.04354 Removal of the requirement to register as a
1930 | sexual offender or sexual predator in special circumstances.—

1931 | (1) For purposes of this section, a person shall be
1932 | considered for removal of the requirement to register as a
1933 | sexual offender or sexual predator only if the person:

1934 | (a) Was convicted, regardless of adjudication, or
1935 | adjudicated delinquent of a violation of s. 800.04, former s.
1936 | 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s. 847.0137(2) or of
1937 | a similar offense in another jurisdiction and if the person does
1938 | not have any other conviction, regardless of adjudication, or
1939 | adjudication of delinquency for a violation of s. 794.011, s.
1940 | 800.04, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1941 | 847.0137(2) or for a similar offense in another jurisdiction;

1942 | (3) If a person provides to the Department of Law
1943 | Enforcement a certified copy of the court's order removing the
1944 | requirement that the person register as a sexual offender or
1945 | sexual predator for the violation of s. 794.011, s. 800.04,
1946 | former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
1947 | 847.0137(2) or a similar offense in another jurisdiction, the
1948 | registration requirement will not apply to the person and the
1949 | department shall remove all information about the person from
1950 | the public registry of sexual offenders and sexual predators

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 2185 1. Is a candidate for employment with a criminal justice
 2186 agency;
- 2187 2. Is a defendant in a criminal prosecution;
- 2188 3. Concurrently or subsequently petitions for relief under
 2189 this section, s. 943.0583, or s. 943.059;
- 2190 4. Is a candidate for admission to The Florida Bar;
- 2191 5. Is seeking to be employed or licensed by or to contract
 2192 with the Department of Children and Families, the Division of
 2193 Vocational Rehabilitation within the Department of Education,
 2194 the Agency for Health Care Administration, the Agency for
 2195 Persons with Disabilities, the Department of Health, the
 2196 Department of Elderly Affairs, or the Department of Juvenile
 2197 Justice or to be employed or used by such contractor or licensee
 2198 in a sensitive position having direct contact with children, the
 2199 disabled, or the elderly;
- 2200 6. Is seeking to be employed or licensed by the Department

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2276 section constitutes a general reference under the doctrine of
 2277 incorporation by reference.

2278 Section 44. Section 943.059, Florida Statutes, is amended
 2279 to read:

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

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

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

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

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

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

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

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

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

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

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

2352

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2530 | 944.606 Sexual offenders; notification upon release.—

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

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

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

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

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

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

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

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

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

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

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

2592 947.1405 Conditional release program.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2676 (VI) The sex offender's current mental status;
 2677 (VII) The sex offender's mental health and substance abuse
 2678 history as provided by the Department of Corrections;
 2679 (VIII) The sex offender's personal, social, educational,
 2680 and work history;
 2681 (IX) The results of current psychological testing of the
 2682 sex offender if determined necessary by the qualified
 2683 practitioner;
 2684 (X) A description of the proposed contact, including the
 2685 location, frequency, duration, and supervisory arrangement;
 2686 (XI) The child's preference and relative comfort level
 2687 with the proposed contact, when age-appropriate;
 2688 (XII) The parent's or legal guardian's preference
 2689 regarding the proposed contact; and
 2690 (XIII) The qualified practitioner's opinion, along with
 2691 the basis for that opinion, as to whether the proposed contact
 2692 would likely pose significant risk of emotional or physical harm
 2693 to the child.
 2694
 2695 The written report of the assessment must be given to the
 2696 commission.
 2697 b. A recommendation made as a part of the risk-assessment
 2698 report as to whether supervised contact with the child should be
 2699 approved;
 2700 c. A written consent signed by the child's parent or legal

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

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

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

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

2726 | this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2801 the releasee's supervision.

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

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

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

2821 948.03 Terms and conditions of probation.—

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

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

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

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

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

2851 court-imposed probation or community control.

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

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

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

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

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

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

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

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

2925 (8)

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

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

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

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

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

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

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

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

2951 | under s. 825.1025.

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

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

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

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

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

2957 | 847.0145.

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

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

2960 | 12. Any burglary offense or attempted burglary offense

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

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

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

2964 | 14. Aggravated assault under s. 784.021.

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

2966 | (7).

2967 | 16. Aircraft piracy under s. 860.16.

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

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

2970 | 18. Treason under s. 876.32.

2971 | 19. Any offense committed in another jurisdiction which

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

2973 | been committed in this state.

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

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

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

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

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

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

2985 948.101 Terms and conditions of community control.—

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

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

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

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

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

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

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

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

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

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

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

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

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

3076 whenever available;

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

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

3079 most recent treating, therapist;

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

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

3082 treatment history as provided by the Department of Corrections;

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

3084 work history;

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

3086 offender if determined necessary by the qualified practitioner;

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

3088 location, frequency, duration, and supervisory arrangement;

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

3090 the proposed contact, when age appropriate;

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

3092 the proposed contact; and

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

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

3095 likely pose significant risk of emotional or physical harm to

3096 the child.

3097

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

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

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

3101 approved;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3205

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

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

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

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

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

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

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

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

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

3246 (3) "Crime" means:

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

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

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

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

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

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

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

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

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

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

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

3282 985.04 Oaths; records; confidential information.—

3283 (4)

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

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

3299 985.475 Juvenile sexual offenders.—

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

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

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

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

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

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

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

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

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

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3326	(3) OFFENSE SEVERITY RANKING CHART																					
3327	(e) LEVEL 5																					
3328																						
3329	<table border="1"> <thead> <tr> <th data-bbox="181 550 324 583">Florida Statute</th> <th data-bbox="548 550 665 583">Felony Degree</th> <th data-bbox="901 600 1112 634">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="181 709 435 743">316.027 (2) (a)</td> <td data-bbox="576 709 641 743">3rd</td> <td data-bbox="706 709 1291 907">Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.</td> </tr> <tr> <td data-bbox="181 982 451 1016">316.1935 (4) (a)</td> <td data-bbox="576 982 641 1016">2nd</td> <td data-bbox="706 982 1274 1016">Aggravated fleeing or eluding.</td> </tr> <tr> <td data-bbox="181 1092 357 1125">316.80 (2)</td> <td data-bbox="576 1092 641 1125">2nd</td> <td data-bbox="706 1092 1242 1176">Unlawful conveyance of fuel; obtaining fuel fraudulently.</td> </tr> <tr> <td data-bbox="181 1251 357 1285">322.34 (6)</td> <td data-bbox="576 1251 641 1285">3rd</td> <td data-bbox="706 1251 1291 1449">Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td> </tr> <tr> <td data-bbox="181 1524 357 1558">327.30 (5)</td> <td data-bbox="576 1524 641 1558">3rd</td> <td data-bbox="706 1524 1291 1608">Vessel accidents involving personal injury; leaving scene.</td> </tr> <tr> <td data-bbox="181 1684 479 1717">379.365 (2) (c) 1.</td> <td data-bbox="576 1684 641 1717">3rd</td> <td data-bbox="706 1684 1291 1717">Violation of rules relating to:</td> </tr> </tbody> </table>	Florida Statute	Felony Degree	Description	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.	379.365 (2) (c) 1.	3rd	Violation of rules relating to:
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3330																						
3331																						
3332																						
3333																						
3334																						

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

3335

379.367 (4)

3rd

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

3336

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

3337

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

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

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

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3358	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3359	817.2341 (1) , (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
3360	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3361	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

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

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			death.
3367	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3368	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3369	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
3370	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
3371	<u>847.0137 (3)</u> 847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
3372	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
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3374	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3375	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3376	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
3376	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

3377	893.13(1)(d)1.	1st	recreational facility or community center. 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.
3378	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)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.
3379	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4.

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

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

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			battery by strangulation.
3395	784.048 (3)	3rd	Aggravated stalking; credible threat.
3396	784.048 (5)	3rd	Aggravated stalking of person under 16.
3397	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3398	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3399	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3400	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3401	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
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3403	784.083 (2)	2nd	Aggravated assault on code inspector.
3404	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3405	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3406	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3407	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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

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

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

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

3436	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3437	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
3438	944.40	2nd	Escapes.
3439	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3440	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3441	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
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3443	(h)	LEVEL 8		
3444				
	Florida		Felony	
	Statute		Degree	Description
3445				
	316.193		2nd	DUI manslaughter.
	(3) (c) 3.a.			
3446				
	316.1935 (4) (b)		1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3447				
	327.35 (3) (c) 3.		2nd	Vessel BUI manslaughter.
3448				
	499.0051 (6)		1st	Knowing trafficking in contraband prescription drugs.
3449				
	499.0051 (7)		1st	Knowing forgery of prescription labels or prescription drug labels.
3450				
	560.123 (8) (b) 2.		2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money

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

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

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

3470	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3471	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3472	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3473	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3474	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3475	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3476			

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3477	812.13 (2) (b)	1st	Robbery with a weapon.
3478	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3479	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
3480	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3481	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3482	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of

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

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

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

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

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

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

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

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

3525 39.402 Placement in a shelter.—

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

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

3539 39.506 Arraignment hearings.—

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

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

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

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

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

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

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

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3569 39.521, Florida Statutes, is reenacted to read:

3570 39.521 Disposition hearings; powers of disposition.—

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

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

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

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

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

3608 39.806 Grounds for termination of parental rights.—

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

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

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

3618 2. The incarcerated parent has been determined by the

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

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

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

3644 physical needs.

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

3648 e. Any other factor the court deems relevant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3744 adoptive parents; and

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

3747

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

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

3768 68.07 Change of name.—

3769 (3) Each petition shall be verified and show:

3770 (i) Whether the petitioner has ever been required to
3771 register as a sexual predator under s. 775.21 or as a sexual
3772 offender under s. 943.0435.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3858 381.004 HIV testing.—

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

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

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

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

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

3869 gain-time credits, or expiration of sentence.

3870 c. Testing for HIV by a medical examiner in accordance
3871 with s. 406.11.

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

3873 2. To those exceptions provided for blood, plasma, organs,
3874 skin, semen, or other human tissue pursuant to s. 381.0041.

3875 3. For the performance of an HIV-related test by licensed
3876 medical personnel in bona fide medical emergencies if the test
3877 results are necessary for medical diagnostic purposes to provide
3878 appropriate emergency care or treatment to the person being
3879 tested and the patient is unable to consent, as supported by
3880 documentation in the medical record. Notification of test
3881 results in accordance with paragraph (c) is required.

3882 4. For the performance of an HIV-related test by licensed
3883 medical personnel for medical diagnosis of acute illness where,
3884 in the opinion of the attending physician, providing
3885 notification would be detrimental to the patient, as supported
3886 by documentation in the medical record, and the test results are
3887 necessary for medical diagnostic purposes to provide appropriate
3888 care or treatment to the person being tested. Notification of
3889 test results in accordance with paragraph (c) is required if it
3890 would not be detrimental to the patient. This subparagraph does
3891 not authorize the routine testing of patients for HIV infection
3892 without notification.

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

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

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

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

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

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

3913 | 10. For the performance of an HIV test upon an individual
3914 | who comes into contact with medical personnel in such a way that
3915 | a significant exposure has occurred during the course of
3916 | employment, within the scope of practice, or during the course
3917 | of providing emergency medical assistance to the individual. The
3918 | term "medical personnel" includes a licensed or certified health

3919 care professional; an employee of a health care professional or
3920 health care facility; employees of a laboratory licensed under
3921 chapter 483; personnel of a blood bank or plasma center; a
3922 medical student or other student who is receiving training as a
3923 health care professional at a health care facility; and a
3924 paramedic or emergency medical technician certified by the
3925 department to perform life-support procedures under s. 401.23.

3926 a. The occurrence of a significant exposure shall be
3927 documented by medical personnel under the supervision of a
3928 licensed physician and recorded only in the personnel record of
3929 the medical personnel.

3930 b. Costs of an HIV test shall be borne by the medical
3931 personnel or the employer of the medical personnel. However,
3932 costs of testing or treatment not directly related to the
3933 initial HIV tests or costs of subsequent testing or treatment
3934 may not be borne by the medical personnel or the employer of the
3935 medical personnel.

3936 c. In order to use the provisions of this subparagraph,
3937 the medical personnel must be tested for HIV pursuant to this
3938 section or provide the results of an HIV test taken within 6
3939 months before the significant exposure if such test results are
3940 negative.

3941 d. A person who receives the results of an HIV test
3942 pursuant to this subparagraph shall maintain the confidentiality
3943 of the information received and of the persons tested. Such

3944 confidential information is exempt from s. 119.07(1).

3945 e. If the source of the exposure is not available and will
3946 not voluntarily present himself or herself to a health facility
3947 to be tested for HIV, the medical personnel or the employer of
3948 such person acting on behalf of the employee may seek a court
3949 order directing the source of the exposure to submit to HIV
3950 testing. A sworn statement by a physician licensed under chapter
3951 458 or chapter 459 that a significant exposure has occurred and
3952 that, in the physician's medical judgment, testing is medically
3953 necessary to determine the course of treatment constitutes
3954 probable cause for the issuance of an order by the court. The
3955 results of the test shall be released to the source of the
3956 exposure and to the person who experienced the exposure.

3957 11. For the performance of an HIV test upon an individual
3958 who comes into contact with nonmedical personnel in such a way
3959 that a significant exposure has occurred while the nonmedical
3960 personnel provides emergency medical assistance during a medical
3961 emergency. For the purposes of this subparagraph, a medical
3962 emergency means an emergency medical condition outside of a
3963 hospital or health care facility that provides physician care.
3964 The test may be performed only during the course of treatment
3965 for the medical emergency.

3966 a. The occurrence of a significant exposure shall be
3967 documented by medical personnel under the supervision of a
3968 licensed physician and recorded in the medical record of the

3969 nonmedical personnel.

3970 b. Costs of any HIV test shall be borne by the nonmedical
3971 personnel or the employer of the nonmedical personnel. However,
3972 costs of testing or treatment not directly related to the
3973 initial HIV tests or costs of subsequent testing or treatment
3974 may not be borne by the nonmedical personnel or the employer of
3975 the nonmedical personnel.

3976 c. In order to use the provisions of this subparagraph,
3977 the nonmedical personnel shall be tested for HIV pursuant to
3978 this section or shall provide the results of an HIV test taken
3979 within 6 months before the significant exposure if such test
3980 results are negative.

3981 d. A person who receives the results of an HIV test
3982 pursuant to this subparagraph shall maintain the confidentiality
3983 of the information received and of the persons tested. Such
3984 confidential information is exempt from s. 119.07(1).

3985 e. If the source of the exposure is not available and will
3986 not voluntarily present himself or herself to a health facility
3987 to be tested for HIV, the nonmedical personnel or the employer
3988 of the nonmedical personnel acting on behalf of the employee may
3989 seek a court order directing the source of the exposure to
3990 submit to HIV testing. A sworn statement by a physician licensed
3991 under chapter 458 or chapter 459 that a significant exposure has
3992 occurred and that, in the physician's medical judgment, testing
3993 is medically necessary to determine the course of treatment

3994 constitutes probable cause for the issuance of an order by the
3995 court. The results of the test shall be released to the source
3996 of the exposure and to the person who experienced the exposure.

3997 12. For the performance of an HIV test by the medical
3998 examiner or attending physician upon an individual who expired
3999 or could not be resuscitated while receiving emergency medical
4000 assistance or care and who was the source of a significant
4001 exposure to medical or nonmedical personnel providing such
4002 assistance or care.

4003 a. HIV testing may be conducted only after appropriate
4004 medical personnel under the supervision of a licensed physician
4005 documents in the medical record of the medical personnel or
4006 nonmedical personnel that there has been a significant exposure
4007 and that, in accordance with the written protocols based on the
4008 National Centers for Disease Control and Prevention guidelines
4009 on HIV postexposure prophylaxis and in the physician's medical
4010 judgment, the information is medically necessary to determine
4011 the course of treatment for the medical personnel or nonmedical
4012 personnel.

4013 b. Costs of an HIV test performed under this subparagraph
4014 may not be charged to the deceased or to the family of the
4015 deceased person.

4016 c. For this subparagraph to be applicable, the medical
4017 personnel or nonmedical personnel must be tested for HIV under
4018 this section or must provide the results of an HIV test taken

4019 within 6 months before the significant exposure if such test
4020 results are negative.

4021 d. A person who receives the results of an HIV test
4022 pursuant to this subparagraph shall comply with paragraph (e).

4023 13. For the performance of an HIV-related test medically
4024 indicated by licensed medical personnel for medical diagnosis of
4025 a hospitalized infant as necessary to provide appropriate care
4026 and treatment of the infant if, after a reasonable attempt, a
4027 parent cannot be contacted to provide consent. The medical
4028 records of the infant must reflect the reason consent of the
4029 parent was not initially obtained. Test results shall be
4030 provided to the parent when the parent is located.

4031 14. For the performance of HIV testing conducted to
4032 monitor the clinical progress of a patient previously diagnosed
4033 to be HIV positive.

4034 15. For the performance of repeated HIV testing conducted
4035 to monitor possible conversion from a significant exposure.

4036 Section 74. For the purpose of incorporating the amendment
4037 made by this act to section 775.0877, Florida Statutes, in
4038 references thereto, paragraph (c) of subsection (1) and
4039 subsection (3) of section 384.29, Florida Statutes, are
4040 reenacted to read:

4041 384.29 Confidentiality.—

4042 (1) All information and records held by the department or
4043 its authorized representatives relating to known or suspected

4044 cases of sexually transmissible diseases are strictly
4045 confidential and exempt from the provisions of s. 119.07(1).
4046 Such information shall not be released or made public by the
4047 department or its authorized representatives, or by a court or
4048 parties to a lawsuit upon revelation by subpoena, except under
4049 the following circumstances:

4050 (c) When made to medical personnel, appropriate state
4051 agencies, public health agencies, or courts of appropriate
4052 jurisdiction, to enforce the provisions of this chapter or s.
4053 775.0877 and related rules;

4054 (3) No employee of the department or its authorized
4055 representatives shall be examined in a civil, criminal, special,
4056 or other proceeding as to the existence or contents of pertinent
4057 records of a person examined or treated for a sexually
4058 transmissible disease by the department or its authorized
4059 representatives, or of the existence or contents of such reports
4060 received from a private physician or private health facility,
4061 without the consent of the person examined and treated for such
4062 diseases, except in proceedings under ss. 384.27 and 384.28 or
4063 involving offenders pursuant to s. 775.0877.

4064 Section 75. For the purpose of incorporating the amendment
4065 made by this act to section 39.01, Florida Statutes, in
4066 references thereto, paragraphs (b) and (e) of subsection (2) of
4067 section 390.01114, Florida Statutes, are reenacted to read:

4068 390.01114 Parental Notice of Abortion Act.—

4069 (2) DEFINITIONS.—As used in this section, the term:
 4070 (b) "Child abuse" means abandonment, abuse, harm, mental
 4071 injury, neglect, physical injury, or sexual abuse of a child as
 4072 those terms are defined in ss. 39.01, 827.04, and 984.03.
 4073 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.
 4074 Section 76. For the purpose of incorporating the amendment
 4075 made by this act to section 39.01, Florida Statutes, in
 4076 references thereto, paragraph (h) of subsection (4) and
 4077 subsections (7) and (9) of section 393.067, Florida Statutes,
 4078 are reenacted to read:
 4079 393.067 Facility licensure.—
 4080 (4) The application shall be under oath and shall contain
 4081 the following:
 4082 (h) Certification that the staff of the facility or
 4083 program will receive training to detect, report, and prevent
 4084 sexual abuse, abuse, neglect, exploitation, and abandonment, as
 4085 defined in ss. 39.01 and 415.102, of residents and clients.
 4086 (7) The agency shall adopt rules establishing minimum
 4087 standards for facilities and programs licensed under this
 4088 section, including rules requiring facilities and programs to
 4089 train staff to detect, report, and prevent sexual abuse, abuse,
 4090 neglect, exploitation, and abandonment, as defined in ss. 39.01
 4091 and 415.102, of residents and clients, minimum standards of
 4092 quality and adequacy of client care, incident reporting
 4093 requirements, and uniform firesafety standards established by

4094 the State Fire Marshal which are appropriate to the size of the
4095 facility or of the component centers or units of the program.

4096 (9) The agency may conduct unannounced inspections to
4097 determine compliance by foster care facilities, group home
4098 facilities, residential habilitation centers, and comprehensive
4099 transitional education programs with the applicable provisions
4100 of this chapter and the rules adopted pursuant hereto, including
4101 the rules adopted for training staff of a facility or a program
4102 to detect, report, and prevent sexual abuse, abuse, neglect,
4103 exploitation, and abandonment, as defined in ss. 39.01 and
4104 415.102, of residents and clients. The facility or program shall
4105 make copies of inspection reports available to the public upon
4106 request.

4107 Section 77. For the purpose of incorporating the amendment
4108 made by this act to section 39.01, Florida Statutes, in a
4109 reference thereto, paragraph (p) of subsection (4) of section
4110 394.495, Florida Statutes, is reenacted to read:

4111 394.495 Child and adolescent mental health system of care;
4112 programs and services.—

4113 (4) The array of services may include, but is not limited
4114 to:

4115 (p) Trauma-informed services for children who have
4116 suffered sexual exploitation as defined in s. 39.01(71)(g).

4117 Section 78. For the purpose of incorporating the amendment
4118 made by this act to section 943.0435, Florida Statutes, in a

4119 reference thereto, paragraph (a) of subsection (2) of section
 4120 394.9125, Florida Statutes, is reenacted to read:

4121 394.9125 State attorney; authority to refer a person for
 4122 civil commitment.—

4123 (2) A state attorney may refer a person to the department
 4124 for civil commitment proceedings if the person:

4125 (a) Is required to register as a sexual offender pursuant
 4126 to s. 943.0435;

4127 Section 79. For the purpose of incorporating the
 4128 amendments made by this act to sections 775.21, 943.0435, and
 4129 943.04354, Florida Statutes, in references thereto, paragraphs
 4130 (a) and (c) of subsection (2) of section 397.4872, Florida
 4131 Statutes, are reenacted to read:

4132 397.4872 Exemption from disqualification; publication.—

4133 (2) The department may exempt a person from ss. 397.487(6)
 4134 and 397.4871(5) if it has been at least 3 years since the person
 4135 has completed or been lawfully released from confinement,
 4136 supervision, or sanction for the disqualifying offense. An
 4137 exemption from the disqualifying offenses may not be given under
 4138 any circumstances for any person who is a:

4139 (a) Sexual predator pursuant to s. 775.21;

4140 (c) Sexual offender pursuant to s. 943.0435, unless the
 4141 requirement to register as a sexual offender has been removed
 4142 pursuant to s. 943.04354.

4143 Section 80. For the purpose of incorporating the

4144 amendments made by this act to sections 775.21, 943.0435, and
4145 943.04354, Florida Statutes, in references thereto, paragraph
4146 (b) of subsection (4) of section 435.07, Florida Statutes, is
4147 reenacted to read:

4148 435.07 Exemptions from disqualification.—Unless otherwise
4149 provided by law, the provisions of this section apply to
4150 exemptions from disqualification for disqualifying offenses
4151 revealed pursuant to background screenings required under this
4152 chapter, regardless of whether those disqualifying offenses are
4153 listed in this chapter or other laws.

4154 (4)

4155 (b) Disqualification from employment under this chapter
4156 may not be removed from, nor may an exemption be granted to, any
4157 person who is a:

- 4158 1. Sexual predator as designated pursuant to s. 775.21;
4159 2. Career offender pursuant to s. 775.261; or
4160 3. Sexual offender pursuant to s. 943.0435, unless the
4161 requirement to register as a sexual offender has been removed
4162 pursuant to s. 943.04354.

4163 Section 81. For the purpose of incorporating the amendment
4164 made by this act to section 775.21, Florida Statutes, in a
4165 reference thereto, subsection (9) of section 507.07, Florida
4166 Statutes, is reenacted to read:

4167 507.07 Violations.—It is a violation of this chapter:

4168 (9) For a mover or a moving broker to knowingly refuse or

4169 fail to disclose in writing to a customer before a household
 4170 move that the mover, or an employee or subcontractor of the
 4171 mover or moving broker, who has access to the dwelling or
 4172 property of the customer, including access to give a quote for
 4173 the move, has been convicted of a felony listed in s.
 4174 775.21(4)(a)1. or convicted of a similar offense of another
 4175 jurisdiction, regardless of when such felony offense was
 4176 committed.

4177 Section 82. For the purpose of incorporating the amendment
 4178 made by this act to section 895.02, Florida Statutes, in a
 4179 reference thereto, paragraph (g) of subsection (3) of section
 4180 655.50, Florida Statutes, is reenacted to read:

4181 655.50 Florida Control of Money Laundering and Terrorist
 4182 Financing in Financial Institutions Act.—

4183 (3) As used in this section, the term:

4184 (g) "Specified unlawful activity" means "racketeering
 4185 activity" as defined in s. 895.02.

4186 Section 83. For the purpose of incorporating the amendment
 4187 made by this act to section 784.046, Florida Statutes, in a
 4188 reference thereto, paragraph (e) of subsection (1) of section
 4189 741.313, Florida Statutes, is reenacted to read:

4190 741.313 Unlawful action against employees seeking
 4191 protection.—

4192 (1) As used in this section, the term:

4193 (e) "Sexual violence" means sexual violence, as defined in

4194 s. 784.046, or any crime the underlying factual basis of which
 4195 has been found by a court to include an act of sexual violence.

4196 Section 84. For the purpose of incorporating the amendment
 4197 made by this act to section 947.1405, Florida Statutes, in a
 4198 reference thereto, paragraph (j) of subsection (4) of section
 4199 775.084, Florida Statutes, is reenacted to read:

4200 775.084 Violent career criminals; habitual felony
 4201 offenders and habitual violent felony offenders; three-time
 4202 violent felony offenders; definitions; procedure; enhanced
 4203 penalties or mandatory minimum prison terms.—

4204 (4)

4205 (j) The provisions of s. 947.1405 shall apply to persons
 4206 sentenced as habitual felony offenders and persons sentenced as
 4207 habitual violent felony offenders.

4208 Section 85. For the purpose of incorporating the amendment
 4209 made by this act to section 943.0435, Florida Statutes, in a
 4210 reference thereto, subsection (2) of section 775.0862, Florida
 4211 Statutes, is reenacted to read:

4212 775.0862 Sexual offenses against students by authority
 4213 figures; reclassification.—

4214 (2) The felony degree of a violation of an offense listed
 4215 in s. 943.0435(1)(h)1.a., unless the offense is a violation of
 4216 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 4217 as provided in this section if the offense is committed by an
 4218 authority figure of a school against a student of the school.

4219 Section 86. For the purpose of incorporating the
 4220 amendments made by this act to sections 775.21, 943.0435, and
 4221 944.607, Florida Statutes, in references thereto, paragraphs (e)
 4222 and (f) of subsection (4) of section 775.13, Florida Statutes,
 4223 are reenacted to read:

4224 775.13 Registration of convicted felons, exemptions;
 4225 penalties.—

4226 (4) This section does not apply to an offender:

4227 (e) Who is a sexual predator and has registered as
 4228 required under s. 775.21;

4229 (f) Who is a sexual offender and has registered as
 4230 required in s. 943.0435 or s. 944.607; or

4231 Section 87. For the purpose of incorporating the
 4232 amendments made by this act to sections 943.0435, 944.607,
 4233 947.1405, and 948.30, Florida Statutes, in references thereto,
 4234 paragraph (b) of subsection (3), paragraph (d) of subsection
 4235 (5), paragraph (f) of subsection (6), and paragraph (c) of
 4236 subsection (10) of section 775.21, Florida Statutes, are
 4237 reenacted to read:

4238 775.21 The Florida Sexual Predators Act.—

4239 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4240 (b) The high level of threat that a sexual predator
 4241 presents to the public safety, and the long-term effects
 4242 suffered by victims of sex offenses, provide the state with
 4243 sufficient justification to implement a strategy that includes:

4244 1. Incarcerating sexual predators and maintaining adequate
4245 facilities to ensure that decisions to release sexual predators
4246 into the community are not made on the basis of inadequate
4247 space.

4248 2. Providing for specialized supervision of sexual
4249 predators who are in the community by specially trained
4250 probation officers with low caseloads, as described in ss.
4251 947.1405(7) and 948.30. The sexual predator is subject to
4252 specified terms and conditions implemented at sentencing or at
4253 the time of release from incarceration, with a requirement that
4254 those who are financially able must pay all or part of the costs
4255 of supervision.

4256 3. Requiring the registration of sexual predators, with a
4257 requirement that complete and accurate information be maintained
4258 and accessible for use by law enforcement authorities,
4259 communities, and the public.

4260 4. Providing for community and public notification
4261 concerning the presence of sexual predators.

4262 5. Prohibiting sexual predators from working with
4263 children, either for compensation or as a volunteer.

4264 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4265 as a sexual predator as follows:

4266 (d) A person who establishes or maintains a residence in
4267 this state and who has not been designated as a sexual predator
4268 by a court of this state but who has been designated as a sexual

4269 predator, as a sexually violent predator, or by another sexual
4270 offender designation in another state or jurisdiction and was,
4271 as a result of such designation, subjected to registration or
4272 community or public notification, or both, or would be if the
4273 person was a resident of that state or jurisdiction, without
4274 regard to whether the person otherwise meets the criteria for
4275 registration as a sexual offender, shall register in the manner
4276 provided in s. 943.0435 or s. 944.607 and shall be subject to
4277 community and public notification as provided in s. 943.0435 or
4278 s. 944.607. A person who meets the criteria of this section is
4279 subject to the requirements and penalty provisions of s.
4280 943.0435 or s. 944.607 until the person provides the department
4281 with an order issued by the court that designated the person as
4282 a sexual predator, as a sexually violent predator, or by another
4283 sexual offender designation in the state or jurisdiction in
4284 which the order was issued which states that such designation
4285 has been removed or demonstrates to the department that such
4286 designation, if not imposed by a court, has been removed by
4287 operation of law or court order in the state or jurisdiction in
4288 which the designation was made, and provided such person no
4289 longer meets the criteria for registration as a sexual offender
4290 under the laws of this state.

4291 (6) REGISTRATION.—

4292 (f) Within 48 hours after the registration required under
4293 paragraph (a) or paragraph (e), a sexual predator who is not

4294 incarcerated and who resides in the community, including a
4295 sexual predator under the supervision of the Department of
4296 Corrections, shall register in person at a driver license office
4297 of the Department of Highway Safety and Motor Vehicles and shall
4298 present proof of registration unless a driver license or an
4299 identification card that complies with the requirements of s.
4300 322.141(3) was previously secured or updated under s. 944.607.
4301 At the driver license office the sexual predator shall:
4302 1. If otherwise qualified, secure a Florida driver
4303 license, renew a Florida driver license, or secure an
4304 identification card. The sexual predator shall identify himself
4305 or herself as a sexual predator who is required to comply with
4306 this section, provide his or her place of permanent, temporary,
4307 or transient residence, including a rural route address and a
4308 post office box, and submit to the taking of a photograph for
4309 use in issuing a driver license, a renewed license, or an
4310 identification card, and for use by the department in
4311 maintaining current records of sexual predators. A post office
4312 box may not be provided in lieu of a physical residential
4313 address. If the sexual predator's place of residence is a motor
4314 vehicle, trailer, mobile home, or manufactured home, as defined
4315 in chapter 320, the sexual predator shall also provide to the
4316 Department of Highway Safety and Motor Vehicles the vehicle
4317 identification number; the license tag number; the registration
4318 number; and a description, including color scheme, of the motor

4319 | vehicle, trailer, mobile home, or manufactured home. If a sexual
 4320 | predator's place of residence is a vessel, live-aboard vessel,
 4321 | or houseboat, as defined in chapter 327, the sexual predator
 4322 | shall also provide to the Department of Highway Safety and Motor
 4323 | Vehicles the hull identification number; the manufacturer's
 4324 | serial number; the name of the vessel, live-aboard vessel, or
 4325 | houseboat; the registration number; and a description, including
 4326 | color scheme, of the vessel, live-aboard vessel, or houseboat.

4327 | 2. Pay the costs assessed by the Department of Highway
 4328 | Safety and Motor Vehicles for issuing or renewing a driver
 4329 | license or an identification card as required by this section.
 4330 | The driver license or identification card issued to the sexual
 4331 | predator must comply with s. 322.141(3).

4332 | 3. Provide, upon request, any additional information
 4333 | necessary to confirm the identity of the sexual predator,
 4334 | including a set of fingerprints.

4335 | (10) PENALTIES.—

4336 | (c) Any person who misuses public records information
 4337 | relating to a sexual predator, as defined in this section, or a
 4338 | sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4339 | secure a payment from such a predator or offender; who knowingly
 4340 | distributes or publishes false information relating to such a
 4341 | predator or offender which the person misrepresents as being
 4342 | public records information; or who materially alters public
 4343 | records information with the intent to misrepresent the

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4344 information, including documents, summaries of public records
4345 information provided by law enforcement agencies, or public
4346 records information displayed by law enforcement agencies on
4347 websites or provided through other means of communication,
4348 commits a misdemeanor of the first degree, punishable as
4349 provided in s. 775.082 or s. 775.083.

4350 Section 88. For the purpose of incorporating the
4351 amendments made by this act to section 943.0435, 944.606, and
4352 944.607, Florida Statutes, in references thereto, subsection (2)
4353 of section 775.24, Florida Statutes, is reenacted to read:

4354 775.24 Duty of the court to uphold laws governing sexual
4355 predators and sexual offenders.—

4356 (2) If a person meets the criteria in this chapter for
4357 designation as a sexual predator or meets the criteria in s.
4358 943.0435, s. 944.606, s. 944.607, or any other law for
4359 classification as a sexual offender, the court may not enter an
4360 order, for the purpose of approving a plea agreement or for any
4361 other reason, which:

4362 (a) Exempts a person who meets the criteria for
4363 designation as a sexual predator or classification as a sexual
4364 offender from such designation or classification, or exempts
4365 such person from the requirements for registration or community
4366 and public notification imposed upon sexual predators and sexual
4367 offenders;

4368 (b) Restricts the compiling, reporting, or release of

4369 public records information that relates to sexual predators or
4370 sexual offenders; or

4371 (c) Prevents any person or entity from performing its
4372 duties or operating within its statutorily conferred authority
4373 as such duty or authority relates to sexual predators or sexual
4374 offenders.

4375 Section 89. For the purpose of incorporating the
4376 amendments made by this act to sections 775.21, 943.0435,
4377 944.606, and 944.607, Florida Statutes, in references thereto,
4378 section 775.25, Florida Statutes, is reenacted to read:

4379 775.25 Prosecutions for acts or omissions.—A sexual
4380 predator or sexual offender who commits any act or omission in
4381 violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s.
4382 944.607, or former s. 947.177 may be prosecuted for the act or
4383 omission in the county in which the act or omission was
4384 committed, in the county of the last registered address of the
4385 sexual predator or sexual offender, in the county in which the
4386 conviction occurred for the offense or offenses that meet the
4387 criteria for designating a person as a sexual predator or sexual
4388 offender, in the county where the sexual predator or sexual
4389 offender was released from incarceration, or in the county of
4390 the intended address of the sexual predator or sexual offender
4391 as reported by the predator or offender prior to his or her
4392 release from incarceration. In addition, a sexual predator may
4393 be prosecuted for any such act or omission in the county in

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4394 | which he or she was designated a sexual predator.

4395 | Section 90. For the purpose of incorporating the
4396 | amendments made by this act to sections 775.21, 943.0435, and
4397 | 944.607, Florida Statutes, in references thereto, paragraph (b)
4398 | of subsection (3) of section 775.261, Florida Statutes, is
4399 | reenacted to read:

4400 | 775.261 The Florida Career Offender Registration Act.—

4401 | (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4402 | (b) This section does not apply to any person who has been
4403 | designated as a sexual predator and required to register under
4404 | s. 775.21 or who is required to register as a sexual offender
4405 | under s. 943.0435 or s. 944.607. However, if a person is no
4406 | longer required to register as a sexual predator under s. 775.21
4407 | or as a sexual offender under s. 943.0435 or s. 944.607, the
4408 | person must register as a career offender under this section if
4409 | the person is otherwise designated as a career offender as
4410 | provided in this section.

4411 | Section 91. For the purpose of incorporating the amendment
4412 | made by this act to section 847.001, Florida Statutes, in a
4413 | reference thereto, paragraph (d) of subsection (2) of section
4414 | 784.049, Florida Statutes, is reenacted to read:

4415 | 784.049 Sexual cyberharassment.—

4416 | (2) As used in this section, the term:

4417 | (d) "Sexually explicit image" means any image depicting
4418 | nudity, as defined in s. 847.001, or depicting a person engaging

4419 | in sexual conduct, as defined in s. 847.001.

4420 | Section 92. For the purpose of incorporating the amendment
 4421 | made by this act to section 794.0115, Florida Statutes, in
 4422 | references thereto, paragraph (a) of subsection (2) and
 4423 | subsections (3), (4), and (5) of section 794.011, Florida
 4424 | Statutes, are reenacted to read:

4425 | 794.011 Sexual battery.—

4426 | (2) (a) A person 18 years of age or older who commits
 4427 | sexual battery upon, or in an attempt to commit sexual battery
 4428 | injures the sexual organs of, a person less than 12 years of age
 4429 | commits a capital felony, punishable as provided in ss. 775.082
 4430 | and 921.141.

4431 | (3) A person who commits sexual battery upon a person 12
 4432 | years of age or older, without that person's consent, and in the
 4433 | process thereof uses or threatens to use a deadly weapon or uses
 4434 | actual physical force likely to cause serious personal injury
 4435 | commits a life felony, punishable as provided in s. 775.082, s.
 4436 | 775.083, s. 775.084, or s. 794.0115.

4437 | (4) (a) A person 18 years of age or older who commits
 4438 | sexual battery upon a person 12 years of age or older but
 4439 | younger than 18 years of age without that person's consent,
 4440 | under any of the circumstances listed in paragraph (e), commits
 4441 | a felony of the first degree, punishable by a term of years not
 4442 | exceeding life or as provided in s. 775.082, s. 775.083, s.
 4443 | 775.084, or s. 794.0115.

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4444 (b) A person 18 years of age or older who commits sexual
4445 battery upon a person 18 years of age or older without that
4446 person's consent, under any of the circumstances listed in
4447 paragraph (e), commits a felony of the first degree, punishable
4448 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4449 794.0115.

4450 (c) A person younger than 18 years of age who commits
4451 sexual battery upon a person 12 years of age or older without
4452 that person's consent, under any of the circumstances listed in
4453 paragraph (e), commits a felony of the first degree, punishable
4454 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
4455 794.0115.

4456 (d) A person commits a felony of the first degree,
4457 punishable by a term of years not exceeding life or as provided
4458 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
4459 person commits sexual battery upon a person 12 years of age or
4460 older without that person's consent, under any of the
4461 circumstances listed in paragraph (e), and such person was
4462 previously convicted of a violation of:

4463 1. Section 787.01(2) or s. 787.02(2) when the violation
4464 involved a victim who was a minor and, in the course of
4465 committing that violation, the defendant committed against the
4466 minor a sexual battery under this chapter or a lewd act under s.
4467 800.04 or s. 847.0135(5);

4468 2. Section 787.01(3)(a)2. or 3.;

- 4469 3. Section 787.02(3)(a)2. or 3.;
- 4470 4. Section 800.04;
- 4471 5. Section 825.1025;
- 4472 6. Section 847.0135(5); or
- 4473 7. This chapter, excluding subsection (10) of this
- 4474 section.
- 4475 (e) The following circumstances apply to paragraphs (a)-
- 4476 (d):
- 4477 1. The victim is physically helpless to resist.
- 4478 2. The offender coerces the victim to submit by
- 4479 threatening to use force or violence likely to cause serious
- 4480 personal injury on the victim, and the victim reasonably
- 4481 believes that the offender has the present ability to execute
- 4482 the threat.
- 4483 3. The offender coerces the victim to submit by
- 4484 threatening to retaliate against the victim, or any other
- 4485 person, and the victim reasonably believes that the offender has
- 4486 the ability to execute the threat in the future.
- 4487 4. The offender, without the prior knowledge or consent of
- 4488 the victim, administers or has knowledge of someone else
- 4489 administering to the victim any narcotic, anesthetic, or other
- 4490 intoxicating substance that mentally or physically incapacitates
- 4491 the victim.
- 4492 5. The victim is mentally defective, and the offender has
- 4493 reason to believe this or has actual knowledge of this fact.

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4494 6. The victim is physically incapacitated.

4495 7. The offender is a law enforcement officer, correctional
4496 officer, or correctional probation officer as defined in s.
4497 943.10(1), (2), (3), (6), (7), (8), or (9), who is certified
4498 under s. 943.1395 or is an elected official exempt from such
4499 certification by virtue of s. 943.253, or any other person in a
4500 position of control or authority in a probation, community
4501 control, controlled release, detention, custodial, or similar
4502 setting, and such officer, official, or person is acting in such
4503 a manner as to lead the victim to reasonably believe that the
4504 offender is in a position of control or authority as an agent or
4505 employee of government.

4506 (5)(a) A person 18 years of age or older who commits
4507 sexual battery upon a person 12 years of age or older but
4508 younger than 18 years of age, without that person's consent, and
4509 in the process does not use physical force and violence likely
4510 to cause serious personal injury commits a felony of the first
4511 degree, punishable as provided in s. 775.082, s. 775.083, s.
4512 775.084, or s. 794.0115.

4513 (b) A person 18 years of age or older who commits sexual
4514 battery upon a person 18 years of age or older, without that
4515 person's consent, and in the process does not use physical force
4516 and violence likely to cause serious personal injury commits a
4517 felony of the second degree, punishable as provided in s.
4518 775.082, s. 775.083, s. 775.084, or s. 794.0115.

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4519 (c) A person younger than 18 years of age who commits
4520 sexual battery upon a person 12 years of age or older, without
4521 that person's consent, and in the process does not use physical
4522 force and violence likely to cause serious personal injury
4523 commits a felony of the second degree, punishable as provided in
4524 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

4525 (d) A person commits a felony of the first degree,
4526 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
4527 s. 794.0115 if the person commits sexual battery upon a person
4528 12 years of age or older, without that person's consent, and in
4529 the process does not use physical force and violence likely to
4530 cause serious personal injury and the person was previously
4531 convicted of a violation of:

4532 1. Section 787.01(2) or s. 787.02(2) when the violation
4533 involved a victim who was a minor and, in the course of
4534 committing that violation, the defendant committed against the
4535 minor a sexual battery under this chapter or a lewd act under s.
4536 800.04 or s. 847.0135(5);

4537 2. Section 787.01(3)(a)2. or 3.;

4538 3. Section 787.02(3)(a)2. or 3.;

4539 4. Section 800.04;

4540 5. Section 825.1025;

4541 6. Section 847.0135(5); or

4542 7. This chapter, excluding subsection (10) of this
4543 section.

4544 Section 93. For the purpose of incorporating the amendment
 4545 made by this act to section 92.56, Florida Statutes, in a
 4546 reference thereto, section 794.03, Florida Statutes, is
 4547 reenacted to read:

4548 794.03 Unlawful to publish or broadcast information
 4549 identifying sexual offense victim.—No person shall print,
 4550 publish, or broadcast, or cause or allow to be printed,
 4551 published, or broadcast, in any instrument of mass communication
 4552 the name, address, or other identifying fact or information of
 4553 the victim of any sexual offense within this chapter, except as
 4554 provided in s. 119.071(2) (h) or unless the court determines that
 4555 such information is no longer confidential and exempt pursuant
 4556 to s. 92.56. An offense under this section shall constitute a
 4557 misdemeanor of the second degree, punishable as provided in s.
 4558 775.082 or s. 775.083.

4559 Section 94. For the purpose of incorporating the amendment
 4560 made by this act to section 775.21, Florida Statutes, in a
 4561 reference thereto, subsection (1) of section 794.075, Florida
 4562 Statutes, is reenacted to read:

4563 794.075 Sexual predators; erectile dysfunction drugs.—

4564 (1) A person may not possess a prescription drug, as
 4565 defined in s. 499.003(40), for the purpose of treating erectile
 4566 dysfunction if the person is designated as a sexual predator
 4567 under s. 775.21.

4568 Section 95. For the purpose of incorporating the amendment

4569 made by this act to section 960.03, Florida Statutes, in
4570 references thereto, paragraph (b) of subsection (1) and
4571 subsections (2) and (3) of section 847.002, Florida Statutes,
4572 are reenacted to read:

4573 847.002 Child pornography prosecutions.—

4574 (1) Any law enforcement officer who, pursuant to a
4575 criminal investigation, recovers images or movies of child
4576 pornography shall:

4577 (b) Request the law enforcement agency contact information
4578 from the Child Victim Identification Program for any images or
4579 movies recovered which contain an identified victim of child
4580 pornography as defined in s. 960.03.

4581 (2) Any law enforcement officer submitting a case for
4582 prosecution which involves the production, promotion, or
4583 possession of child pornography shall submit to the designated
4584 prosecutor the law enforcement agency contact information
4585 provided by the Child Victim Identification Program at the
4586 National Center for Missing and Exploited Children, for any
4587 images or movies involved in the case which contain the
4588 depiction of an identified victim of child pornography as
4589 defined in s. 960.03.

4590 (3) In every filed case involving an identified victim of
4591 child pornography, as defined in s. 960.03, the prosecuting
4592 agency shall enter the following information into the Victims in
4593 Child Pornography Tracking Repeat Exploitation database

4594 maintained by the Office of the Attorney General:

4595 (a) The case number and agency file number.

4596 (b) The named defendant.

4597 (c) The circuit court division and county.

4598 (d) Current court dates and the status of the case.

4599 (e) Contact information for the prosecutor assigned.

4600 (f) Verification that the prosecutor is or is not in
4601 possession of a victim impact statement and will use the
4602 statement in sentencing.

4603 Section 96. For the purpose of incorporating the amendment
4604 made by this act to section 847.001, Florida Statutes, in a
4605 reference thereto, paragraph (b) of subsection (3) of section
4606 847.012, Florida Statutes, is reenacted to read:

4607 847.012 Harmful materials; sale or distribution to minors
4608 or using minors in production prohibited; penalty.—

4609 (3) A person may not knowingly sell, rent, or loan for
4610 monetary consideration to a minor:

4611 (b) Any book, pamphlet, magazine, printed matter however
4612 reproduced, or sound recording that contains any matter defined
4613 in s. 847.001, explicit and detailed verbal descriptions or
4614 narrative accounts of sexual excitement, or sexual conduct and
4615 that is harmful to minors.

4616 Section 97. For the purpose of incorporating the amendment
4617 made by this act to section 92.56, Florida Statutes, in a
4618 reference thereto, subsection (3) of section 847.01357, Florida

4619 Statutes, is reenacted to read:

4620 847.01357 Exploited children's civil remedy.—

4621 (3) Any victim who has a bona fide claim under this
 4622 section shall, upon request, be provided a pseudonym, pursuant
 4623 to s. 92.56(3), which shall be issued and maintained by the
 4624 Department of Legal Affairs for use in all legal pleadings. This
 4625 identifier shall be fully recognized in all courts in this state
 4626 as a valid legal identity.

4627 Section 98. For the purpose of incorporating the amendment
 4628 made by this act to section 847.001, Florida Statutes, in a
 4629 reference thereto, subsections (2) and (3) of section 847.0138,
 4630 Florida Statutes, are reenacted to read:

4631 847.0138 Transmission of material harmful to minors to a
 4632 minor by electronic device or equipment prohibited; penalties.—

4633 (2) Notwithstanding ss. 847.012 and 847.0133, any person
 4634 who knew or believed that he or she was transmitting an image,
 4635 information, or data that is harmful to minors, as defined in s.
 4636 847.001, to a specific individual known by the defendant to be a
 4637 minor commits a felony of the third degree, punishable as
 4638 provided in s. 775.082, s. 775.083, or s. 775.084.

4639 (3) Notwithstanding ss. 847.012 and 847.0133, any person
 4640 in any jurisdiction other than this state who knew or believed
 4641 that he or she was transmitting an image, information, or data
 4642 that is harmful to minors, as defined in s. 847.001, to a
 4643 specific individual known by the defendant to be a minor commits

4644 a felony of the third degree, punishable as provided in s.
4645 775.082, s. 775.083, or s. 775.084.

4646
4647 The provisions of this section do not apply to subscription-
4648 based transmissions such as list servers.

4649 Section 99. For the purpose of incorporating the
4650 amendments made by this act to sections 16.56 and 895.02,
4651 Florida Statutes, in references thereto, paragraph (h) of
4652 subsection (2) and subsection (10) of section 896.101, Florida
4653 Statutes, are reenacted to read:

4654 896.101 Florida Money Laundering Act; definitions;
4655 penalties; injunctions; seizure warrants; immunity.—

4656 (2) As used in this section, the term:

4657 (h) "Specified unlawful activity" means any "racketeering
4658 activity" as defined in s. 895.02.

4659 (10) Any financial institution, licensed money services
4660 business, or other person served with and complying with the
4661 terms of a warrant, temporary injunction, or other court order,
4662 including any subpoena issued under s. 16.56 or s. 27.04,
4663 obtained in furtherance of an investigation of any crime in this
4664 section, including any crime listed as specified unlawful
4665 activity under this section or any felony violation of chapter
4666 560, has immunity from criminal liability and is not liable to
4667 any person for any lawful action taken in complying with the
4668 warrant, temporary injunction, or other court order, including

4669 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
4670 issued under s. 16.56 or s. 27.04 contains a nondisclosure
4671 provision, any financial institution, licensed money services
4672 business, employee or officer of a financial institution or
4673 licensed money services business, or any other person may not
4674 notify, directly or indirectly, any customer of that financial
4675 institution or money services business whose records are being
4676 sought by the subpoena, or any other person named in the
4677 subpoena, about the existence or the contents of that subpoena
4678 or about information that has been furnished to the state
4679 attorney or statewide prosecutor who issued the subpoena or
4680 other law enforcement officer named in the subpoena in response
4681 to the subpoena.

4682 Section 100. For the purpose of incorporating the
4683 amendments made by this act to sections 775.21 and 948.06,
4684 Florida Statutes, in references thereto, paragraphs (b) and (c)
4685 of subsection (1) of section 903.0351, Florida Statutes, are
4686 reenacted to read:

4687 903.0351 Restrictions on pretrial release pending
4688 probation-violation hearing or community-control-violation
4689 hearing.—

4690 (1) In the instance of an alleged violation of felony
4691 probation or community control, bail or any other form of
4692 pretrial release shall not be granted prior to the resolution of
4693 the probation-violation hearing or the community-control-

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4694 violation hearing to:

4695 (b) A person who is on felony probation or community
4696 control for any offense committed on or after the effective date
4697 of this act and who is arrested for a qualifying offense as
4698 defined in s. 948.06(8)(c); or

4699 (c) A person who is on felony probation or community
4700 control and has previously been found by a court to be a
4701 habitual violent felony offender as defined in s. 775.084(1)(b),
4702 a three-time violent felony offender as defined in s.
4703 775.084(1)(c), or a sexual predator under s. 775.21, and who is
4704 arrested for committing a qualifying offense as defined in s.
4705 948.06(8)(c) on or after the effective date of this act.

4706 Section 101. For the purpose of incorporating the
4707 amendments made by this act to sections 775.21 and 943.0435,
4708 Florida Statutes, in references thereto, paragraph (m) of
4709 subsection (2) of section 903.046, Florida Statutes, is
4710 reenacted to read:

4711 903.046 Purpose of and criteria for bail determination.—

4712 (2) When determining whether to release a defendant on
4713 bail or other conditions, and what that bail or those conditions
4714 may be, the court shall consider:

4715 (m) Whether the defendant, other than a defendant whose
4716 only criminal charge is a misdemeanor offense under chapter 316,
4717 is required to register as a sexual offender under s. 943.0435
4718 or a sexual predator under s. 775.21; and, if so, he or she is

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4719 not eligible for release on bail or surety bond until the first
4720 appearance on the case in order to ensure the full participation
4721 of the prosecutor and the protection of the public.

4722 Section 102. For the purpose of incorporating the
4723 amendment made by this act to section 895.02, Florida Statutes,
4724 in a reference thereto, subsection (3) of section 905.34,
4725 Florida Statutes, is reenacted to read:

4726 905.34 Powers and duties; law applicable.—The jurisdiction
4727 of a statewide grand jury impaneled under this chapter shall
4728 extend throughout the state. The subject matter jurisdiction of
4729 the statewide grand jury shall be limited to the offenses of:

4730 (3) Any violation of the provisions of the Florida RICO
4731 (Racketeer Influenced and Corrupt Organization) Act, including
4732 any offense listed in the definition of racketeering activity in
4733 s. 895.02(8)(a), providing such listed offense is investigated
4734 in connection with a violation of s. 895.03 and is charged in a
4735 separate count of an information or indictment containing a
4736 count charging a violation of s. 895.03, the prosecution of
4737 which listed offense may continue independently if the
4738 prosecution of the violation of s. 895.03 is terminated for any
4739 reason;

4740
4741 or any attempt, solicitation, or conspiracy to commit any
4742 violation of the crimes specifically enumerated above, when any
4743 such offense is occurring, or has occurred, in two or more

4744 judicial circuits as part of a related transaction or when any
 4745 such offense is connected with an organized criminal conspiracy
 4746 affecting two or more judicial circuits. The statewide grand
 4747 jury may return indictments and presentments irrespective of the
 4748 county or judicial circuit where the offense is committed or
 4749 triable. If an indictment is returned, it shall be certified and
 4750 transferred for trial to the county where the offense was
 4751 committed. The powers and duties of, and law applicable to,
 4752 county grand juries shall apply to a statewide grand jury except
 4753 when such powers, duties, and law are inconsistent with the
 4754 provisions of ss. 905.31-905.40.

4755 Section 103. For the purpose of incorporating the
 4756 amendments made by this act to sections 775.21 and 847.0135,
 4757 Florida Statutes, in references thereto, paragraph (g) of
 4758 subsection (3) of section 921.0022, Florida Statutes, is
 4759 reenacted to read:

4760 921.0022 Criminal Punishment Code; offense severity
 4761 ranking chart.—

4762 (3) OFFENSE SEVERITY RANKING CHART

4763 (g) LEVEL 7

4764

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death,

4765

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4766			failure to stop; leaving scene.
	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
4767			
	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
4768			
	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4769			
	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4770			
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.

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4771	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4772	456.065 (2)	3rd	Practicing a health care profession without a license.
4773	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4774	458.327 (1)	3rd	Practicing medicine without a license.
4775	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4776	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4777	461.012 (1)	3rd	Practicing podiatric medicine without a license.
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4779	462.17	3rd	Practicing naturopathy without a license.
4780	463.015 (1)	3rd	Practicing optometry without a license.
4781	464.016 (1)	3rd	Practicing nursing without a license.
4782	465.015 (2)	3rd	Practicing pharmacy without a license.
4783	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4784	467.201	3rd	Practicing midwifery without a license.
4785	468.366	3rd	Delivering respiratory care services without a license.
4786	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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4787	483.901 (7)	3rd	Practicing medical physics without a license.
4788	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4789	484.053	3rd	Dispensing hearing aids without a license.
4790	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
4791	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than

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4792	655.50 (10) (b) 1.	3rd	<p>\$20,000.</p> <p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
4793	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
4794	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
4795	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
4796	782.051 (3)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted</p>

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4797			felony.
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4798			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4799			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4800			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
4801			
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
4802			

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4803	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4804	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4805	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4806	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4807	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4808	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4809	784.081 (1)	1st	Aggravated battery on specified official or employee.
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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4810	784.083 (1)	1st	Aggravated battery on code inspector.
4811	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4812	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
4813	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
4814	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
4815	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4816			

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4817	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
4818	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4819	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
4820	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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4821	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
4822	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
4823	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
4824	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
4825	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

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4826	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
4827	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
4828	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
4829	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
4830	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
4831	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

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4832	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
4833	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4834	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4835	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4836	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4837	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4838	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

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4839	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4840	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
4841	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
4842	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
4843	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
4844	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.

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4845	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
4846	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
4847	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
4848	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4849	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4850	837.05 (2)	3rd	Giving false information about alleged capital felony to a law

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4851			enforcement officer.
4852	838.015	2nd	Bribery.
4853	838.016	2nd	Unlawful compensation or reward for official behavior.
4854	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
4855	838.22	2nd	Bid tampering.
4856	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4857	843.0855 (3)	3rd	Unlawful simulation of legal process.
4858	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4859	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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4860	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4861	872.06	2nd	Abuse of a dead human body.
4862	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4863	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

4864	893.13(1)(e)1.	1st	community center. Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
4865	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
4866	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4867	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4868	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14

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4869	893.135 (1) (c) 2.a.	1st	grams. Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4870	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4871	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
4872	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4873	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
4874	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

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4875	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
4876	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
4877	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4878	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
4879	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4880	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

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4881	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
4882	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
4883	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
4884	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4885	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4886	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

4887			less than \$20,000.
	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
4888			
	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4889			
	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
4890			
	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4891			
	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false

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4892			registration information.
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
4893			
	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4894			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4895			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4896			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4897			

4898 985.4815(12) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

4899

4900 985.4815(13) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

4901 Section 104. For the purpose of incorporating the
4902 amendment made by this act to section 775.21, Florida Statutes,
4903 in a reference thereto, paragraph (o) of subsection (6) of
4904 section 921.141, Florida Statutes, is reenacted to read:
4905 921.141 Sentence of death or life imprisonment for capital
4906 felonies; further proceedings to determine sentence.—
4907 (6) AGGRAVATING FACTORS.—Aggravating factors shall be
4908 limited to the following:
4909 (o) The capital felony was committed by a person
4910 designated as a sexual predator pursuant to s. 775.21 or a
4911 person previously designated as a sexual predator who had the
4912 sexual predator designation removed.
4913 Section 105. For the purpose of incorporating the
amendments made by this act to sections 775.21, 944.606, and

4914 944.607, Florida Statutes, in references thereto, subsection
4915 (3), paragraph (a) of subsection (4), and subsection (5) of
4916 section 943.0435, Florida Statutes, are reenacted to read:

4917 943.0435 Sexual offenders required to register with the
4918 department; penalty.—

4919 (3) Within 48 hours after the report required under
4920 subsection (2), a sexual offender shall report in person at a
4921 driver license office of the Department of Highway Safety and
4922 Motor Vehicles, unless a driver license or identification card
4923 that complies with the requirements of s. 322.141(3) was
4924 previously secured or updated under s. 944.607. At the driver
4925 license office the sexual offender shall:

4926 (a) If otherwise qualified, secure a Florida driver
4927 license, renew a Florida driver license, or secure an
4928 identification card. The sexual offender shall identify himself
4929 or herself as a sexual offender who is required to comply with
4930 this section and shall provide proof that the sexual offender
4931 reported as required in subsection (2). The sexual offender
4932 shall provide any of the information specified in subsection
4933 (2), if requested. The sexual offender shall submit to the
4934 taking of a photograph for use in issuing a driver license,
4935 renewed license, or identification card, and for use by the
4936 department in maintaining current records of sexual offenders.

4937 (b) Pay the costs assessed by the Department of Highway
4938 Safety and Motor Vehicles for issuing or renewing a driver

4939 license or identification card as required by this section. The
4940 driver license or identification card issued must be in
4941 compliance with s. 322.141(3).

4942 (c) Provide, upon request, any additional information
4943 necessary to confirm the identity of the sexual offender,
4944 including a set of fingerprints.

4945 (4) (a) Each time a sexual offender's driver license or
4946 identification card is subject to renewal, and, without regard
4947 to the status of the offender's driver license or identification
4948 card, within 48 hours after any change in the offender's
4949 permanent, temporary, or transient residence or change in the
4950 offender's name by reason of marriage or other legal process,
4951 the offender shall report in person to a driver license office,
4952 and is subject to the requirements specified in subsection (3).
4953 The Department of Highway Safety and Motor Vehicles shall
4954 forward to the department all photographs and information
4955 provided by sexual offenders. Notwithstanding the restrictions
4956 set forth in s. 322.142, the Department of Highway Safety and
4957 Motor Vehicles may release a reproduction of a color-photograph
4958 or digital-image license to the Department of Law Enforcement
4959 for purposes of public notification of sexual offenders as
4960 provided in this section and ss. 943.043 and 944.606. A sexual
4961 offender who is unable to secure or update a driver license or
4962 an identification card with the Department of Highway Safety and
4963 Motor Vehicles as provided in subsection (3) and this subsection

4964 shall also report any change in the sexual offender's permanent,
4965 temporary, or transient residence or change in the offender's
4966 name by reason of marriage or other legal process within 48
4967 hours after the change to the sheriff's office in the county
4968 where the offender resides or is located and provide
4969 confirmation that he or she reported such information to the
4970 Department of Highway Safety and Motor Vehicles. The reporting
4971 requirements under this paragraph do not negate the requirement
4972 for a sexual offender to obtain a Florida driver license or an
4973 identification card as required in this section.

4974 (5) This section does not apply to a sexual offender who
4975 is also a sexual predator, as defined in s. 775.21. A sexual
4976 predator must register as required under s. 775.21.

4977 Section 106. For the purpose of incorporating the
4978 amendments made by this act to sections 943.0435, 944.606, and
4979 944.607, Florida Statutes, in references thereto, subsection (2)
4980 of section 943.0436, Florida Statutes, is reenacted to read:

4981 943.0436 Duty of the court to uphold laws governing sexual
4982 predators and sexual offenders.—

4983 (2) If a person meets the criteria in chapter 775 for
4984 designation as a sexual predator or meets the criteria in s.
4985 943.0435, s. 944.606, s. 944.607, or any other law for
4986 classification as a sexual offender, the court may not enter an
4987 order, for the purpose of approving a plea agreement or for any
4988 other reason, which:

4989 (a) Exempts a person who meets the criteria for
 4990 designation as a sexual predator or classification as a sexual
 4991 offender from such designation or classification, or exempts
 4992 such person from the requirements for registration or community
 4993 and public notification imposed upon sexual predators and sexual
 4994 offenders;

4995 (b) Restricts the compiling, reporting, or release of
 4996 public records information that relates to sexual predators or
 4997 sexual offenders; or

4998 (c) Prevents any person or entity from performing its
 4999 duties or operating within its statutorily conferred authority
 5000 as such duty or authority relates to sexual predators or sexual
 5001 offenders.

5002 Section 107. For the purpose of incorporating the
 5003 amendment made by this act to section 847.0135, Florida
 5004 Statutes, in a reference thereto, paragraph (g) of subsection
 5005 (2) of section 943.325, Florida Statutes, is reenacted to read:
 5006 943.325 DNA database.—

5007 (2) DEFINITIONS.—As used in this section, the term:

5008 (g) "Qualifying offender" means any person, including
 5009 juveniles and adults, who is:

5010 1.a. Committed to a county jail;

5011 b. Committed to or under the supervision of the Department
 5012 of Corrections, including persons incarcerated in a private
 5013 correctional institution operated under contract pursuant to s.

5014 944.105;

5015 c. Committed to or under the supervision of the Department

5016 of Juvenile Justice;

5017 d. Transferred to this state under the Interstate Compact

5018 on Juveniles, part XIII of chapter 985; or

5019 e. Accepted under Article IV of the Interstate Corrections

5020 Compact, part III of chapter 941; and who is:

5021 2.a. Convicted of any felony offense or attempted felony

5022 offense in this state or of a similar offense in another

5023 jurisdiction;

5024 b. Convicted of a misdemeanor violation of s. 784.048, s.

5025 810.14, s. 847.011, s. 847.013, s. 847.0135, or s. 877.26, or an

5026 offense that was found, pursuant to s. 874.04, to have been

5027 committed for the purpose of benefiting, promoting, or

5028 furthering the interests of a criminal gang as defined in s.

5029 874.03; or

5030 c. Arrested for any felony offense or attempted felony

5031 offense in this state.

5032 Section 108. For the purpose of incorporating the

5033 amendment made by this act to section 847.001, Florida Statutes,

5034 in a reference thereto, subsection (2) of section 944.11,

5035 Florida Statutes, is reenacted to read:

5036 944.11 Department to regulate admission of books.—

5037 (2) The department shall have the authority to prohibit

5038 admission of reading materials or publications with content

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5039 | which depicts sexual conduct as defined by s. 847.001 or
5040 | presents nudity in such a way as to create the appearance that
5041 | sexual conduct is imminent. The department shall have the
5042 | authority to prohibit admission of such materials at a
5043 | particular state correctional facility upon a determination by
5044 | the department that such material or publications would be
5045 | detrimental to the safety, security, order or rehabilitative
5046 | interests of a particular state correctional facility or would
5047 | create a risk of disorder at a particular state correctional
5048 | facility.

5049 | Section 109. For the purpose of incorporating the
5050 | amendments made by this act to sections 775.21 and 943.0435,
5051 | Florida Statutes, in references thereto, paragraph (a) of
5052 | subsection (4) and subsection (9) of section 944.607, Florida
5053 | Statutes, are reenacted to read:

5054 | 944.607 Notification to Department of Law Enforcement of
5055 | information on sexual offenders.—

5056 | (4) A sexual offender, as described in this section, who
5057 | is under the supervision of the Department of Corrections but is
5058 | not incarcerated shall register with the Department of
5059 | Corrections within 3 business days after sentencing for a
5060 | registrable offense and otherwise provide information as
5061 | required by this subsection.

5062 | (a) The sexual offender shall provide his or her name;
5063 | date of birth; social security number; race; sex; height;

5064 weight; hair and eye color; tattoos or other identifying marks;
5065 all electronic mail addresses and Internet identifiers required
5066 to be provided pursuant to s. 943.0435(4)(e); employment
5067 information required to be provided pursuant to s.
5068 943.0435(4)(e); all home telephone numbers and cellular
5069 telephone numbers required to be provided pursuant to s.
5070 943.0435(4)(e); the make, model, color, vehicle identification
5071 number (VIN), and license tag number of all vehicles owned;
5072 permanent or legal residence and address of temporary residence
5073 within the state or out of state while the sexual offender is
5074 under supervision in this state, including any rural route
5075 address or post office box; if no permanent or temporary
5076 address, any transient residence within the state; and address,
5077 location or description, and dates of any current or known
5078 future temporary residence within the state or out of state. The
5079 sexual offender shall also produce his or her passport, if he or
5080 she has a passport, and, if he or she is an alien, shall produce
5081 or provide information about documents establishing his or her
5082 immigration status. The sexual offender shall also provide
5083 information about any professional licenses he or she has. The
5084 Department of Corrections shall verify the address of each
5085 sexual offender in the manner described in ss. 775.21 and
5086 943.0435. The department shall report to the Department of Law
5087 Enforcement any failure by a sexual predator or sexual offender
5088 to comply with registration requirements.

5089 (9) A sexual offender, as described in this section, who
5090 is under the supervision of the Department of Corrections but
5091 who is not incarcerated shall, in addition to the registration
5092 requirements provided in subsection (4), register and obtain a
5093 distinctive driver license or identification card in the manner
5094 provided in s. 943.0435(3), (4), and (5), unless the sexual
5095 offender is a sexual predator, in which case he or she shall
5096 register and obtain a distinctive driver license or
5097 identification card as required under s. 775.21. A sexual
5098 offender who fails to comply with the requirements of s.
5099 943.0435 is subject to the penalties provided in s. 943.0435(9).

5100 Section 110. For the purpose of incorporating the
5101 amendments made by this act to sections 775.21 and 944.607,
5102 Florida Statutes, in references thereto, subsection (7) of
5103 section 944.608, Florida Statutes, is reenacted to read:

5104 944.608 Notification to Department of Law Enforcement of
5105 information on career offenders.—

5106 (7) A career offender who is under the supervision of the
5107 department but who is not incarcerated shall, in addition to the
5108 registration requirements provided in subsection (3), register
5109 in the manner provided in s. 775.261(4)(c), unless the career
5110 offender is a sexual predator, in which case he or she shall
5111 register as required under s. 775.21, or is a sexual offender,
5112 in which case he or she shall register as required in s.
5113 944.607. A career offender who fails to comply with the

5114 requirements of s. 775.261(4) is subject to the penalties
 5115 provided in s. 775.261(8).

5116 Section 111. For the purpose of incorporating the
 5117 amendment made by this act to section 775.21, Florida Statutes,
 5118 in a reference thereto, subsection (4) of section 944.609,
 5119 Florida Statutes, is reenacted to read:

5120 944.609 Career offenders; notification upon release.—

5121 (4) The department or any law enforcement agency may
 5122 notify the community and the public of a career offender's
 5123 presence in the community. However, with respect to a career
 5124 offender who has been found to be a sexual predator under s.
 5125 775.21, the Department of Law Enforcement or any other law
 5126 enforcement agency must inform the community and the public of
 5127 the career offender's presence in the community, as provided in
 5128 s. 775.21.

5129 Section 112. For the purpose of incorporating the
 5130 amendment made by this act to section 947.1405, Florida
 5131 Statutes, in a reference thereto, subsection (1) of section
 5132 944.70, Florida Statutes, is reenacted to read:

5133 944.70 Conditions for release from incarceration.—

5134 (1) (a) A person who is convicted of a crime committed on
 5135 or after October 1, 1983, but before January 1, 1994, may be
 5136 released from incarceration only:

- 5137 1. Upon expiration of the person's sentence;
- 5138 2. Upon expiration of the person's sentence as reduced by

5139 accumulated gain-time;

5140 3. As directed by an executive order granting clemency;

5141 4. Upon attaining the provisional release date;

5142 5. Upon placement in a conditional release program

5143 pursuant to s. 947.1405; or

5144 6. Upon the granting of control release pursuant to s.

5145 947.146.

5146 (b) A person who is convicted of a crime committed on or

5147 after January 1, 1994, may be released from incarceration only:

5148 1. Upon expiration of the person's sentence;

5149 2. Upon expiration of the person's sentence as reduced by

5150 accumulated meritorious or incentive gain-time;

5151 3. As directed by an executive order granting clemency;

5152 4. Upon placement in a conditional release program

5153 pursuant to s. 947.1405 or a conditional medical release program

5154 pursuant to s. 947.149; or

5155 5. Upon the granting of control release, including

5156 emergency control release, pursuant to s. 947.146.

5157 Section 113. For the purpose of incorporating the

5158 amendment made by this act to section 947.1405, Florida

5159 Statutes, in a reference thereto, paragraph (f) of subsection

5160 (1) of section 947.13, Florida Statutes, is reenacted to read:

5161 947.13 Powers and duties of commission.—

5162 (1) The commission shall have the powers and perform the

5163 duties of:

5164 (f) Establishing the terms and conditions of persons
5165 released on conditional release under s. 947.1405, and
5166 determining subsequent ineligibility for conditional release due
5167 to a violation of the terms or conditions of conditional release
5168 and taking action with respect to such a violation.

5169 Section 114. For the purpose of incorporating the
5170 amendments made by this act to sections 775.21, 943.0435, and
5171 943.4354, Florida Statutes, in references thereto, paragraph (c)
5172 of subsection (2) and subsection (12) of section 947.1405,
5173 Florida Statutes, are reenacted to read:

5174 947.1405 Conditional release program.—

5175 (2) Any inmate who:

5176 (c) Is found to be a sexual predator under s. 775.21 or
5177 former s. 775.23,

5178
5179 shall, upon reaching the tentative release date or provisional
5180 release date, whichever is earlier, as established by the
5181 Department of Corrections, be released under supervision subject
5182 to specified terms and conditions, including payment of the cost
5183 of supervision pursuant to s. 948.09. Such supervision shall be
5184 applicable to all sentences within the overall term of sentences
5185 if an inmate's overall term of sentences includes one or more
5186 sentences that are eligible for conditional release supervision
5187 as provided herein. Effective July 1, 1994, and applicable for
5188 offenses committed on or after that date, the commission may

5189 | require, as a condition of conditional release, that the
5190 | releasee make payment of the debt due and owing to a county or
5191 | municipal detention facility under s. 951.032 for medical care,
5192 | treatment, hospitalization, or transportation received by the
5193 | releasee while in that detention facility. The commission, in
5194 | determining whether to order such repayment and the amount of
5195 | such repayment, shall consider the amount of the debt, whether
5196 | there was any fault of the institution for the medical expenses
5197 | incurred, the financial resources of the releasee, the present
5198 | and potential future financial needs and earning ability of the
5199 | releasee, and dependents, and other appropriate factors. If any
5200 | inmate placed on conditional release supervision is also subject
5201 | to probation or community control, resulting from a probationary
5202 | or community control split sentence within the overall term of
5203 | sentences, the Department of Corrections shall supervise such
5204 | person according to the conditions imposed by the court and the
5205 | commission shall defer to such supervision. If the court revokes
5206 | probation or community control and resentences the offender to a
5207 | term of incarceration, such revocation also constitutes a
5208 | sufficient basis for the revocation of the conditional release
5209 | supervision on any nonprobationary or noncommunity control
5210 | sentence without further hearing by the commission. If any such
5211 | supervision on any nonprobationary or noncommunity control
5212 | sentence is revoked, such revocation may result in a forfeiture
5213 | of all gain-time, and the commission may revoke the resulting

5214 deferred conditional release supervision or take other action it
5215 considers appropriate. If the term of conditional release
5216 supervision exceeds that of the probation or community control,
5217 then, upon expiration of the probation or community control,
5218 authority for the supervision shall revert to the commission and
5219 the supervision shall be subject to the conditions imposed by
5220 the commission. A panel of no fewer than two commissioners shall
5221 establish the terms and conditions of any such release. If the
5222 offense was a controlled substance violation, the conditions
5223 shall include a requirement that the offender submit to random
5224 substance abuse testing intermittently throughout the term of
5225 conditional release supervision, upon the direction of the
5226 correctional probation officer as defined in s. 943.10(3). The
5227 commission shall also determine whether the terms and conditions
5228 of such release have been violated and whether such violation
5229 warrants revocation of the conditional release.

5230 (12) In addition to all other conditions imposed, for a
5231 releasee who is subject to conditional release for a crime that
5232 was committed on or after May 26, 2010, and who has been
5233 convicted at any time of committing, or attempting, soliciting,
5234 or conspiring to commit, any of the criminal offenses listed in
5235 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
5236 jurisdiction against a victim who was under 18 years of age at
5237 the time of the offense, if the releasee has not received a
5238 pardon for any felony or similar law of another jurisdiction

5239 necessary for the operation of this subsection, if a conviction
5240 of a felony or similar law of another jurisdiction necessary for
5241 the operation of this subsection has not been set aside in any
5242 postconviction proceeding, or if the releasee has not been
5243 removed from the requirement to register as a sexual offender or
5244 sexual predator pursuant to s. 943.04354, the commission must
5245 impose the following conditions:

5246 (a) A prohibition on visiting schools, child care
5247 facilities, parks, and playgrounds without prior approval from
5248 the releasee's supervising officer. The commission may also
5249 designate additional prohibited locations to protect a victim.
5250 The prohibition ordered under this paragraph does not prohibit
5251 the releasee from visiting a school, child care facility, park,
5252 or playground for the sole purpose of attending a religious
5253 service as defined in s. 775.0861 or picking up or dropping off
5254 the releasee's child or grandchild at a child care facility or
5255 school.

5256 (b) A prohibition on distributing candy or other items to
5257 children on Halloween; wearing a Santa Claus costume, or other
5258 costume to appeal to children, on or preceding Christmas;
5259 wearing an Easter Bunny costume, or other costume to appeal to
5260 children, on or preceding Easter; entertaining at children's
5261 parties; or wearing a clown costume without prior approval from
5262 the commission.

5263

5264 Section 115. For the purpose of incorporating the
5265 amendment made by this act to section 947.1405, Florida
5266 Statutes, in references thereto, subsections (1), (2), and (7)
5267 of section 947.141, Florida Statutes, are reenacted to read:

5268 947.141 Violations of conditional release, control
5269 release, or conditional medical release or addiction-recovery
5270 supervision.—

5271 (1) If a member of the commission or a duly authorized
5272 representative of the commission has reasonable grounds to
5273 believe that an offender who is on release supervision under s.
5274 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5275 the terms and conditions of the release in a material respect,
5276 such member or representative may cause a warrant to be issued
5277 for the arrest of the releasee; if the offender was found to be
5278 a sexual predator, the warrant must be issued.

5279 (2) Upon the arrest on a felony charge of an offender who
5280 is on release supervision under s. 947.1405, s. 947.146, s.
5281 947.149, or s. 944.4731, the offender must be detained without
5282 bond until the initial appearance of the offender at which a
5283 judicial determination of probable cause is made. If the trial
5284 court judge determines that there was no probable cause for the
5285 arrest, the offender may be released. If the trial court judge
5286 determines that there was probable cause for the arrest, such
5287 determination also constitutes reasonable grounds to believe
5288 that the offender violated the conditions of the release. Within

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5289 24 hours after the trial court judge's finding of probable
5290 cause, the detention facility administrator or designee shall
5291 notify the commission and the department of the finding and
5292 transmit to each a facsimile copy of the probable cause
5293 affidavit or the sworn offense report upon which the trial court
5294 judge's probable cause determination is based. The offender must
5295 continue to be detained without bond for a period not exceeding
5296 72 hours excluding weekends and holidays after the date of the
5297 probable cause determination, pending a decision by the
5298 commission whether to issue a warrant charging the offender with
5299 violation of the conditions of release. Upon the issuance of the
5300 commission's warrant, the offender must continue to be held in
5301 custody pending a revocation hearing held in accordance with
5302 this section.

5303 (7) If a law enforcement officer has probable cause to
5304 believe that an offender who is on release supervision under s.
5305 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated
5306 the terms and conditions of his or her release by committing a
5307 felony offense, the officer shall arrest the offender without a
5308 warrant, and a warrant need not be issued in the case.

5309 Section 116. For the purpose of incorporating the
5310 amendments made by this act to ss. 775.21 and 943.0435, Florida
5311 Statutes, in references thereto, paragraph (b) of subsection (2)
5312 of section 948.013, Florida Statutes, is reenacted to read:

5313 948.013 Administrative probation.—

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5314 (2)

5315 (b) Effective for an offense committed on or after October
5316 1, 2017, a person is ineligible for placement on administrative
5317 probation if the person is sentenced to or is serving a term of
5318 probation or community control, regardless of the conviction or
5319 adjudication, for committing, or attempting, conspiring, or
5320 soliciting to commit, any of the felony offenses described in s.
5321 775.21(4)(a)1.a. or b. or s. 943.0435(1)(h)1.a.

5322 Section 117. For the purpose of incorporating the
5323 amendment made by this act to section 775.21, Florida Statutes,
5324 in references thereto, paragraphs (b) and (d) of subsection (8)
5325 of section 948.06, Florida Statutes, are reenacted to read:

5326 948.06 Violation of probation or community control;
5327 revocation; modification; continuance; failure to pay
5328 restitution or cost of supervision.—

5329 (8)

5330 (b) For purposes of this section and ss. 903.0351,
5331 948.064, and 921.0024, the term "violent felony offender of
5332 special concern" means a person who is on:

5333 1. Felony probation or community control related to the
5334 commission of a qualifying offense committed on or after the
5335 effective date of this act;

5336 2. Felony probation or community control for any offense
5337 committed on or after the effective date of this act, and has
5338 previously been convicted of a qualifying offense;

5339 3. Felony probation or community control for any offense
 5340 committed on or after the effective date of this act, and is
 5341 found to have violated that probation or community control by
 5342 committing a qualifying offense;

5343 4. Felony probation or community control and has
 5344 previously been found by a court to be a habitual violent felony
 5345 offender as defined in s. 775.084(1)(b) and has committed a
 5346 qualifying offense on or after the effective date of this act;

5347 5. Felony probation or community control and has
 5348 previously been found by a court to be a three-time violent
 5349 felony offender as defined in s. 775.084(1)(c) and has committed
 5350 a qualifying offense on or after the effective date of this act;
 5351 or

5352 6. Felony probation or community control and has
 5353 previously been found by a court to be a sexual predator under
 5354 s. 775.21 and has committed a qualifying offense on or after the
 5355 effective date of this act.

5356 (d) In the case of an alleged violation of probation or
 5357 community control other than a failure to pay costs, fines, or
 5358 restitution, the following individuals shall remain in custody
 5359 pending the resolution of the probation or community control
 5360 violation:

5361 1. A violent felony offender of special concern, as
 5362 defined in this section;

5363 2. A person who is on felony probation or community

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5364 control for any offense committed on or after the effective date
5365 of this act and who is arrested for a qualifying offense as
5366 defined in this section; or

5367 3. A person who is on felony probation or community
5368 control and has previously been found by a court to be a
5369 habitual violent felony offender as defined in s. 775.084(1)(b),
5370 a three-time violent felony offender as defined in s.
5371 775.084(1)(c), or a sexual predator under s. 775.21, and who is
5372 arrested for committing a qualifying offense as defined in this
5373 section on or after the effective date of this act.

5374
5375 The court shall not dismiss the probation or community control
5376 violation warrant pending against an offender enumerated in this
5377 paragraph without holding a recorded violation-of-probation
5378 hearing at which both the state and the offender are
5379 represented.

5380 Section 118. For the purpose of incorporating the
5381 amendments made by this act to sections 775.21, 943.0435, and
5382 944.607, Florida Statutes, in references thereto, section
5383 948.063, Florida Statutes, is reenacted to read:

5384 948.063 Violations of probation or community control by
5385 designated sexual offenders and sexual predators.—

5386 (1) If probation or community control for any felony
5387 offense is revoked by the court pursuant to s. 948.06(2)(e) and
5388 the offender is designated as a sexual offender pursuant to s.

5389 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
5390 775.21 for unlawful sexual activity involving a victim 15 years
5391 of age or younger and the offender is 18 years of age or older,
5392 and if the court imposes a subsequent term of supervision
5393 following the revocation of probation or community control, the
5394 court must order electronic monitoring as a condition of the
5395 subsequent term of probation or community control.

5396 (2) If the probationer or offender is required to register
5397 as a sexual predator under s. 775.21 or as a sexual offender
5398 under s. 943.0435 or s. 944.607 for unlawful sexual activity
5399 involving a victim 15 years of age or younger and the
5400 probationer or offender is 18 years of age or older and has
5401 violated the conditions of his or her probation or community
5402 control, but the court does not revoke the probation or
5403 community control, the court shall nevertheless modify the
5404 probation or community control to include electronic monitoring
5405 for any probationer or offender not then subject to electronic
5406 monitoring.

5407 Section 119. For the purpose of incorporating the
5408 amendment made by this act to section 775.21, Florida Statutes,
5409 in a reference thereto, subsection (4) of section 948.064,
5410 Florida Statutes, is reenacted to read:

5411 948.064 Notification of status as a violent felony
5412 offender of special concern.—

5413 (4) The state attorney, or the statewide prosecutor if

5414 applicable, shall advise the court at each critical stage in the
5415 judicial process, at which the state attorney or statewide
5416 prosecutor is represented, whether an alleged or convicted
5417 offender is a violent felony offender of special concern; a
5418 person who is on felony probation or community control for any
5419 offense committed on or after the effective date of this act and
5420 who is arrested for a qualifying offense; or a person who is on
5421 felony probation or community control and has previously been
5422 found by a court to be a habitual violent felony offender as
5423 defined in s. 775.084(1)(b), a three-time violent felony
5424 offender as defined in s. 775.084(1)(c), or a sexual predator
5425 under s. 775.21, and who is arrested for committing a qualifying
5426 offense on or after the effective date of this act.

5427 Section 120. For the purpose of incorporating the
5428 amendment made by this act to section 948.06, Florida Statutes,
5429 in a reference thereto, paragraph (a) of subsection (7) of
5430 section 948.08, Florida Statutes, is reenacted to read:

5431 948.08 Pretrial intervention program.—

5432 (7) (a) Notwithstanding any provision of this section, a
5433 person who is charged with a felony, other than a felony listed
5434 in s. 948.06(8)(c), and identified as a veteran, as defined in
5435 s. 1.01, including a veteran who is discharged or released under
5436 a general discharge, or servicemember, as defined in s. 250.01,
5437 who suffers from a military service-related mental illness,
5438 traumatic brain injury, substance abuse disorder, or

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5439 | psychological problem, is eligible for voluntary admission into
5440 | a pretrial veterans' treatment intervention program approved by
5441 | the chief judge of the circuit, upon motion of either party or
5442 | the court's own motion, except:

5443 | 1. If a defendant was previously offered admission to a
5444 | pretrial veterans' treatment intervention program at any time
5445 | before trial and the defendant rejected that offer on the
5446 | record, the court may deny the defendant's admission to such a
5447 | program.

5448 | 2. If a defendant previously entered a court-ordered
5449 | veterans' treatment program, the court may deny the defendant's
5450 | admission into the pretrial veterans' treatment program.

5451 | Section 121. For the purpose of incorporating the
5452 | amendment made by this act to section 775.21, Florida Statutes,
5453 | in a reference thereto, subsection (3) of section 948.12,
5454 | Florida Statutes, is reenacted to read:

5455 | 948.12 Intensive supervision for postprison release of
5456 | violent offenders.—It is the finding of the Legislature that the
5457 | population of violent offenders released from state prison into
5458 | the community poses the greatest threat to the public safety of
5459 | the groups of offenders under community supervision. Therefore,
5460 | for the purpose of enhanced public safety, any offender released
5461 | from state prison who:

5462 | (3) Has been found to be a sexual predator pursuant to s.
5463 | 775.21,

5464
5465 and who has a term of probation to follow the period of
5466 incarceration shall be provided intensive supervision by
5467 experienced correctional probation officers. Subject to specific
5468 appropriation by the Legislature, caseloads may be restricted to
5469 a maximum of 40 offenders per officer to provide for enhanced
5470 public safety as well as to effectively monitor conditions of
5471 electronic monitoring or curfews, if such was ordered by the
5472 court.

5473 Section 122. For the purpose of incorporating the
5474 amendments made by this act to sections 775.21 and 943.0435,
5475 Florida Statutes, in references thereto, subsections (3) and (4)
5476 of section 948.30, Florida Statutes, are reenacted to read:

5477 948.30 Additional terms and conditions of probation or
5478 community control for certain sex offenses.—Conditions imposed
5479 pursuant to this section do not require oral pronouncement at
5480 the time of sentencing and shall be considered standard
5481 conditions of probation or community control for offenders
5482 specified in this section.

5483 (3) Effective for a probationer or community controllee
5484 whose crime was committed on or after September 1, 2005, and
5485 who:

5486 (a) Is placed on probation or community control for a
5487 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,
5488 or s. 847.0145 and the unlawful sexual activity involved a

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5489 | victim 15 years of age or younger and the offender is 18 years
5490 | of age or older;

5491 | (b) Is designated a sexual predator pursuant to s. 775.21;
5492 | or

5493 | (c) Has previously been convicted of a violation of
5494 | chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.
5495 | 847.0145 and the unlawful sexual activity involved a victim 15
5496 | years of age or younger and the offender is 18 years of age or
5497 | older,

5498 |
5499 | the court must order, in addition to any other provision of this
5500 | section, mandatory electronic monitoring as a condition of the
5501 | probation or community control supervision.

5502 | (4) In addition to all other conditions imposed, for a
5503 | probationer or community controllee who is subject to
5504 | supervision for a crime that was committed on or after May 26,
5505 | 2010, and who has been convicted at any time of committing, or
5506 | attempting, soliciting, or conspiring to commit, any of the
5507 | criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
5508 | similar offense in another jurisdiction, against a victim who
5509 | was under the age of 18 at the time of the offense; if the
5510 | offender has not received a pardon for any felony or similar law
5511 | of another jurisdiction necessary for the operation of this
5512 | subsection, if a conviction of a felony or similar law of
5513 | another jurisdiction necessary for the operation of this

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5514 subsection has not been set aside in any postconviction
5515 proceeding, or if the offender has not been removed from the
5516 requirement to register as a sexual offender or sexual predator
5517 pursuant to s. 943.04354, the court must impose the following
5518 conditions:

5519 (a) A prohibition on visiting schools, child care
5520 facilities, parks, and playgrounds, without prior approval from
5521 the offender's supervising officer. The court may also designate
5522 additional locations to protect a victim. The prohibition
5523 ordered under this paragraph does not prohibit the offender from
5524 visiting a school, child care facility, park, or playground for
5525 the sole purpose of attending a religious service as defined in
5526 s. 775.0861 or picking up or dropping off the offender's
5527 children or grandchildren at a child care facility or school.

5528 (b) A prohibition on distributing candy or other items to
5529 children on Halloween; wearing a Santa Claus costume, or other
5530 costume to appeal to children, on or preceding Christmas;
5531 wearing an Easter Bunny costume, or other costume to appeal to
5532 children, on or preceding Easter; entertaining at children's
5533 parties; or wearing a clown costume; without prior approval from
5534 the court.

5535 Section 123. For the purpose of incorporating the
5536 amendments made by this act to sections 775.21, 943.0435,
5537 944.606, and 944.607, Florida Statutes, in references thereto,
5538 section 948.31, Florida Statutes, is reenacted to read:

5539 948.31 Evaluation and treatment of sexual predators and
 5540 offenders on probation or community control.—The court may
 5541 require any probationer or community controllee who is required
 5542 to register as a sexual predator under s. 775.21 or sexual
 5543 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
 5544 an evaluation, at the probationer or community controllee's
 5545 expense, by a qualified practitioner to determine whether such
 5546 probationer or community controllee needs sexual offender
 5547 treatment. If the qualified practitioner determines that sexual
 5548 offender treatment is needed and recommends treatment, the
 5549 probationer or community controllee must successfully complete
 5550 and pay for the treatment. Such treatment must be obtained from
 5551 a qualified practitioner as defined in s. 948.001. Treatment may
 5552 not be administered by a qualified practitioner who has been
 5553 convicted or adjudicated delinquent of committing, or
 5554 attempting, soliciting, or conspiring to commit, any offense
 5555 that is listed in s. 943.0435(1)(h)1.a.(I).

5556 Section 124. For the purpose of incorporating the
 5557 amendment made by this act to section 775.0877, Florida
 5558 Statutes, in a reference thereto, section 951.27, Florida
 5559 Statutes, is reenacted to read:

5560 951.27 Blood tests of inmates.—

5561 (1) Each county and each municipal detention facility
 5562 shall have a written procedure developed, in consultation with
 5563 the facility medical provider, establishing conditions under

5564 | which an inmate will be tested for infectious disease, including
5565 | human immunodeficiency virus pursuant to s. 775.0877, which
5566 | procedure is consistent with guidelines of the Centers for
5567 | Disease Control and Prevention and recommendations of the
5568 | Correctional Medical Authority. It is not unlawful for the
5569 | person receiving the test results to divulge the test results to
5570 | the sheriff or chief correctional officer.

5571 | (2) Except as otherwise provided in this subsection,
5572 | serologic blood test results obtained pursuant to subsection (1)
5573 | are confidential and exempt from the provisions of s. 119.07(1)
5574 | and s. 24(a), Art. I of the State Constitution. However, such
5575 | results may be provided to employees or officers of the sheriff
5576 | or chief correctional officer who are responsible for the
5577 | custody and care of the affected inmate and have a need to know
5578 | such information, and as provided in ss. 775.0877 and 960.003.
5579 | In addition, upon request of the victim or the victim's legal
5580 | guardian, or the parent or legal guardian of the victim if the
5581 | victim is a minor, the results of any HIV test performed on an
5582 | inmate who has been arrested for any sexual offense involving
5583 | oral, anal, or vaginal penetration by, or union with, the sexual
5584 | organ of another, shall be disclosed to the victim or the
5585 | victim's legal guardian, or to the parent or legal guardian of
5586 | the victim if the victim is a minor. In such cases, the county
5587 | or municipal detention facility shall furnish the test results
5588 | to the Department of Health, which is responsible for disclosing

5589 the results to public health agencies as provided in s. 775.0877
5590 and to the victim or the victim's legal guardian, or the parent
5591 or legal guardian of the victim if the victim is a minor, as
5592 provided in s. 960.003(3).

5593 (3) The results of any serologic blood test on an inmate
5594 are a part of that inmate's permanent medical file. Upon
5595 transfer of the inmate to any other correctional facility, such
5596 file is also transferred, and all relevant authorized persons
5597 must be notified of positive HIV test results, as required in s.
5598 775.0877.

5599 Section 125. For the purpose of incorporating the
5600 amendment made by this act to section 775.0877, Florida
5601 Statutes, in references thereto, paragraphs (a) and (b) of
5602 subsection (2) and paragraph (a) of subsection (3) of section
5603 960.003, Florida Statutes, are reenacted to read:

5604 960.003 Hepatitis and HIV testing for persons charged with
5605 or alleged by petition for delinquency to have committed certain
5606 offenses; disclosure of results to victims.—

5607 (2) TESTING OF PERSON CHARGED WITH OR ALLEGED BY PETITION
5608 FOR DELINQUENCY TO HAVE COMMITTED CERTAIN OFFENSES.—

5609 (a) In any case in which a person has been charged by
5610 information or indictment with or alleged by petition for
5611 delinquency to have committed any offense enumerated in s.
5612 775.0877(1)(a)-(n), which involves the transmission of body
5613 fluids from one person to another, upon request of the victim or

5614 the victim's legal guardian, or of the parent or legal guardian
5615 of the victim if the victim is a minor, the court shall order
5616 such person to undergo hepatitis and HIV testing within 48 hours
5617 after the information, indictment, or petition for delinquency
5618 is filed. In the event the victim or, if the victim is a minor,
5619 the victim's parent or legal guardian requests hepatitis and HIV
5620 testing after 48 hours have elapsed from the filing of the
5621 indictment, information, or petition for delinquency, the
5622 testing shall be done within 48 hours after the request.

5623 (b) However, when a victim of any sexual offense
5624 enumerated in s. 775.0877(1)(a)-(n) is under the age of 18 at
5625 the time the offense was committed or when a victim of any
5626 sexual offense enumerated in s. 775.0877(1)(a)-(n) or s.
5627 825.1025 is a disabled adult or elderly person as defined in s.
5628 825.1025 regardless of whether the offense involves the
5629 transmission of bodily fluids from one person to another, then
5630 upon the request of the victim or the victim's legal guardian,
5631 or of the parent or legal guardian, the court shall order such
5632 person to undergo hepatitis and HIV testing within 48 hours
5633 after the information, indictment, or petition for delinquency
5634 is filed. In the event the victim or, if the victim is a minor,
5635 the victim's parent or legal guardian requests hepatitis and HIV
5636 testing after 48 hours have elapsed from the filing of the
5637 indictment, information, or petition for delinquency, the
5638 testing shall be done within 48 hours after the request. The

5639 testing shall be performed under the direction of the Department
5640 of Health in accordance with s. 381.004. The results of a
5641 hepatitis and HIV test performed on a defendant or juvenile
5642 offender pursuant to this subsection shall not be admissible in
5643 any criminal or juvenile proceeding arising out of the alleged
5644 offense.

5645 (3) DISCLOSURE OF RESULTS.—

5646 (a) The results of the test shall be disclosed no later
5647 than 2 weeks after the court receives such results, under the
5648 direction of the Department of Health, to the person charged
5649 with or alleged by petition for delinquency to have committed or
5650 to the person convicted of or adjudicated delinquent for any
5651 offense enumerated in s. 775.0877(1)(a)-(n), which involves the
5652 transmission of body fluids from one person to another, and,
5653 upon request, to the victim or the victim's legal guardian, or
5654 the parent or legal guardian of the victim if the victim is a
5655 minor, and to public health agencies pursuant to s. 775.0877. If
5656 the alleged offender is a juvenile, the test results shall also
5657 be disclosed to the parent or guardian. When the victim is a
5658 victim as described in paragraph (2)(b), the test results must
5659 also be disclosed no later than 2 weeks after the court receives
5660 such results, to the person charged with or alleged by petition
5661 for delinquency to have committed or to the person convicted of
5662 or adjudicated delinquent for any offense enumerated in s.
5663 775.0877(1)(a)-(n), or s. 825.1025 regardless of whether the

5664 offense involves the transmission of bodily fluids from one
5665 person to another, and, upon request, to the victim or the
5666 victim's legal guardian, or the parent or legal guardian of the
5667 victim, and to public health agencies pursuant to s. 775.0877.
5668 Otherwise, hepatitis and HIV test results obtained pursuant to
5669 this section are confidential and exempt from the provisions of
5670 s. 119.07(1) and s. 24(a), Art. I of the State Constitution and
5671 shall not be disclosed to any other person except as expressly
5672 authorized by law or court order.

5673 Section 126. For the purpose of incorporating the
5674 amendment made by this act to section 39.01, Florida Statutes,
5675 in a reference thereto, subsection (5) of section 960.065,
5676 Florida Statutes, is reenacted to read:

5677 960.065 Eligibility for awards.—

5678 (5) A person is not ineligible for an award pursuant to
5679 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
5680 person is a victim of sexual exploitation of a child as defined
5681 in s. 39.01(71)(g).

5682 Section 127. For the purpose of incorporating the
5683 amendment made by this act to section 39.01, Florida Statutes,
5684 in a reference thereto, subsection (2) of section 984.03,
5685 Florida Statutes, is reenacted to read:

5686 984.03 Definitions.—When used in this chapter, the term:

5687 (2) "Abuse" means any willful act that results in any
5688 physical, mental, or sexual injury that causes or is likely to

5689 | cause the child's physical, mental, or emotional health to be
 5690 | significantly impaired. Corporal discipline of a child by a
 5691 | parent or guardian for disciplinary purposes does not in itself
 5692 | constitute abuse when it does not result in harm to the child as
 5693 | defined in s. 39.01.

5694 | Section 128. For the purpose of incorporating the
 5695 | amendment made by this act to section 985.475, Florida Statutes,
 5696 | in a reference thereto, paragraph (c) of subsection (5) of
 5697 | section 985.0301, Florida Statutes, is reenacted to read:

5698 | 985.0301 Jurisdiction.—
 5699 | (5)

5700 | (c) The court shall retain jurisdiction over a juvenile
 5701 | sexual offender, as defined in s. 985.475, who has been placed
 5702 | on community-based treatment alternative with supervision or who
 5703 | has been placed in a program or facility for juvenile sexual
 5704 | offenders, pursuant to s. 985.48, until the juvenile sexual
 5705 | offender reaches 21 years of age, specifically for the purpose
 5706 | of allowing the juvenile to complete the program.

5707 | Section 129. For the purpose of incorporating the
 5708 | amendments made by this act to sections 775.21, 943.0435,
 5709 | 944.606 and 944.607, Florida Statutes, in references thereto,
 5710 | paragraph (b) of subsection (6) of section 985.04, Florida
 5711 | Statutes, is reenacted to read:

5712 | 985.04 Oaths; records; confidential information.—
 5713 | (6)

5714 (b) Sexual offender and predator registration information
5715 as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481,
5716 and 985.4815 is a public record pursuant to s. 119.07(1) and as
5717 otherwise provided by law.

5718 Section 130. For the purpose of incorporating the
5719 amendment made by this act to section 985.475, Florida Statutes,
5720 in a reference thereto, paragraph (c) of subsection (1) of
5721 section 985.441, Florida Statutes, is reenacted to read:

5722 985.441 Commitment.—

5723 (1) The court that has jurisdiction of an adjudicated
5724 delinquent child may, by an order stating the facts upon which a
5725 determination of a sanction and rehabilitative program was made
5726 at the disposition hearing:

5727 (c) Commit the child to the department for placement in a
5728 program or facility for juvenile sexual offenders in accordance
5729 with s. 985.48, subject to specific appropriation for such a
5730 program or facility.

5731 1. The child may only be committed for such placement
5732 pursuant to determination that the child is a juvenile sexual
5733 offender under the criteria specified in s. 985.475.

5734 2. Any commitment of a juvenile sexual offender to a
5735 program or facility for juvenile sexual offenders must be for an
5736 indeterminate period of time, but the time may not exceed the
5737 maximum term of imprisonment that an adult may serve for the
5738 same offense.

5739 Section 131. For the purpose of incorporating the
 5740 amendments made by this act to sections 775.21 and 943.0435
 5741 Florida Statutes, in references thereto, subsection (9) of
 5742 section 985.4815, Florida Statutes, is reenacted to read:

5743 985.4815 Notification to Department of Law Enforcement of
 5744 information on juvenile sexual offenders.—

5745 (9) A sexual offender, as described in this section, who
 5746 is under the care, jurisdiction, or supervision of the
 5747 department but who is not incarcerated shall, in addition to the
 5748 registration requirements provided in subsection (4), register
 5749 in the manner provided in s. 943.0435(3), (4), and (5), unless
 5750 the sexual offender is a sexual predator, in which case he or
 5751 she shall register as required under s. 775.21. A sexual
 5752 offender who fails to comply with the requirements of s.
 5753 943.0435 is subject to the penalties provided in s. 943.0435(9).

5754 Section 132. For the purpose of incorporating the
 5755 amendment made by this act to section 943.0435, Florida
 5756 Statutes, in a reference thereto, paragraph (g) of subsection
 5757 (2) of section 1012.467, Florida Statutes, is reenacted to read:

5758 1012.467 Noninstructional contractors who are permitted
 5759 access to school grounds when students are present; background
 5760 screening requirements.—

5761 (2)

5762 (g) A noninstructional contractor for whom a criminal
 5763 history check is required under this section may not have been

5764 convicted of any of the following offenses designated in the
 5765 Florida Statutes, any similar offense in another jurisdiction,
 5766 or any similar offense committed in this state which has been
 5767 redesignated from a former provision of the Florida Statutes to
 5768 one of the following offenses:

5769 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 5770 the registration of an individual as a sexual offender.

5771 2. Section 393.135, relating to sexual misconduct with
 5772 certain developmentally disabled clients and the reporting of
 5773 such sexual misconduct.

5774 3. Section 394.4593, relating to sexual misconduct with
 5775 certain mental health patients and the reporting of such sexual
 5776 misconduct.

5777 4. Section 775.30, relating to terrorism.

5778 5. Section 782.04, relating to murder.

5779 6. Section 787.01, relating to kidnapping.

5780 7. Any offense under chapter 800, relating to lewdness and
 5781 indecent exposure.

5782 8. Section 826.04, relating to incest.

5783 9. Section 827.03, relating to child abuse, aggravated
 5784 child abuse, or neglect of a child.

5785 Section 133. This act shall take effect October 1, 2018.