

1 A bill to be entitled
2 An act relating to child pornography; amending ss.
3 16.56, 39.01, 39.0132, 39.0139, 39.301, 39.509,
4 90.404, 92.56, 92.561, 92.565, 435.04, 456.074,
5 480.041, 480.043, 743.067, 772.102, and 775.082, F.S.;
6 conforming provisions to changes made by the act;
7 amending s. 775.0847, F.S.; revising definitions;
8 conforming provisions to changes made by the act;
9 amending ss. 775.0877, 775.21, 775.215, 784.046,
10 794.0115, 794.024, 794.056, and 796.001, F.S.;
11 conforming provisions to changes made by the act;
12 repealing s. 827.071, F.S., relating to sexual
13 performance by a child; amending s. 847.001, F.S.;
14 revising definitions; creating s. 847.003, F.S.;
15 providing definitions; prohibiting a person from using
16 a child in a sexual performance or promoting a sexual
17 performance by a child; providing penalties; amending
18 ss. 847.0135 and 847.01357, F.S.; conforming
19 provisions to changes made by the act; amending s.
20 847.0137, F.S.; revising and providing definitions;
21 prohibiting a person from possessing, with the intent
22 to promote, child pornography; prohibiting a person
23 from knowingly possessing, controlling, or
24 intentionally viewing child pornography; providing
25 penalties; providing application and construction;
26 providing that each act of transmitting child

27 | pornography is a separate offense; amending ss.
28 | 856.022, 895.02, 905.34, 934.07, 938.085, 938.10,
29 | 943.0435, 943.04354, 943.0585, 943.059, 944.606, and
30 | 944.607, F.S.; conforming provisions to changes made
31 | by the act; amending s. 947.1405, F.S.; requiring
32 | certain conditions of supervision to be imposed on
33 | conditional releasees convicted of specified offenses;
34 | amending s. 948.013, F.S.; prohibiting certain
35 | offenders from being placed on administrative
36 | probation; amending ss. 948.03, 948.04, 948.06,
37 | 948.062, and 948.101, F.S.; conforming provisions to
38 | changes made by the act; amending s. 948.30, F.S.;
39 | requiring that certain conditions of supervision be
40 | imposed on offenders convicted of specified offenses;
41 | amending ss. 948.32, 960.03, 960.197, 985.04, 985.475,
42 | 1012.315, and 921.0022, F.S.; conforming provisions to
43 | changes made by the act; reenacting ss. 92.605(1)(b)
44 | and 896.101(10), F.S., relating to production of
45 | certain records and the Florida Money Laundering Act,
46 | respectively, to incorporate the amendment made by the
47 | act to s. 16.56, F.S., in references thereto;
48 | reenacting ss. 390.01114(2)(b) and (e), 393.067(4)(h),
49 | (7), and (9), 394.495(4)(p), 409.1678(1)(c) and
50 | (6)(a) and (b), 960.065(5), and 984.03(2), F.S.,
51 | relating to the Parental Notice of Abortion Act,
52 | facility licensure, the child and adolescent mental

53 health system of care, specialized residential options
54 for children who are victims of sexual exploitation,
55 eligibility for victim assistance awards, and
56 definitions relating to children and families in need
57 of services, respectively, to incorporate the
58 amendment made by the act to s. 39.01, F.S., in
59 references thereto; reenacting ss. 39.509(6) (b),
60 39.806(1) (d) and (n), 63.089(4) (b), 63.092(3),
61 794.075(1), 921.141(5) (o), 943.0435(5), 944.609(4),
62 947.1405(2) (c), 948.06(8) (b) and (d), 948.064(4), and
63 948.12(3), F.S., relating to grandparents rights,
64 grounds for termination of parental rights, proceeding
65 to terminate parental rights pending adoption, report
66 to the court of intended placement by an adoption
67 entity, sexual predators and erectile dysfunction
68 drugs, sentence of death or life imprisonment for
69 capital felonies, sexual offenders required to
70 register with the Department of Law Enforcement,
71 career offenders and notification upon release, the
72 conditional release program, violation of probation or
73 community control, notification of status as a violent
74 felony offender of special concern, and intensive
75 supervision for postprison release of violent
76 offenders, respectively, to incorporate the amendment
77 made by the act to s. 775.21, F.S., in references
78 thereto; reenacting s. 741.313(1) (e), F.S., relating

79 to unlawful action against employees seeking
80 protection, to incorporate the amendment made by the
81 act to s. 784.046, F.S., in a reference thereto;
82 reenacting s. 794.011(3), (4)(a)-(d), and (5), F.S.,
83 relating to sexual battery, to incorporate the
84 amendment made by the act to s. 794.0115, F.S., in
85 references thereto; reenacting s. 944.11(2), F.S.,
86 relating to Department of Corrections' regulation of
87 the admission of books, to incorporate the amendment
88 made by the act to s. 847.001, F.S., in a reference
89 thereto; reenacting ss. 456.074(5)(q), 480.041(7)(q),
90 and 480.043(8)(q), F.S., relating to immediate
91 suspension of the license for certain health care
92 practitioners, massage therapists, massage
93 establishments, respectively, to incorporate the
94 amendment made by the act to s. 847.0135, F.S., in
95 references thereto; reenacting ss. 655.50(3)(g) and
96 896.101(2)(g), F.S., relating to the Florida Control
97 of Money Laundering and Terrorist Financing in
98 Financial Institutions Act and the Florida Money
99 Laundering Act, respectively, to incorporate the
100 amendment made by the act to s. 895.02, F.S., in
101 references thereto; reenacting ss. 394.9125(2)(a),
102 1012.467(2)(g), and 775.0862(2), F.S., relating to
103 state attorney authority to refer someone to
104 commitment, noninstructional contractors permitted

105 access to school grounds when students are present,
106 and sexual offenses against students by authority
107 figures to incorporate the amendments made by this act
108 to s. 943.0435, F.S., in references thereto;
109 reenacting ss. 775.084(4)(j) and 944.70(1), F.S.,
110 relating to specified violent career criminal and
111 habitual offenders and conditions for release from
112 incarceration, to incorporate the amendment made by
113 the act to s. 947.1405, F.S., in references thereto;
114 reenacting s. 948.08(7)(a), F.S., relating to pretrial
115 intervention program, to incorporate the amendment
116 made by the act to s. 948.06, F.S., in a reference
117 thereto; reenacting s. 847.002(1)(b), (2), and (3),
118 F.S., relating to child pornography prosecutions, to
119 incorporate the amendment made by the act to s.
120 960.03, F.S., in references thereto; reenacting s.
121 985.0301(5)(c) and 985.441(1)(c), F.S., relating to
122 jurisdiction over juvenile matters and commitment,
123 respectively, to incorporate the amendment made by the
124 act to s. 985.475, F.S., in references thereto;
125 reenacting s. 947.1405(12), F.S., relating to the
126 conditional release program, to incorporate the
127 amendments by this act to ss. 947.0435 and 947.04354,
128 F.S.; reenacting ss. 68.07(3)(i) and (6), 92.55(1)(b),
129 and 322.19(2), F.S., relating to change of name,
130 judicial or other proceedings involving certain

131 victims, witnesses, or other persons, and change of
132 address or name, respectively, to incorporate the
133 amendments by this act to ss. 775.21 and 943.0435,
134 F.S., in references thereto; reenacting s. 322.141(3),
135 F.S., relating to color or markings of certain
136 licenses or identification cards, to incorporate the
137 amendments made by this act to ss. 775.21, 943.0435,
138 and 944.607, F.S., in references thereto; reenacting
139 ss. 397.4872(2)(a) and (c) and 435.07(4)(b), F.S.,
140 relating to exemptions from disqualification for
141 disqualifying offenses, to incorporate the amendments
142 made by this act to ss. 775.21, 943.0435, and
143 943.04354, F.S., in references thereto; reenacting ss.
144 775.13(4) and 775.261(3)(b), F.S., relating to the
145 registration of convicted felons and the Florida
146 Career Offender Registration Act, respectively, to
147 incorporate the amendments made by this act to ss.
148 775.21, 943.0435, and 944.607, F.S., in references
149 thereto; reenacting s. 903.046(2)(m), F.S., relating
150 to bail determination, to incorporate the amendment
151 made by the act to ss. 775.21 and 943.0435, F.S., in
152 references thereto; reenacting s. 903.0351(1), F.S.,
153 relating to certain restrictions on pretrial release,
154 to incorporate the amendments made by this act to ss.
155 775.21 and 948.06, F.S., in references thereto;
156 reenacting s. 948.063, F.S., relating to violations of

157 probation or community control by sexual offenders and
158 sexual predators, to incorporate the amendments made
159 by this act to ss. 775.21, 943.0435, and 944.607,
160 F.S., in references thereto; reenacting s.
161 948.30(3)(b) and (4), F.S., relating to additional
162 terms and conditions of probation or community control
163 for certain sex offenses, to incorporate the
164 amendments made by this act to ss. 775.21, 943.0435,
165 and 943.04354, F.S., in references thereto; reenacting
166 s. 948.31, F.S., relating to evaluation and treatment
167 of sexual predators and offenders on probation or
168 community control, to incorporate the amendments made
169 by this act to ss. 775.21, 943.0435, 944.606, and
170 944.607, F.S., in references thereto; reenacting s.
171 775.21(3)(b), (5)(d), (10)(c), F.S., relating to the
172 Florida Sexual Predators Act, to incorporate the
173 amendments made by this act to ss. 943.0435, 944.607,
174 and 947.1405, F.S., in references thereto; reenacting
175 s. 775.24(2), F.S., relating to duty of the court to
176 uphold laws governing sexual predators and sexual
177 offenders, to incorporate the amendments made by this
178 act to ss. 943.0435, 944.606, and 944.607, F.S., in
179 references thereto; reenacting s. 943.0436(2), F.S.,
180 relating to duty of the court to uphold laws governing
181 sexual predators and sexual offenders, to incorporate
182 the amendments made by this act to ss. 943.0435,

183 944.606, and 944.607, F.S., in references thereto;
 184 reenacting s. 921.0022(3)(g), F.S., relating to the
 185 offense severity ranking chart, to incorporate the
 186 amendments made to ss. 775.21 and 847.0135, F.S., in
 187 references thereto; providing a directive to the
 188 Division of Law Revision and Information; providing an
 189 effective date.

190

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

192

193 Section 1. Paragraph (a) of subsection (1) of section
 194 16.56, Florida Statutes, is amended to read:

195 16.56 Office of Statewide Prosecution.—

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

200 (a) Investigate and prosecute the offenses of:

201 1. Bribery, burglary, criminal usury, extortion, gambling,
 202 kidnapping, larceny, murder, prostitution, perjury, robbery,
 203 carjacking, and home-invasion robbery;

204 2. Any crime involving narcotic or other dangerous drugs;

205 3. Any violation of the Florida RICO (Racketeer Influenced
 206 and Corrupt Organization) Act, including any offense listed in
 207 the definition of racketeering activity in s. 895.02(1)(a),
 208 providing such listed offense is investigated in connection with

209 a violation of s. 895.03 and is charged in a separate count of
 210 an information or indictment containing a count charging a
 211 violation of s. 895.03, the prosecution of which listed offense
 212 may continue independently if the prosecution of the violation
 213 of s. 895.03 is terminated for any reason;

214 4. Any violation of the Florida Anti-Fencing Act;

215 5. Any violation of the Florida Antitrust Act of 1980, as
 216 amended;

217 6. Any crime involving, or resulting in, fraud or deceit
 218 upon any person;

219 7. Any violation of s. 847.0135, relating to computer
 220 pornography and child exploitation prevention, or any offense
 221 related to a violation of former s. 827.071, s. 847.003, s.
 222 847.0135, or s. 847.0137 ~~any violation of chapter 827~~ where the
 223 crime is facilitated by or connected to the use of the Internet
 224 or any device capable of electronic data storage or
 225 transmission;

226 8. Any violation of chapter 815;

227 9. Any criminal violation of part I of chapter 499;

228 10. Any violation of the Florida Motor Fuel Tax Relief Act
 229 of 2004;

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

231 12. Any crime involving voter registration, voting, or
 232 candidate or issue petition activities;

233 13. Any criminal violation of the Florida Money Laundering
 234 Act;

235 14. Any criminal violation of the Florida Securities and
 236 Investor Protection Act; or

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

239
 240 or any attempt, solicitation, or conspiracy to commit any of the
 241 crimes specifically enumerated above. The office shall have such
 242 power only when any such offense is occurring, or has occurred,
 243 in two or more judicial circuits as part of a related
 244 transaction, or when any such offense is connected with an
 245 organized criminal conspiracy affecting two or more judicial
 246 circuits. Informations or indictments charging such offenses
 247 shall contain general allegations stating the judicial circuits
 248 and counties in which crimes are alleged to have occurred or the
 249 judicial circuits and counties in which crimes affecting such
 250 circuits or counties are alleged to have been connected with an
 251 organized criminal conspiracy.

252 Section 2. Paragraph (c) of subsection (30) and paragraph
 253 (g) of subsection (69) of section 39.01, Florida Statutes, are
 254 amended to read:

255 39.01 Definitions.—When used in this chapter, unless the
 256 context otherwise requires:

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

259 (c) Allows, encourages, or forces the sexual exploitation
 260 of a child, which includes allowing, encouraging, or forcing a

261 child to:

- 262 1. Solicit for or engage in prostitution; or
- 263 2. Engage in a sexual performance, as defined by former s.
- 264 827.071 or s. 847.003 ~~chapter 827~~.

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

267 (g) The sexual exploitation of a child, which includes the
 268 act of a child offering to engage in or engaging in
 269 prostitution, provided that the child is not under arrest or is
 270 not being prosecuted in a delinquency or criminal proceeding for
 271 a violation of any offense in chapter 796 based on such
 272 behavior; or allowing, encouraging, or forcing a child to:

- 273 1. Solicit for or engage in prostitution;
- 274 2. Engage in a sexual performance, as defined by former s.
- 275 827.071 or s. 847.003 ~~chapter 827~~; or

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

278 Section 3. Paragraph (b) of subsection (4) of section
 279 39.0132, Florida Statutes, is amended to read:

280 39.0132 Oaths, records, and confidential information.—

281 (4)

282 (b) The department shall disclose to the school
 283 superintendent the presence of any child in the care and custody
 284 or under the jurisdiction or supervision of the department who
 285 has a known history of criminal sexual behavior with other
 286 juveniles; is an alleged juvenile sex offender, as defined in s.

287 39.01; or has pled guilty or nolo contendere to, or has been
 288 found to have committed, a violation of chapter 794, chapter
 289 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 290 or s. 847.0137, regardless of adjudication. Any employee of a
 291 district school board who knowingly and willfully discloses such
 292 information to an unauthorized person commits a misdemeanor of
 293 the second degree, punishable as provided in s. 775.082 or s.
 294 775.083.

295 Section 4. Paragraph (a) of subsection (3) of section
 296 39.0139, Florida Statutes, is amended to read:

297 39.0139 Visitation or other contact; restrictions.—

298 (3) PRESUMPTION OF DETRIMENT.—

299 (a) A rebuttable presumption of detriment to a child is
 300 created when:

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

304 2. A parent or caregiver has been found guilty of,
 305 regardless of adjudication, or has entered a plea of guilty or
 306 nolo contendere to, charges under the following statutes or
 307 substantially similar statutes of other jurisdictions:

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

310 b. Section 794.011, relating to sexual battery;

311 c. Section 798.02, relating to lewd and lascivious
 312 behavior;

313 d. Chapter 800, relating to lewdness and indecent
 314 exposure;

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

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

317 g. Section 847.003, relating to sexual performance by a
 318 child; or

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

320 3. A court of competent jurisdiction has determined a
 321 parent or caregiver to be a sexual predator as defined in s.
 322 775.21 or a parent or caregiver has received a substantially
 323 similar designation under laws of another jurisdiction.

324 Section 5. Paragraph (b) of subsection (2) of section
 325 39.301, Florida Statutes, is amended to read:

326 39.301 Initiation of protective investigations.—

327 (2)

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

330 1. A child is known or suspected to be the victim of child
 331 abuse, as defined in s. 827.03, or of neglect of a child, as
 332 defined in s. 827.03.

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

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

337 4. A child is known or suspected to be the victim of
 338 sexual battery, as defined in s. 847.001 ~~827.071~~, or of sexual

339 | abuse, as defined in s. 39.01.

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

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

345 | Section 6. Paragraph (a) of subsection (6) of section
346 | 39.509, Florida Statutes, is amended to read:

347 | 39.509 Grandparents rights.—Notwithstanding any other
348 | provision of law, a maternal or paternal grandparent as well as
349 | a stepgrandparent is entitled to reasonable visitation with his
350 | or her grandchild who has been adjudicated a dependent child and
351 | taken from the physical custody of the parent unless the court
352 | finds that such visitation is not in the best interest of the
353 | child or that such visitation would interfere with the goals of
354 | the case plan. Reasonable visitation may be unsupervised and,
355 | where appropriate and feasible, may be frequent and continuing.
356 | Any order for visitation or other contact must conform to the
357 | provisions of s. 39.0139.

358 | (6) In determining whether grandparental visitation is not
359 | in the child's best interest, consideration may be given to the
360 | following:

361 | (a) The finding of guilt, regardless of adjudication, or
362 | entry or plea of guilty or nolo contendere to charges under the
363 | following statutes, or similar statutes of other jurisdictions:
364 | s. 787.04, relating to removing minors from the state or

365 concealing minors contrary to court order; s. 794.011, relating
366 to sexual battery; s. 798.02, relating to lewd and lascivious
367 behavior; chapter 800, relating to lewdness and indecent
368 exposure; s. 826.04, relating to incest; ~~or~~ chapter 827,
369 relating to the abuse of children; s. 847.003, relating to
370 sexual performance by a child; or s. 847.0137, relating to child
371 pornography.

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

374 90.404 Character evidence; when admissible.—

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

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

381 2. For the purposes of this paragraph, the term "child
382 molestation" means conduct proscribed by s. 787.025(2)(c), s.
383 787.06(3)(g), former s. 787.06(3)(h), s. 794.011, excluding s.
384 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s.
385 800.04, former s. 827.071, s. 847.003, s. 847.0135(5), s.
386 847.0137, s. 847.0145, or s. 985.701(1) when committed against a
387 person 16 years of age or younger.

388 (c)1. In a criminal case in which the defendant is charged
389 with a sexual offense, evidence of the defendant's commission of
390 other crimes, wrongs, or acts involving a sexual offense is

391 | admissible and may be considered for its bearing on any matter
 392 | to which it is relevant.

393 | 2. For the purposes of this paragraph, the term "sexual
 394 | offense" means conduct proscribed by s. 787.025(2)(c), s.
 395 | 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s.
 396 | 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03,
 397 | former s. 796.035, s. 825.1025(2)(b), former s. 827.071, s.
 398 | 847.003, s. 847.0135(5), s. 847.0137, s. 847.0145, or s.
 399 | 985.701(1).

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

402 | 92.56 Judicial proceedings and court records involving
 403 | sexual offenses and human trafficking.—

404 | (2) A defendant charged with a crime described in s.
 405 | 787.06(3)(a)1., (c)1., or (e)1.; ~~s. 787.06(3)(b), (d), (f), or~~
 406 | ~~(g);~~ chapter 794; ~~or chapter 800;~~ ~~or~~ with child abuse ~~or~~
 407 | ~~aggravated child abuse, or sexual performance by a child as~~
 408 | ~~described in chapter 827;~~ or with sexual performance by a child
 409 | as described in former s. 827.071 or s. 847.003 ~~;~~ may apply to
 410 | the trial court for an order of disclosure of information in
 411 | court records held confidential and exempt pursuant to s.
 412 | 119.0714(1)(h) or maintained as confidential and exempt pursuant
 413 | to court order under this section. Such identifying information
 414 | concerning the victim may be released to the defendant or his or
 415 | her attorney in order to prepare the defense. The confidential
 416 | and exempt status of this information may not be construed to

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417 prevent the disclosure of the victim's identity to the
418 defendant; however, the defendant may not disclose the victim's
419 identity to any person other than the defendant's attorney or
420 any other person directly involved in the preparation of the
421 defense. A willful and knowing disclosure of the identity of the
422 victim to any other person by the defendant constitutes
423 contempt.

424 (3) The state may use a pseudonym instead of the victim's
425 name to designate the victim of a crime described in s.
426 787.06(3)(a)1., (c)1., or (e)1.; ~~in~~ s. 787.06(3)(b), (d), (f),
427 or (g); ~~or in~~ chapter 794; ~~or~~ chapter 800; ~~or~~
428 or ~~aggravated child abuse, or sexual performance by a child as~~
429 described in chapter 827; of sexual performance by a child as
430 described in former s. 827.071 or s. 847.003; ~~or~~ of any crime
431 involving the production, possession, or promotion of child
432 pornography as described in chapter 847, in all court records
433 and records of court proceedings, both civil and criminal.

434 (5) This section does not prohibit the publication or
435 broadcast of the substance of trial testimony in a prosecution
436 for an offense described in s. 787.06(3)(a)1., (c)1., or (e)1.; s.
437 787.06(3)(b), (d), (f), or (g); ~~chapter 794;~~ chapter
438 800; ~~or~~ a crime of child abuse ~~or~~ aggravated child abuse,
439 ~~sexual performance by a child,~~ as described in chapter 827; or
440 sexual performance by a child as described in former s. 827.071
441 or s. 847.003, but the publication or broadcast may not include
442 an identifying photograph, an identifiable voice, or the name or

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443 address of the victim, unless the victim has consented in
444 writing to the publication and filed such consent with the court
445 or unless the court has declared such records not confidential
446 and exempt as provided for in subsection (1).

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

449 92.561 Prohibition on reproduction of child pornography.—

450 (1) In a criminal proceeding, any property or material
451 that portrays sexual performance by a child as defined in former
452 s. 827.071 or s. 847.003, or constitutes child pornography as
453 defined in s. 847.0137 ~~847.001~~, must remain secured or locked in
454 the care, custody, and control of a law enforcement agency, the
455 state attorney, or the court.

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

458 92.565 Admissibility of confession in sexual abuse cases.—

459 (2) In any criminal action in which the defendant is
460 charged with a crime against a victim under s. 794.011; s.
461 794.05; s. 800.04; s. 826.04; s. 827.03, involving sexual abuse;
462 s. 827.04, involving sexual abuse; former s. 827.071; s.
463 847.003; ~~or~~ s. 847.0135(5); or s. 847.0137, or any other crime
464 involving sexual abuse of another, or with any attempt,
465 solicitation, or conspiracy to commit any of these crimes, the
466 defendant's memorialized confession or admission is admissible
467 during trial without the state having to prove a corpus delicti
468 of the crime if the court finds in a hearing conducted outside

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469 the presence of the jury that the state is unable to show the
470 existence of each element of the crime, and having so found,
471 further finds that the defendant's confession or admission is
472 trustworthy. Factors which may be relevant in determining
473 whether the state is unable to show the existence of each
474 element of the crime include, but are not limited to, the fact
475 that, at the time the crime was committed, the victim was:

- 476 (a) Physically helpless, mentally incapacitated, or
477 mentally defective, as those terms are defined in s. 794.011;
478 (b) Physically incapacitated due to age, infirmity, or any
479 other cause; or
480 (c) Less than 12 years of age.

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

483 435.04 Level 2 screening standards.—

484 (2) The security background investigations under this
485 section must ensure that no persons subject to the provisions of
486 this section have been arrested for and are awaiting final
487 disposition of, have been found guilty of, regardless of
488 adjudication, or entered a plea of nolo contendere or guilty to,
489 or have been adjudicated delinquent and the record has not been
490 sealed or expunged for, any offense prohibited under any of the
491 following provisions of state law or similar law of another
492 jurisdiction:

- 493 (ll) Former s. Section ~~Section~~ 827.071, relating to sexual
494 performance by a child.

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

497 Section 12. Paragraph (o) of subsection (5) of section
 498 456.074, Florida Statutes, is amended, paragraphs (r) and (s) of
 499 that subsection are redesignated as paragraphs (s) and (t),
 500 respectively, and a new paragraph (r) is added to that
 501 subsection, to read:

502 456.074 Certain health care practitioners; immediate
 503 suspension of license.—

504 (5) The department shall issue an emergency order
 505 suspending the license of a massage therapist or establishment
 506 as defined in chapter 480 upon receipt of information that the
 507 massage therapist, a person with an ownership interest in the
 508 establishment, or, for a corporation that has more than \$250,000
 509 of business assets in this state, the owner, officer, or
 510 individual directly involved in the management of the
 511 establishment has been convicted or found guilty of, or has
 512 entered a plea of guilty or nolo contendere to, regardless of
 513 adjudication, a felony offense under any of the following
 514 provisions of state law or a similar provision in another
 515 jurisdiction:

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

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

519 Section 13. Paragraph (o) of subsection (7) of section
 520 480.041, Florida Statutes, is amended, paragraphs (r) and (s) of

521 that subsection are redesignated as paragraphs (s) and (t),
 522 respectively, and a new paragraph (r) is added to that
 523 subsection, to read:

524 480.041 Massage therapists; qualifications; licensure;
 525 endorsement.—

526 (7) The board shall deny an application for a new or
 527 renewal license if an applicant has been convicted or found
 528 guilty of, or enters a plea of guilty or nolo contendere to,
 529 regardless of adjudication, a felony offense under any of the
 530 following provisions of state law or a similar provision in
 531 another jurisdiction:

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

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

535 Section 14. Paragraph (o) of subsection (8) of section
 536 480.043, Florida Statutes, is amended, paragraphs (r) and (s) of
 537 that subsection are redesignated as paragraphs (s) and (t),
 538 respectively, and a new paragraph (r) is added to that
 539 subsection, to read:

540 480.043 Massage establishments; requisites; licensure;
 541 inspection.—

542 (8) The department shall deny an application for a new or
 543 renewal license if a person with an ownership interest in the
 544 establishment or, for a corporation that has more than \$250,000
 545 of business assets in this state, the owner, officer, or
 546 individual directly involved in the management of the

547 establishment has been convicted or found guilty of, or entered
 548 a plea of guilty or nolo contendere to, regardless of
 549 adjudication, a felony offense under any of the following
 550 provisions of state law or a similar provision in another
 551 jurisdiction:

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

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

555 Section 15. Paragraph (b) of subsection (3) of section
 556 743.067, Florida Statutes, is amended to read:

557 743.067 Unaccompanied homeless youths.—

558 (3) An unaccompanied homeless youth may:

559 (b) Notwithstanding s. 394.4625(1), consent to medical,
 560 dental, psychological, substance abuse, and surgical diagnosis
 561 and treatment, including preventative care and care by a
 562 facility licensed under chapter 394, chapter 395, or chapter 397
 563 and any forensic medical examination for the purpose of
 564 investigating any felony offense under chapter 784, chapter 787,
 565 chapter 794, chapter 800, ~~or~~ chapter 827, s. 847.003, or s.
 566 847.0137, for:

- 567 1. Himself or herself; or
- 568 2. His or her child, if the unaccompanied homeless youth
 569 is unmarried, is the parent of the child, and has actual custody
 570 of the child.

571 Section 16. Paragraph (a) of subsection (1) of section
 572 772.102, Florida Statutes, is amended to read:

573 772.102 Definitions.—As used in this chapter, the term:
 574 (1) "Criminal activity" means to commit, to attempt to
 575 commit, to conspire to commit, or to solicit, coerce, or
 576 intimidate another person to commit:
 577 (a) Any crime that is chargeable by indictment or
 578 information under the following provisions:
 579 1. Section 210.18, relating to evasion of payment of
 580 cigarette taxes.
 581 2. Section 414.39, relating to public assistance fraud.
 582 3. Section 440.105 or s. 440.106, relating to workers'
 583 compensation.
 584 4. Part IV of chapter 501, relating to telemarketing.
 585 5. Chapter 517, relating to securities transactions.
 586 6. Section 550.235 or s. 550.3551, relating to dogracing
 587 and horseracing.
 588 7. Chapter 550, relating to jai alai frontons.
 589 8. Chapter 552, relating to the manufacture, distribution,
 590 and use of explosives.
 591 9. Chapter 562, relating to beverage law enforcement.
 592 10. Section 624.401, relating to transacting insurance
 593 without a certificate of authority, s. 624.437(4)(c)1., relating
 594 to operating an unauthorized multiple-employer welfare
 595 arrangement, or s. 626.902(1)(b), relating to representing or
 596 aiding an unauthorized insurer.
 597 11. Chapter 687, relating to interest and usurious
 598 practices.

- 599 12. Section 721.08, s. 721.09, or s. 721.13, relating to
600 real estate timeshare plans.
- 601 13. Chapter 782, relating to homicide.
- 602 14. Chapter 784, relating to assault and battery.
- 603 15. Chapter 787, relating to kidnapping or human
604 trafficking.
- 605 16. Chapter 790, relating to weapons and firearms.
- 606 17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07,
607 relating to prostitution.
- 608 18. Chapter 806, relating to arson.
- 609 19. Section 810.02(2)(c), relating to specified burglary
610 of a dwelling or structure.
- 611 20. Chapter 812, relating to theft, robbery, and related
612 crimes.
- 613 21. Chapter 815, relating to computer-related crimes.
- 614 22. Chapter 817, relating to fraudulent practices, false
615 pretenses, fraud generally, and credit card crimes.
- 616 23. Former s. ~~Section~~ 827.071, relating to commercial
617 sexual exploitation of children.
- 618 24. Chapter 831, relating to forgery and counterfeiting.
- 619 25. Chapter 832, relating to issuance of worthless checks
620 and drafts.
- 621 26. Section 836.05, relating to extortion.
- 622 27. Chapter 837, relating to perjury.
- 623 28. Chapter 838, relating to bribery and misuse of public
624 office.

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

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

627 child.

628 ~~31.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

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

630 ~~32.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

631 s. 849.25, relating to gambling.

632 ~~33.32.~~ Chapter 893, relating to drug abuse prevention and

633 control.

634 ~~34.33.~~ Section 914.22 or s. 914.23, relating to witnesses,

635 victims, or informants.

636 ~~35.34.~~ Section 918.12 or s. 918.13, relating to tampering

637 with jurors and evidence.

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

639 775.082, Florida Statutes, is amended to read:

640 775.082 Penalties; applicability of sentencing structures;

641 mandatory minimum sentences for certain reoffenders previously

642 released from prison.—

643 (9)(a)1. "Prison releasee reoffender" means any defendant

644 who commits, or attempts to commit:

645 a. Treason;

646 b. Murder;

647 c. Manslaughter;

648 d. Sexual battery;

649 e. Carjacking;

650 f. Home-invasion robbery;

- 651 g. Robbery;
- 652 h. Arson;
- 653 i. Kidnapping;
- 654 j. Aggravated assault with a deadly weapon;
- 655 k. Aggravated battery;
- 656 l. Aggravated stalking;
- 657 m. Aircraft piracy;
- 658 n. Unlawful throwing, placing, or discharging of a
- 659 destructive device or bomb;
- 660 o. Any felony that involves the use or threat of physical
- 661 force or violence against an individual;
- 662 p. Armed burglary;
- 663 q. Burglary of a dwelling or burglary of an occupied
- 664 structure; or
- 665 r. Any felony violation of s. 790.07, s. 800.04, s.
- 666 827.03, former s. 827.071, s. 847.003, ~~or~~ s. 847.0135(5), or s.
- 667 847.0137;
- 668
- 669 within 3 years after being released from a state correctional
- 670 facility operated by the Department of Corrections or a private
- 671 vendor or within 3 years after being released from a
- 672 correctional institution of another state, the District of
- 673 Columbia, the United States, any possession or territory of the
- 674 United States, or any foreign jurisdiction, following
- 675 incarceration for an offense for which the sentence is
- 676 punishable by more than 1 year in this state.

677 2. "Prison releasee reoffender" also means any defendant
678 who commits or attempts to commit any offense listed in sub-
679 subparagraphs (a)1.a.-r. while the defendant was serving a
680 prison sentence or on escape status from a state correctional
681 facility operated by the Department of Corrections or a private
682 vendor or while the defendant was on escape status from a
683 correctional institution of another state, the District of
684 Columbia, the United States, any possession or territory of the
685 United States, or any foreign jurisdiction, following
686 incarceration for an offense for which the sentence is
687 punishable by more than 1 year in this state.

688 3. If the state attorney determines that a defendant is a
689 prison releasee reoffender as defined in subparagraph 1., the
690 state attorney may seek to have the court sentence the defendant
691 as a prison releasee reoffender. Upon proof from the state
692 attorney that establishes by a preponderance of the evidence
693 that a defendant is a prison releasee reoffender as defined in
694 this section, such defendant is not eligible for sentencing
695 under the sentencing guidelines and must be sentenced as
696 follows:

697 a. For a felony punishable by life, by a term of
698 imprisonment for life;

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

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

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703 d. For a felony of the third degree, by a term of
704 imprisonment of 5 years.

705 Section 18. Paragraphs (b) and (f) of subsection (1) and
706 subsection (2) of section 775.0847, Florida Statutes, are
707 amended to read:

708 775.0847 Possession or promotion of certain visual
709 depictions ~~images~~ of child pornography; reclassification.-

710 (1) For purposes of this section:

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

714 (f) "Sexual conduct" means actual or simulated sexual
715 intercourse, deviate sexual intercourse, sexual bestiality,
716 masturbation, or sadomasochistic abuse; actual or simulated lewd
717 exhibition of the genitals; actual physical contact with a
718 person's clothed or unclothed genitals, pubic area, buttocks,
719 or, if such person is a female, breast with the intent to arouse
720 or gratify the sexual desire of either party; or any act or
721 conduct which constitutes sexual battery or simulates that
722 sexual battery is being or will be committed. A mother's
723 breastfeeding of her baby does not under any circumstance
724 constitute "sexual conduct."

725 (2) A violation of former s. 827.071, s. 847.003, s.
726 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to
727 the next higher degree as provided in subsection (3) if:

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

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729 images of any form of child pornography regardless of content;
 730 and

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

- 733 1. A child who is younger than the age of 5.
- 734 2. Sadomasochistic abuse involving a child.
- 735 3. Sexual battery involving a child.
- 736 4. Sexual bestiality involving a child.
- 737 5. Any movie involving a child, regardless of length and
 738 regardless of whether the movie contains sound.

739 Section 19. Paragraph (1) of subsection (1) of section
 740 775.0877, Florida Statutes, is amended to read:

741 775.0877 Criminal transmission of HIV; procedures;
 742 penalties.—

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

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

750
 751 the court shall order the offender to undergo HIV testing, to be
 752 performed under the direction of the Department of Health in
 753 accordance with s. 381.004, unless the offender has undergone
 754 HIV testing voluntarily or pursuant to procedures established in

755 s. 381.004(2)(h)6. or s. 951.27, or any other applicable law or
 756 rule providing for HIV testing of criminal offenders or inmates,
 757 subsequent to her or his arrest for an offense enumerated in
 758 paragraphs (a)-(n) for which she or he was convicted or to which
 759 she or he pled nolo contendere or guilty. The results of an HIV
 760 test performed on an offender pursuant to this subsection are
 761 not admissible in any criminal proceeding arising out of the
 762 alleged offense.

763 Section 20. Paragraph (a) of subsection (4) and paragraph
 764 (b) of subsection (10) of section 775.21, Florida Statutes, are
 765 amended to read:

766 775.21 The Florida Sexual Predators Act.—

767 (4) SEXUAL PREDATOR CRITERIA.—

768 (a) For a current offense committed on or after October 1,
 769 1993, upon conviction, an offender shall be designated as a
 770 "sexual predator" under subsection (5), and subject to
 771 registration under subsection (6) and community and public
 772 notification under subsection (7) if:

773 1. The felony is:

774 a. A capital, life, or first degree felony violation, or
 775 any attempt thereof, of s. 787.01 or s. 787.02, where the victim
 776 is a minor and the defendant is not the victim's parent or
 777 guardian, or s. 794.011, s. 800.04, or s. 847.0145, or a
 778 violation of a similar law of another jurisdiction; or

779 b. Any felony violation, or any attempt thereof, of s.
 780 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.

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781 787.025(2)(c), where the victim is a minor and the defendant is
782 not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
783 or (g); former s. 787.06(3)(h); s. 794.011, excluding s.
784 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
785 800.04; s. 810.145(8)(b); s. 825.1025; former s. 827.071; s.
786 847.003; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s.
787 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a
788 similar law of another jurisdiction, and the offender has
789 previously been convicted of or found to have committed, or has
790 pled nolo contendere or guilty to, regardless of adjudication,
791 any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s.
792 787.02, or s. 787.025(2)(c), where the victim is a minor and the
793 defendant is not the victim's parent or guardian; s.
794 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
795 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
796 former s. 796.035; s. 800.04; s. 825.1025; former s. 827.071; s.
797 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
798 847.0137; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a
799 violation of a similar law of another jurisdiction;

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

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

806 (10) PENALTIES.—

807 (b) A sexual predator who has been convicted of or found
 808 to have committed, or has pled nolo contendere or guilty to,
 809 regardless of adjudication, any violation, or attempted
 810 violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 811 the victim is a minor and the defendant is not the victim's
 812 parent or guardian; s. 794.011, excluding s. 794.011(10); s.
 813 794.05; former s. 796.03; former s. 796.035; s. 800.04; former
 814 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135(5); s.
 815 847.0137; s. 847.0145; or s. 985.701(1); or a violation of a
 816 similar law of another jurisdiction when the victim of the
 817 offense was a minor, and who works, whether for compensation or
 818 as a volunteer, at any business, school, child care facility,
 819 park, playground, or other place where children regularly
 820 congregate, commits a felony of the third degree, punishable as
 821 provided in s. 775.082, s. 775.083, or s. 775.084.

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

825 775.215 Residency restriction for persons convicted of
 826 certain sex offenses.—

827 (2)(a) A person who has been convicted of a violation of
 828 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 829 847.0135(5), or s. 847.0145, regardless of whether adjudication
 830 has been withheld, in which the victim of the offense was less
 831 than 16 years of age, may not reside within 1,000 feet of any
 832 school, child care facility, park, or playground. However, a

833 person does not violate this subsection and may not be forced to
834 relocate if he or she is living in a residence that meets the
835 requirements of this subsection and a school, child care
836 facility, park, or playground is subsequently established within
837 1,000 feet of his or her residence.

838 (b) A person who violates this subsection and whose
839 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
840 847.003, s. 847.0135(5), or s. 847.0145 was classified as a
841 felony of the first degree or higher commits a felony of the
842 third degree, punishable as provided in s. 775.082 or s.
843 775.083. A person who violates this subsection and whose
844 conviction under s. 794.011, s. 800.04, former s. 827.071, s.
845 847.003, s. 847.0135(5), or s. 847.0145 was classified as a
846 felony of the second or third degree commits a misdemeanor of
847 the first degree, punishable as provided in s. 775.082 or s.
848 775.083.

849 (c) This subsection applies to any person convicted of a
850 violation of s. 794.011, s. 800.04, former s. 827.071, s.
851 847.003, s. 847.0135(5), or s. 847.0145 for offenses that occur
852 on or after October 1, 2004, excluding persons who have been
853 removed from the requirement to register as a sexual offender or
854 sexual predator pursuant to s. 943.04354.

855 (3) (a) A person who has been convicted of an offense in
856 another jurisdiction that is similar to a violation of s.
857 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
858 847.0135(5), or s. 847.0145, regardless of whether adjudication

859 has been withheld, in which the victim of the offense was less
 860 than 16 years of age, may not reside within 1,000 feet of any
 861 school, child care facility, park, or playground. However, a
 862 person does not violate this subsection and may not be forced to
 863 relocate if he or she is living in a residence that meets the
 864 requirements of this subsection and a school, child care
 865 facility, park, or playground is subsequently established within
 866 1,000 feet of his or her residence.

867 (c) This subsection applies to any person convicted of an
 868 offense in another jurisdiction that is similar to a violation
 869 of s. 794.011, s. 800.04, former s. 827.071, s. 847.003, s.
 870 847.0135(5), or s. 847.0145 if such offense occurred on or after
 871 May 26, 2010, excluding persons who have been removed from the
 872 requirement to register as a sexual offender or sexual predator
 873 pursuant to s. 943.04354.

874 Section 22. Paragraph (c) of subsection (1) of section
 875 784.046, Florida Statutes, is amended to read:

876 784.046 Action by victim of repeat violence, sexual
 877 violence, or dating violence for protective injunction; dating
 878 violence investigations, notice to victims, and reporting;
 879 pretrial release violations; public records exemption.—

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

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

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

885 years of age;

886 3. Luring or enticing a child, as described in chapter
887 787;

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

890 5. Any other forcible felony wherein a sexual act is
891 committed or attempted,

892
893 regardless of whether criminal charges based on the incident
894 were filed, reduced, or dismissed by the state attorney.

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

897 794.0115 Dangerous sexual felony offender; mandatory
898 sentencing.—

899 (2) Any person who is convicted of a violation of s.
900 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
901 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
902 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; or
903 of any similar offense under a former designation, which offense
904 the person committed when he or she was 18 years of age or
905 older, and the person:

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

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

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

911 the criminal episode applicable to the offense;

912 (d) Committed the offense while under the jurisdiction of
 913 a court for a felony offense under the laws of this state, for
 914 an offense that is a felony in another jurisdiction, or for an
 915 offense that would be a felony if that offense were committed in
 916 this state; or

917 (e) Has previously been convicted of a violation of s.
 918 787.025(2)(c); s. 794.011(2), (3), (4), (5), or (8); s.
 919 800.04(4) or (5); s. 825.1025(2) or (3); former s. 827.071(2),
 920 (3), or (4); s. 847.003; s. 847.0137(2)(a); or s. 847.0145; of
 921 any offense under a former statutory designation which is
 922 similar in elements to an offense described in this paragraph;
 923 or of any offense that is a felony in another jurisdiction, or
 924 would be a felony if that offense were committed in this state,
 925 and which is similar in elements to an offense described in this
 926 paragraph,

927
 928 is a dangerous sexual felony offender, who must be sentenced to
 929 a mandatory minimum term of 25 years imprisonment up to, and
 930 including, life imprisonment. If the offense described in this
 931 subsection was committed on or after October 1, 2014, a person
 932 who qualifies as a dangerous sexual felony offender pursuant to
 933 this subsection must be sentenced to a mandatory minimum term of
 934 50 years imprisonment up to, and including, life imprisonment.

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

937 794.024 Unlawful to disclose identifying information.—
 938 (1) A public employee or officer who has access to the
 939 photograph, name, or address of a person who is alleged to be
 940 the victim of an offense described in this chapter, chapter 800,
 941 s. 827.03, s. 827.04, former ~~or~~ s. 827.071, s. 847.003, or s.
 942 847.0137 may not willfully and knowingly disclose it to a person
 943 who is not assisting in the investigation or prosecution of the
 944 alleged offense or to any person other than the defendant, the
 945 defendant's attorney, a person specified in an order entered by
 946 the court having jurisdiction of the alleged offense, or
 947 organizations authorized to receive such information made exempt
 948 by s. 119.071(2)(h), or to a rape crisis center or sexual
 949 assault counselor, as defined in s. 90.5035(1)(b), who will be
 950 offering services to the victim.

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

953 794.056 Rape Crisis Program Trust Fund.—

954 (1) The Rape Crisis Program Trust Fund is created within
 955 the Department of Health for the purpose of providing funds for
 956 rape crisis centers in this state. Trust fund moneys shall be
 957 used exclusively for the purpose of providing services for
 958 victims of sexual assault. Funds credited to the trust fund
 959 consist of those funds collected as an additional court
 960 assessment in each case in which a defendant pleads guilty or
 961 nolo contendere to, or is found guilty of, regardless of
 962 adjudication, an offense provided in s. 775.21(6) and (10)(a),

963 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 964 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 965 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 966 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 967 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 968 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 969 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 970 825.1025; former s. 827.071; s. 836.10; s. 847.003; s. 847.0133;
 971 s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c),
 972 (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds
 973 credited to the trust fund also shall include revenues provided
 974 by law, moneys appropriated by the Legislature, and grants from
 975 public or private entities.

976 Section 26. Section 796.001, Florida Statutes, is amended
 977 to read:

978 796.001 Offenses by adults involving minors; intent.—It is
 979 the intent of the Legislature that adults who involve minors in
 980 any behavior prohibited under this chapter be prosecuted under
 981 other laws of this state, such as, but not limited to, s.
 982 787.06, chapter 794, chapter 800, s. 810.145, former s. 827.071
 983 ~~chapter 827~~, and chapter 847. The Legislature finds that
 984 prosecution of such adults under this chapter is inappropriate
 985 since a minor is unable to consent to such behavior.

986 Section 27. Section 827.071, Florida Statutes, is
 987 repealed.

988 Section 28. Subsections (3) and (16) of section 847.001,

989 Florida Statutes, are amended to read:

990 847.001 Definitions.—As used in this chapter, the term:

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

994 (16) "Sexual conduct" means actual or simulated sexual
 995 intercourse, deviate sexual intercourse, sexual bestiality,
 996 masturbation, or sadomasochistic abuse; actual or simulated lewd
 997 exhibition of the genitals; actual physical contact with a
 998 person's clothed or unclothed genitals, pubic area, buttocks,
 999 or, if such person is a female, breast with the intent to arouse
 1000 or gratify the sexual desire of either party; or any act or
 1001 conduct which constitutes sexual battery or simulates that
 1002 sexual battery is being or will be committed. A mother's
 1003 breastfeeding of her baby does not under any circumstance
 1004 constitute "sexual conduct."

1005 Section 29. Section 847.003, Florida Statutes, is created
 1006 to read:

1007 847.003 Sexual performance by a child; penalties.—

1008 (1) As used in this section, the term:

1009 (a) "Performance" means any play, motion picture,
 1010 photograph, or dance or any other visual representation
 1011 exhibited before an audience.

1012 (b) "Promote" means to procure, manufacture, issue, sell,
 1013 give, provide, lend, mail, deliver, transfer, transmute,
 1014 publish, distribute, circulate, disseminate, present, exhibit,

1015 or advertise or to offer or agree to do the same.

1016 (c) "Sexual performance" means any performance or part
 1017 thereof which includes sexual conduct by a minor.

1018 (2) A person who, knowing the character and content
 1019 thereof, employs, authorizes, or induces a minor to engage in a
 1020 sexual performance or, being a parent, legal guardian, or
 1021 custodian of such minor, consents to the participation by such
 1022 minor in a sexual performance commits the offense of use of a
 1023 child in a sexual performance, a felony of the second degree,
 1024 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1025 (3) A person who, knowing the character and content
 1026 thereof, produces, directs, or promotes any performance that
 1027 includes sexual conduct by a minor commits the offense of
 1028 promoting a sexual performance by a child, a felony of the
 1029 second degree, punishable as provided in s. 775.082, s. 775.083,
 1030 or s. 775.084.

1031 Section 30. Subsections (3) and (4) of section 847.0135,
 1032 Florida Statutes, are amended to read:

1033 847.0135 Computer pornography; prohibited computer usage;
 1034 traveling to meet minor; penalties.—

1035 (3) CERTAIN USES OF COMPUTER SERVICES OR DEVICES
 1036 PROHIBITED.—Any person who knowingly uses a computer online
 1037 service, Internet service, local bulletin board service, or any
 1038 other device capable of electronic data storage or transmission
 1039 to:

1040 (a) Seduce, solicit, lure, or entice, or attempt to

1041 seduce, solicit, lure, or entice, a child or another person
 1042 believed by the person to be a child, to commit any illegal act
 1043 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1044 ~~chapter 827,~~ s. 847.003, or s. 847.0137 or to otherwise engage
 1045 in any unlawful sexual conduct with a child or with another
 1046 person believed by the person to be a child; or

1047 (b) Solicit, lure, or entice, or attempt to solicit, lure,
 1048 or entice a parent, legal guardian, or custodian of a child or a
 1049 person believed to be a parent, legal guardian, or custodian of
 1050 a child to consent to the participation of such child in any act
 1051 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1052 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1053 in any sexual conduct,

1054
 1055 commits a felony of the third degree, punishable as provided in
 1056 s. 775.082, s. 775.083, or s. 775.084. Any person who, in
 1057 violating this subsection, misrepresents his or her age, commits
 1058 a felony of the second degree, punishable as provided in s.
 1059 775.082, s. 775.083, or s. 775.084. Each separate use of a
 1060 computer online service, Internet service, local bulletin board
 1061 service, or any other device capable of electronic data storage
 1062 or transmission wherein an offense described in this section is
 1063 committed may be charged as a separate offense.

1064 (4) TRAVELING TO MEET A MINOR.—Any person who travels any
 1065 distance either within this state, to this state, or from this
 1066 state by any means, who attempts to do so, or who causes another

1067 to do so or to attempt to do so for the purpose of engaging in
 1068 any illegal act described in chapter 794, chapter 800, former s.
 1069 827.071 ~~or chapter 827,~~ s. 847.003, or s. 847.0137, or to
 1070 otherwise engage in other unlawful sexual conduct with a child
 1071 or with another person believed by the person to be a child
 1072 after using a computer online service, Internet service, local
 1073 bulletin board service, or any other device capable of
 1074 electronic data storage or transmission to:

1075 (a) Seduce, solicit, lure, or entice or attempt to seduce,
 1076 solicit, lure, or entice a child or another person believed by
 1077 the person to be a child, to engage in any illegal act described
 1078 in chapter 794, chapter 800, former s. 827.071 ~~or chapter 827,~~
 1079 s. 847.003, or s. 847.0137, or to otherwise engage in other
 1080 unlawful sexual conduct with a child; or

1081 (b) Solicit, lure, or entice or attempt to solicit, lure,
 1082 or entice a parent, legal guardian, or custodian of a child or a
 1083 person believed to be a parent, legal guardian, or custodian of
 1084 a child to consent to the participation of such child in any act
 1085 described in chapter 794, chapter 800, former s. 827.071 ~~or~~
 1086 ~~chapter 827,~~ s. 847.003, or s. 847.0137, or to otherwise engage
 1087 in any sexual conduct,

1088
 1089 commits a felony of the second degree, punishable as provided in
 1090 s. 775.082, s. 775.083, or s. 775.084.

1091 Section 31. Subsection (1) of section 847.01357, Florida
 1092 Statutes, is amended to read:

1093 847.01357 Exploited children's civil remedy.—
 1094 (1) Any person who, while under the age of 18, was a
 1095 victim of a sexual abuse crime listed in chapter 794, chapter
 1096 800, former s. 827.071 ~~chapter 827~~, or chapter 847, where any
 1097 portion of such abuse was used in the production of child
 1098 pornography, and who suffers personal or psychological injury as
 1099 a result of the production, promotion, or possession of such
 1100 images or movies, may bring an action in an appropriate state
 1101 court against the producer, promoter, or possessor of such
 1102 images or movies, regardless of whether the victim is now an
 1103 adult. In any action brought under this section, a prevailing
 1104 plaintiff shall recover the actual damages such person sustained
 1105 and the cost of the suit, including reasonable attorney
 1106 ~~attorney's~~ fees. Any victim who is awarded damages under this
 1107 section shall be deemed to have sustained damages of at least
 1108 \$150,000.

1109 Section 32. Section 847.0137, Florida Statutes, is amended
 1110 to read:

1111 847.0137 Child pornography; Transmission of pornography by
 1112 ~~electronic device or equipment~~ prohibited acts; penalties.—

1113 (1) For purposes of this section:

1114 (a) "Child pornography" means a visual depiction of sexual
 1115 conduct, where:

1116 1. The production of such visual depiction involves the
 1117 use of a minor engaging in sexual conduct; or

1118 2. Such visual depiction has been created, adapted, or

1119 modified to appear that an identifiable minor is engaging in
 1120 sexual conduct.

1121 (b) "Identifiable minor" means a person who is
 1122 recognizable as an actual person by the person's face, likeness,
 1123 or other distinguishing characteristic, such as a unique
 1124 birthmark, or other recognizable feature and:

1125 1. Who was a minor at the time the visual depiction was
 1126 created, adapted, or modified; or

1127 2. Whose image as a minor was used in creating, adapting,
 1128 or modifying the visual depiction.

1129 (c) "Intentionally view" means to deliberately,
 1130 purposefully, and voluntarily view. Proof of intentional viewing
 1131 requires establishing that a person deliberately, purposefully,
 1132 and voluntarily viewed more than one visual depiction over any
 1133 period of time.

1134 (d)~~(a)~~ "Minor" means any person less than 18 years of age.

1135 (e) "Promote" means to procure, manufacture, issue, sell,
 1136 give, provide, lend, mail, deliver, transfer, transmute,
 1137 publish, distribute, circulate, disseminate, present, exhibit,
 1138 or advertise or to offer or agree to do the same.

1139 (f)~~(b)~~ "Transmit" means the act of sending and causing to
 1140 be delivered any visual depiction ~~image~~, information, or data
 1141 from one or more persons or places to one or more other persons
 1142 or places over or through any medium, including the Internet, by
 1143 use of any electronic equipment or device.

1144 (g) "Visual depiction" includes, but is not limited to,

1145 any photograph, picture, motion picture, film, video,
1146 representation, or computer or computer-generated image or
1147 picture, whether made or produced by electronic, mechanical, or
1148 other means. The term also includes undeveloped film and
1149 videotape, data stored on computer disk or by electronic means
1150 which is capable of conversion into a visual image, and data
1151 that is capable of conversion into a visual image that has been
1152 transmitted by any means, whether stored in a permanent or
1153 nonpermanent format.

1154 (2) (a) It is unlawful for a person to possess, with the
1155 intent to promote, child pornography. The possession of three or
1156 more visual depictions of child pornography is prima facie
1157 evidence of an intent to promote. A person who violates this
1158 paragraph commits a felony of the second degree, punishable as
1159 provided in s. 775.082, s. 775.083, or s. 775.084.

1160 (b) It is unlawful for a person to knowingly possess,
1161 control, or intentionally view child pornography. The
1162 possession, control, or intentional viewing of each visual
1163 depiction of child pornography is a separate offense. If such
1164 visual depiction includes sexual conduct by more than one minor,
1165 each such minor in each such visual depiction that is knowingly
1166 possessed, controlled, or intentionally viewed is a separate
1167 offense. A person who violates this paragraph commits a felony
1168 of the third degree, punishable as provided in s. 775.082, s.
1169 775.083, or s. 775.084.

1170 (c) This subsection does not apply to child pornography

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1171 possessed, controlled, or intentionally viewed as part of a law
1172 enforcement investigation.

1173 (d) Prosecution of a person for an offense under this
1174 subsection does not prohibit prosecution of that person in this
1175 state for a violation of any law of this state, including a law
1176 providing for greater penalties than prescribed in this section
1177 or any other crime punishing the sexual performance or sexual
1178 exploitation of children.

1179 (3) (a) ~~(2)~~ Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
1180 person in this state who knew or reasonably should have known
1181 that he or she was transmitting child pornography, ~~as defined in~~
1182 ~~s. 847.001,~~ to another person in this state or in another
1183 jurisdiction commits a felony of the third degree, punishable as
1184 provided in s. 775.082, s. 775.083, or s. 775.084.

1185 (b) ~~(3)~~ Notwithstanding ss. 847.012 and 847.0133, a ~~any~~
1186 person in any jurisdiction other than this state who knew or
1187 reasonably should have known that he or she was transmitting
1188 child pornography, ~~as defined in s. 847.001,~~ to another ~~any~~
1189 person in this state commits a felony of the third degree,
1190 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1191 (c) ~~(4)~~ This subsection does ~~section shall~~ not be construed
1192 ~~to~~ prohibit prosecution of a person in this state or another
1193 jurisdiction for a violation of any law of this state, including
1194 a law providing for greater penalties than prescribed in this
1195 subsection ~~section,~~ for the transmission of child pornography, ~~as~~
1196 ~~defined in s. 847.001,~~ to another ~~any~~ person in this state.

1197 (d)~~(5)~~ A person is subject to prosecution in this state
 1198 pursuant to chapter 910 for any act or conduct proscribed by
 1199 this subsection ~~section~~, including a person in a jurisdiction
 1200 other than this state, if the act or conduct violates paragraph
 1201 (b) ~~subsection (3)~~.

1202 (e) This subsection does ~~The provisions of this section do~~
 1203 not apply to subscription-based transmissions such as list
 1204 servers.

1205 (f) For purposes of this subsection, each act of
 1206 transmitting child pornography is a separate offense.

1207 Section 33. Subsection (1) of section 856.022, Florida
 1208 Statutes, is amended to read:

1209 856.022 Loitering or prowling by certain offenders in
 1210 close proximity to children; penalty.—

1211 (1) Except as provided in subsection (2), this section
 1212 applies to a person convicted of committing, or attempting,
 1213 soliciting, or conspiring to commit, any of the criminal
 1214 offenses proscribed in the following statutes in this state or
 1215 similar offenses in another jurisdiction against a victim who
 1216 was under 18 years of age at the time of the offense: s. 787.01,
 1217 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 1218 the offender was not the victim's parent or guardian; s.
 1219 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1220 former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025;
 1221 former s. 827.071; s. 847.003; s. 847.0133; s. 847.0135,
 1222 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;

1223 s. 985.701(1); or any similar offense committed in this state
 1224 which has been redesignated from a former statute number to one
 1225 of those listed in this subsection, if the person has not
 1226 received a pardon for any felony or similar law of another
 1227 jurisdiction necessary for the operation of this subsection and
 1228 a conviction of a felony or similar law of another jurisdiction
 1229 necessary for the operation of this subsection has not been set
 1230 aside in any postconviction proceeding.

1231 Section 34. Paragraph (a) of subsection (1) of section
 1232 895.02, Florida Statutes, is amended to read:

1233 895.02 Definitions.—As used in ss. 895.01-895.08, the
 1234 term:

1235 (1) "Racketeering activity" means to commit, to attempt to
 1236 commit, to conspire to commit, or to solicit, coerce, or
 1237 intimidate another person to commit:

1238 (a) Any crime that is chargeable by petition, indictment,
 1239 or information under the following provisions of the Florida
 1240 Statutes:

1241 1. Section 210.18, relating to evasion of payment of
 1242 cigarette taxes.

1243 2. Section 316.1935, relating to fleeing or attempting to
 1244 elude a law enforcement officer and aggravated fleeing or
 1245 eluding.

1246 3. Section 403.727(3)(b), relating to environmental
 1247 control.

1248 4. Section 409.920 or s. 409.9201, relating to Medicaid

- 1249 fraud.
- 1250 5. Section 414.39, relating to public assistance fraud.
- 1251 6. Section 440.105 or s. 440.106, relating to workers'
- 1252 compensation.
- 1253 7. Section 443.071(4), relating to creation of a
- 1254 fictitious employer scheme to commit reemployment assistance
- 1255 fraud.
- 1256 8. Section 465.0161, relating to distribution of medicinal
- 1257 drugs without a permit as an Internet pharmacy.
- 1258 9. Section 499.0051, relating to crimes involving
- 1259 contraband and adulterated drugs.
- 1260 10. Part IV of chapter 501, relating to telemarketing.
- 1261 11. Chapter 517, relating to sale of securities and
- 1262 investor protection.
- 1263 12. Section 550.235 or s. 550.3551, relating to dogracing
- 1264 and horseracing.
- 1265 13. Chapter 550, relating to jai alai frontons.
- 1266 14. Section 551.109, relating to slot machine gaming.
- 1267 15. Chapter 552, relating to the manufacture,
- 1268 distribution, and use of explosives.
- 1269 16. Chapter 560, relating to money transmitters, if the
- 1270 violation is punishable as a felony.
- 1271 17. Chapter 562, relating to beverage law enforcement.
- 1272 18. Section 624.401, relating to transacting insurance
- 1273 without a certificate of authority, s. 624.437(4)(c)1., relating
- 1274 to operating an unauthorized multiple-employer welfare

1275 arrangement, or s. 626.902(1)(b), relating to representing or
 1276 aiding an unauthorized insurer.

1277 19. Section 655.50, relating to reports of currency
 1278 transactions, when such violation is punishable as a felony.

1279 20. Chapter 687, relating to interest and usurious
 1280 practices.

1281 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 1282 real estate timeshare plans.

1283 22. Section 775.13(5)(b), relating to registration of
 1284 persons found to have committed any offense for the purpose of
 1285 benefiting, promoting, or furthering the interests of a criminal
 1286 gang.

1287 23. Section 777.03, relating to commission of crimes by
 1288 accessories after the fact.

1289 24. Chapter 782, relating to homicide.

1290 25. Chapter 784, relating to assault and battery.

1291 26. Chapter 787, relating to kidnapping or human
 1292 trafficking.

1293 27. Chapter 790, relating to weapons and firearms.

1294 28. Chapter 794, relating to sexual battery, but only if
 1295 such crime was committed with the intent to benefit, promote, or
 1296 further the interests of a criminal gang, or for the purpose of
 1297 increasing a criminal gang member's own standing or position
 1298 within a criminal gang.

1299 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 1300 796.05, or s. 796.07, relating to prostitution.

- 1301 30. Chapter 806, relating to arson and criminal mischief.
- 1302 31. Chapter 810, relating to burglary and trespass.
- 1303 32. Chapter 812, relating to theft, robbery, and related
- 1304 crimes.
- 1305 33. Chapter 815, relating to computer-related crimes.
- 1306 34. Chapter 817, relating to fraudulent practices, false
- 1307 pretenses, fraud generally, and credit card crimes.
- 1308 35. Chapter 825, relating to abuse, neglect, or
- 1309 exploitation of an elderly person or disabled adult.
- 1310 36. Former s. Section 827.071, relating to commercial
- 1311 sexual exploitation of children.
- 1312 37. Section 828.122, relating to fighting or baiting
- 1313 animals.
- 1314 38. Chapter 831, relating to forgery and counterfeiting.
- 1315 39. Chapter 832, relating to issuance of worthless checks
- 1316 and drafts.
- 1317 40. Section 836.05, relating to extortion.
- 1318 41. Chapter 837, relating to perjury.
- 1319 42. Chapter 838, relating to bribery and misuse of public
- 1320 office.
- 1321 43. Chapter 843, relating to obstruction of justice.
- 1322 44. Section 847.003, relating to sexual performance by a
- 1323 child.
- 1324 ~~45.44.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
- 1325 or s. 847.07, relating to obscene literature and profanity.
- 1326 ~~46.45.~~ Chapter 849, relating to gambling, lottery,

1327 | gambling or gaming devices, slot machines, or any of the
 1328 | provisions within that chapter.

1329 | ~~47.46.~~ Chapter 874, relating to criminal gangs.

1330 | ~~48.47.~~ Chapter 893, relating to drug abuse prevention and
 1331 | control.

1332 | ~~49.48.~~ Chapter 896, relating to offenses related to
 1333 | financial transactions.

1334 | ~~50.49.~~ Sections 914.22 and 914.23, relating to tampering
 1335 | with or harassing a witness, victim, or informant, and
 1336 | retaliation against a witness, victim, or informant.

1337 | ~~51.50.~~ Sections 918.12 and 918.13, relating to tampering
 1338 | with jurors and evidence.

1339 | Section 35. Subsection (8) of section 905.34, Florida
 1340 | Statutes, is amended to read:

1341 | 905.34 Powers and duties; law applicable.—The jurisdiction
 1342 | of a statewide grand jury impaneled under this chapter shall
 1343 | extend throughout the state. The subject matter jurisdiction of
 1344 | the statewide grand jury shall be limited to the offenses of:

1345 | (8) Any violation of s. 847.003, s. 847.0135, s. 847.0137,
 1346 | or s. 847.0138 relating to computer pornography and child
 1347 | exploitation prevention, or any offense related to a violation
 1348 | of s. 847.003, s. 847.0135, s. 847.0137, or s. 847.0138 or any
 1349 | violation of former s. 827.071 ~~chapter 827~~ where the crime is
 1350 | facilitated by or connected to the use of the Internet or any
 1351 | device capable of electronic data storage or transmission;
 1352 |

1353 or any attempt, solicitation, or conspiracy to commit any
 1354 violation of the crimes specifically enumerated above, when any
 1355 such offense is occurring, or has occurred, in two or more
 1356 judicial circuits as part of a related transaction or when any
 1357 such offense is connected with an organized criminal conspiracy
 1358 affecting two or more judicial circuits. The statewide grand
 1359 jury may return indictments and presentments irrespective of the
 1360 county or judicial circuit where the offense is committed or
 1361 triable. If an indictment is returned, it shall be certified and
 1362 transferred for trial to the county where the offense was
 1363 committed. The powers and duties of, and law applicable to,
 1364 county grand juries shall apply to a statewide grand jury except
 1365 when such powers, duties, and law are inconsistent with the
 1366 provisions of ss. 905.31-905.40.

1367 Section 36. Paragraph (a) of subsection (1) of section
 1368 934.07, Florida Statutes, is amended to read:

1369 934.07 Authorization for interception of wire, oral, or
 1370 electronic communications.—

1371 (1) The Governor, the Attorney General, the statewide
 1372 prosecutor, or any state attorney may authorize an application
 1373 to a judge of competent jurisdiction for, and such judge may
 1374 grant in conformity with ss. 934.03-934.09 an order authorizing
 1375 or approving the interception of, wire, oral, or electronic
 1376 communications by:

1377 (a) The Department of Law Enforcement or any law
 1378 enforcement agency as defined in s. 934.02 having responsibility

1379 | for the investigation of the offense as to which the application
 1380 | is made when such interception may provide or has provided
 1381 | evidence of the commission of the offense of murder, kidnapping,
 1382 | aircraft piracy, arson, gambling, robbery, burglary, theft,
 1383 | dealing in stolen property, criminal usury, bribery, or
 1384 | extortion; any felony violation of ss. 790.161-790.166,
 1385 | inclusive; any violation of s. 787.06; any violation of chapter
 1386 | 893; any violation of the provisions of the Florida Anti-Fencing
 1387 | Act; any violation of chapter 895; any violation of chapter 896;
 1388 | any violation of chapter 815; any violation of chapter 847; any
 1389 | violation of former s. 827.071; any violation of s. 944.40; or
 1390 | any conspiracy or solicitation to commit any violation of the
 1391 | laws of this state relating to the crimes specifically
 1392 | enumerated in this paragraph.

1393 | Section 37. Section 938.085, Florida Statutes, is amended
 1394 | to read:

1395 | 938.085 Additional cost to fund rape crisis centers.—In
 1396 | addition to any sanction imposed when a person pleads guilty or
 1397 | nolo contendere to, or is found guilty of, regardless of
 1398 | adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
 1399 | (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 1400 | s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 1401 | 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 1402 | 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
 1403 | 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 1404 | 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.

1405 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; former
1406 s. 827.071; s. 836.10; s. 847.003; s. 847.0133; s. 847.0135(2);
1407 s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
1408 (13), and (14)(c); or s. 985.701(1), the court shall impose a
1409 surcharge of \$151. Payment of the surcharge shall be a condition
1410 of probation, community control, or any other court-ordered
1411 supervision. The sum of \$150 of the surcharge shall be deposited
1412 into the Rape Crisis Program Trust Fund established within the
1413 Department of Health by chapter 2003-140, Laws of Florida. The
1414 clerk of the court shall retain \$1 of each surcharge that the
1415 clerk of the court collects as a service charge of the clerk's
1416 office.

1417 Section 38. Subsection (1) of section 938.10, Florida
1418 Statutes, is amended to read:

1419 938.10 Additional court cost imposed in cases of certain
1420 crimes.—

1421 (1) If a person pleads guilty or nolo contendere to, or is
1422 found guilty of, regardless of adjudication, any offense against
1423 a minor in violation of s. 784.085, chapter 787, chapter 794,
1424 former s. 796.03, former s. 796.035, s. 800.04, chapter 827,
1425 former s. 827.071, s. 847.003, s. 847.012, s. 847.0133, s.
1426 847.0135(5), s. 847.0137, s. 847.0138, s. 847.0145, s.
1427 893.147(3), or s. 985.701, or any offense in violation of s.
1428 775.21, s. 823.07, s. 847.0125, s. 847.0134, or s. 943.0435, the
1429 court shall impose a court cost of \$151 against the offender in
1430 addition to any other cost or penalty required by law.

1431 Section 39. Paragraph (a) of subsection (1) of section
 1432 943.0435, Florida Statutes, is amended to read:

1433 943.0435 Sexual offenders required to register with the
 1434 department; penalty.—

1435 (1) As used in this section, the term:

1436 (a)1. "Sexual offender" means a person who meets the
 1437 criteria in sub-subparagraph a., sub-subparagraph b., sub-
 1438 subparagraph c., or sub-subparagraph d., as follows:

1439 a.(I) Has been convicted of committing, or attempting,
 1440 soliciting, or conspiring to commit, any of the criminal
 1441 offenses proscribed in the following statutes in this state or
 1442 similar offenses in another jurisdiction: s. 393.135(2); s.
 1443 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where
 1444 the victim is a minor and the defendant is not the victim's
 1445 parent or guardian; s. 787.06(3)(b), (d), (f), or (g); former s.
 1446 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05;
 1447 former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8);
 1448 s. 825.1025; former s. 827.071; s. 847.003; s. 847.0133; s.
 1449 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
 1450 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar
 1451 offense committed in this state which has been redesignated from
 1452 a former statute number to one of those listed in this sub-sub-
 1453 subparagraph; and

1454 (II) Has been released on or after October 1, 1997, from
 1455 the sanction imposed for any conviction of an offense described
 1456 in sub-sub-subparagraph (I). For purposes of sub-sub-

1457 | subparagraph (I), a sanction imposed in this state or in any
 1458 | other jurisdiction includes, but is not limited to, a fine,
 1459 | probation, community control, parole, conditional release,
 1460 | control release, or incarceration in a state prison, federal
 1461 | prison, private correctional facility, or local detention
 1462 | facility;

1463 | b. Establishes or maintains a residence in this state and
 1464 | who has not been designated as a sexual predator by a court of
 1465 | this state but who has been designated as a sexual predator, as
 1466 | a sexually violent predator, or by another sexual offender
 1467 | designation in another state or jurisdiction and was, as a
 1468 | result of such designation, subjected to registration or
 1469 | community or public notification, or both, or would be if the
 1470 | person were a resident of that state or jurisdiction, without
 1471 | regard to whether the person otherwise meets the criteria for
 1472 | registration as a sexual offender;

1473 | c. Establishes or maintains a residence in this state who
 1474 | is in the custody or control of, or under the supervision of,
 1475 | any other state or jurisdiction as a result of a conviction for
 1476 | committing, or attempting, soliciting, or conspiring to commit,
 1477 | any of the criminal offenses proscribed in the following
 1478 | statutes or similar offense in another jurisdiction: s.
 1479 | 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s.
 1480 | 787.025(2)(c), where the victim is a minor and the defendant is
 1481 | not the victim's parent or guardian; s. 787.06(3)(b), (d), (f),
 1482 | or (g); former s. 787.06(3)(h); s. 794.011, excluding s.

1483 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s.
 1484 800.04; s. 810.145(8); s. 825.1025; former s. 827.071; s.
 1485 847.003; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s.
 1486 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s.
 1487 985.701(1); or any similar offense committed in this state which
 1488 has been redesignated from a former statute number to one of
 1489 those listed in this sub-subparagraph; or

1490 d. On or after July 1, 2007, has been adjudicated
 1491 delinquent for committing, or attempting, soliciting, or
 1492 conspiring to commit, any of the criminal offenses proscribed in
 1493 the following statutes in this state or similar offenses in
 1494 another jurisdiction when the juvenile was 14 years of age or
 1495 older at the time of the offense:

1496 (I) Section 794.011, excluding s. 794.011(10);

1497 (II) Section 800.04(4)(a)2. where the victim is under 12
 1498 years of age or where the court finds sexual activity by the use
 1499 of force or coercion;

1500 (III) Section 800.04(5)(c)1. where the court finds
 1501 molestation involving unclothed genitals; or

1502 (IV) Section 800.04(5)(d) where the court finds the use of
 1503 force or coercion and unclothed genitals.

1504 2. For all qualifying offenses listed in sub-subparagraph
 1505 (1)(a)1.d., the court shall make a written finding of the age of
 1506 the offender at the time of the offense.

1507
 1508 For each violation of a qualifying offense listed in this

1509 subsection, except for a violation of s. 794.011, the court
 1510 shall make a written finding of the age of the victim at the
 1511 time of the offense. For a violation of s. 800.04(4), the court
 1512 shall also make a written finding indicating whether the offense
 1513 involved sexual activity and indicating whether the offense
 1514 involved force or coercion. For a violation of s. 800.04(5), the
 1515 court shall also make a written finding that the offense did or
 1516 did not involve unclothed genitals or genital area and that the
 1517 offense did or did not involve the use of force or coercion.

1518 Section 40. Paragraph (a) of subsection (1) and subsection
 1519 (3) of section 943.04354, Florida Statutes, are amended to read:

1520 943.04354 Removal of the requirement to register as a
 1521 sexual offender or sexual predator in special circumstances.—

1522 (1) For purposes of this section, a person shall be
 1523 considered for removal of the requirement to register as a
 1524 sexual offender or sexual predator only if the person:

1525 (a) Was convicted, regardless of adjudication, or
 1526 adjudicated delinquent of a violation of s. 794.011, s. 800.04,
 1527 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s. 847.0137
 1528 or of a similar offense in another jurisdiction and if the
 1529 person does not have any other conviction, regardless of
 1530 adjudication, or adjudication of delinquency for a violation of
 1531 s. 794.011, s. 800.04, former s. 827.071, s. 847.003, ~~s.~~
 1532 847.0135(5), or s. 847.0137 or for a similar offense in another
 1533 jurisdiction;

1534 (3) If a person provides to the Department of Law

1535 Enforcement a certified copy of the court's order removing the
1536 requirement that the person register as a sexual offender or
1537 sexual predator for the violation of s. 794.011, s. 800.04,
1538 former s. 827.071, s. 847.003, ~~s. 847.0135(5)~~, or s. 847.0137
1539 or a similar offense in another jurisdiction, the registration
1540 requirement will not apply to the person and the department
1541 shall remove all information about the person from the public
1542 registry of sexual offenders and sexual predators maintained by
1543 the department. However, the removal of this information from
1544 the public registry does not mean that the public is denied
1545 access to information about the person's criminal history or
1546 record that is otherwise available as a public record.

1547 Section 41. Section 943.0585, Florida Statutes, is amended
1548 to read:

1549 943.0585 Court-ordered expunction of criminal history
1550 records.—The courts of this state have jurisdiction over their
1551 own procedures, including the maintenance, expunction, and
1552 correction of judicial records containing criminal history
1553 information to the extent such procedures are not inconsistent
1554 with the conditions, responsibilities, and duties established by
1555 this section. Any court of competent jurisdiction may order a
1556 criminal justice agency to expunge the criminal history record
1557 of a minor or an adult who complies with the requirements of
1558 this section. The court shall not order a criminal justice
1559 agency to expunge a criminal history record until the person
1560 seeking to expunge a criminal history record has applied for and

1561 received a certificate of eligibility for expunction pursuant to
1562 subsection (2) or subsection (5). A criminal history record that
1563 relates to a violation of s. 393.135, s. 394.4593, s. 787.025,
1564 chapter 794, former s. 796.03, s. 800.04, s. 810.14, s. 817.034,
1565 s. 825.1025, former s. 827.071, chapter 839, s. 847.003, s.
1566 847.0133, s. 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s.
1567 916.1075, a violation enumerated in s. 907.041, or any violation
1568 specified as a predicate offense for registration as a sexual
1569 predator pursuant to s. 775.21, without regard to whether that
1570 offense alone is sufficient to require such registration, or for
1571 registration as a sexual offender pursuant to s. 943.0435, may
1572 not be expunged, without regard to whether adjudication was
1573 withheld, if the defendant was found guilty of or pled guilty or
1574 nolo contendere to the offense, or if the defendant, as a minor,
1575 was found to have committed, or pled guilty or nolo contendere
1576 to committing, the offense as a delinquent act. The court may
1577 only order expunction of a criminal history record pertaining to
1578 one arrest or one incident of alleged criminal activity, except
1579 as provided in this section. The court may, at its sole
1580 discretion, order the expunction of a criminal history record
1581 pertaining to more than one arrest if the additional arrests
1582 directly relate to the original arrest. If the court intends to
1583 order the expunction of records pertaining to such additional
1584 arrests, such intent must be specified in the order. A criminal
1585 justice agency may not expunge any record pertaining to such
1586 additional arrests if the order to expunge does not articulate

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1587 the intention of the court to expunge a record pertaining to
1588 more than one arrest. This section does not prevent the court
1589 from ordering the expunction of only a portion of a criminal
1590 history record pertaining to one arrest or one incident of
1591 alleged criminal activity. Notwithstanding any law to the
1592 contrary, a criminal justice agency may comply with laws, court
1593 orders, and official requests of other jurisdictions relating to
1594 expunction, correction, or confidential handling of criminal
1595 history records or information derived therefrom. This section
1596 does not confer any right to the expunction of any criminal
1597 history record, and any request for expunction of a criminal
1598 history record may be denied at the sole discretion of the
1599 court.

1600 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.—Each
1601 petition to a court to expunge a criminal history record is
1602 complete only when accompanied by:

1603 (a) A valid certificate of eligibility for expunction
1604 issued by the department pursuant to subsection (2).

1605 (b) The petitioner's sworn statement attesting that the
1606 petitioner:

1607 1. Has never, prior to the date on which the petition is
1608 filed, been adjudicated guilty of a criminal offense or
1609 comparable ordinance violation, or been adjudicated delinquent
1610 for committing any felony or a misdemeanor specified in s.
1611 943.051(3)(b).

1612 2. Has not been adjudicated guilty of, or adjudicated

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1613 delinquent for committing, any of the acts stemming from the
1614 arrest or alleged criminal activity to which the petition
1615 pertains.

1616 3. Has never secured a prior sealing or expunction of a
1617 criminal history record under this section, s. 943.059, former
1618 s. 893.14, former s. 901.33, or former s. 943.058, unless
1619 expunction is sought of a criminal history record previously
1620 sealed for 10 years pursuant to paragraph (2) (h) and the record
1621 is otherwise eligible for expunction.

1622 4. Is eligible for such an expunction to the best of his
1623 or her knowledge or belief and does not have any other petition
1624 to expunge or any petition to seal pending before any court.

1625
1626 Any person who knowingly provides false information on such
1627 sworn statement to the court commits a felony of the third
1628 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1629 775.084.

1630 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.—Prior to
1631 petitioning the court to expunge a criminal history record, a
1632 person seeking to expunge a criminal history record shall apply
1633 to the department for a certificate of eligibility for
1634 expunction. The department shall, by rule adopted pursuant to
1635 chapter 120, establish procedures pertaining to the application
1636 for and issuance of certificates of eligibility for expunction.
1637 A certificate of eligibility for expunction is valid for 12
1638 months after the date stamped on the certificate when issued by

1639 the department. After that time, the petitioner must reapply to
 1640 the department for a new certificate of eligibility. Eligibility
 1641 for a renewed certification of eligibility must be based on the
 1642 status of the applicant and the law in effect at the time of the
 1643 renewal application. The department shall issue a certificate of
 1644 eligibility for expunction to a person who is the subject of a
 1645 criminal history record if that person:

1646 (a) Has obtained, and submitted to the department, a
 1647 written, certified statement from the appropriate state attorney
 1648 or statewide prosecutor which indicates:

1649 1. That an indictment, information, or other charging
 1650 document was not filed or issued in the case.

1651 2. That an indictment, information, or other charging
 1652 document, if filed or issued in the case, was dismissed or nolle
 1653 prosequi by the state attorney or statewide prosecutor, or was
 1654 dismissed by a court of competent jurisdiction, and that none of
 1655 the charges related to the arrest or alleged criminal activity
 1656 to which the petition to expunge pertains resulted in a trial,
 1657 without regard to whether the outcome of the trial was other
 1658 than an adjudication of guilt.

1659 3. That the criminal history record does not relate to a
 1660 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 1661 former s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025,
 1662 former s. 827.071, chapter 839, s. 847.003, s. 847.0133, s.
 1663 847.0135, s. 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a
 1664 violation enumerated in s. 907.041, or any violation specified

1665 as a predicate offense for registration as a sexual predator
1666 pursuant to s. 775.21, without regard to whether that offense
1667 alone is sufficient to require such registration, or for
1668 registration as a sexual offender pursuant to s. 943.0435, where
1669 the defendant was found guilty of, or pled guilty or nolo
1670 contendere to any such offense, or that the defendant, as a
1671 minor, was found to have committed, or pled guilty or nolo
1672 contendere to committing, such an offense as a delinquent act,
1673 without regard to whether adjudication was withheld.

1674 (b) Remits a \$75 processing fee to the department for
1675 placement in the Department of Law Enforcement Operating Trust
1676 Fund, unless such fee is waived by the executive director.

1677 (c) Has submitted to the department a certified copy of
1678 the disposition of the charge to which the petition to expunge
1679 pertains.

1680 (d) Has never, prior to the date on which the application
1681 for a certificate of eligibility is filed, been adjudicated
1682 guilty of a criminal offense or comparable ordinance violation,
1683 or been adjudicated delinquent for committing any felony or a
1684 misdemeanor specified in s. 943.051(3)(b).

1685 (e) Has not been adjudicated guilty of, or adjudicated
1686 delinquent for committing, any of the acts stemming from the
1687 arrest or alleged criminal activity to which the petition to
1688 expunge pertains.

1689 (f) Has never secured a prior sealing or expunction of a
1690 criminal history record under this section, s. 943.059, former

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1691 s. 893.14, former s. 901.33, or former s. 943.058, unless
1692 expunction is sought of a criminal history record previously
1693 sealed for 10 years pursuant to paragraph (h) and the record is
1694 otherwise eligible for expunction.

1695 (g) Is no longer under court supervision applicable to the
1696 disposition of the arrest or alleged criminal activity to which
1697 the petition to expunge pertains.

1698 (h) Has previously obtained a court order sealing the
1699 record under this section, former s. 893.14, former s. 901.33,
1700 or former s. 943.058 for a minimum of 10 years because
1701 adjudication was withheld or because all charges related to the
1702 arrest or alleged criminal activity to which the petition to
1703 expunge pertains were not dismissed prior to trial, without
1704 regard to whether the outcome of the trial was other than an
1705 adjudication of guilt. The requirement for the record to have
1706 previously been sealed for a minimum of 10 years does not apply
1707 when a plea was not entered or all charges related to the arrest
1708 or alleged criminal activity to which the petition to expunge
1709 pertains were dismissed prior to trial.

1710 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.—

1711 (a) In judicial proceedings under this section, a copy of
1712 the completed petition to expunge shall be served upon the
1713 appropriate state attorney or the statewide prosecutor and upon
1714 the arresting agency; however, it is not necessary to make any
1715 agency other than the state a party. The appropriate state
1716 attorney or the statewide prosecutor and the arresting agency

1717 may respond to the court regarding the completed petition to
1718 expunge.

1719 (b) If relief is granted by the court, the clerk of the
1720 court shall certify copies of the order to the appropriate state
1721 attorney or the statewide prosecutor and the arresting agency.
1722 The arresting agency is responsible for forwarding the order to
1723 any other agency to which the arresting agency disseminated the
1724 criminal history record information to which the order pertains.
1725 The department shall forward the order to expunge to the Federal
1726 Bureau of Investigation. The clerk of the court shall certify a
1727 copy of the order to any other agency which the records of the
1728 court reflect has received the criminal history record from the
1729 court.

1730 (c) For an order to expunge entered by a court prior to
1731 July 1, 1992, the department shall notify the appropriate state
1732 attorney or statewide prosecutor of an order to expunge which is
1733 contrary to law because the person who is the subject of the
1734 record has previously been convicted of a crime or comparable
1735 ordinance violation or has had a prior criminal history record
1736 sealed or expunged. Upon receipt of such notice, the appropriate
1737 state attorney or statewide prosecutor shall take action, within
1738 60 days, to correct the record and petition the court to void
1739 the order to expunge. The department shall seal the record until
1740 such time as the order is voided by the court.

1741 (d) On or after July 1, 1992, the department or any other
1742 criminal justice agency is not required to act on an order to

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1743 expunge entered by a court when such order does not comply with
1744 the requirements of this section. Upon receipt of such an order,
1745 the department must notify the issuing court, the appropriate
1746 state attorney or statewide prosecutor, the petitioner or the
1747 petitioner's attorney, and the arresting agency of the reason
1748 for noncompliance. The appropriate state attorney or statewide
1749 prosecutor shall take action within 60 days to correct the
1750 record and petition the court to void the order. No cause of
1751 action, including contempt of court, shall arise against any
1752 criminal justice agency for failure to comply with an order to
1753 expunge when the petitioner for such order failed to obtain the
1754 certificate of eligibility as required by this section or such
1755 order does not otherwise comply with the requirements of this
1756 section.

1757 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
1758 criminal history record of a minor or an adult which is ordered
1759 expunged by a court of competent jurisdiction pursuant to this
1760 section must be physically destroyed or obliterated by any
1761 criminal justice agency having custody of such record; except
1762 that any criminal history record in the custody of the
1763 department must be retained in all cases. A criminal history
1764 record ordered expunged that is retained by the department is
1765 confidential and exempt from the provisions of s. 119.07(1) and
1766 s. 24(a), Art. I of the State Constitution and not available to
1767 any person or entity except upon order of a court of competent
1768 jurisdiction. A criminal justice agency may retain a notation

1769 | indicating compliance with an order to expunge.

1770 | (a) The person who is the subject of a criminal history
 1771 | record that is expunged under this section or under other
 1772 | provisions of law, including former s. 893.14, former s. 901.33,
 1773 | and former s. 943.058, may lawfully deny or fail to acknowledge
 1774 | the arrests covered by the expunged record, except when the
 1775 | subject of the record:

1776 | 1. Is a candidate for employment with a criminal justice
 1777 | agency;

1778 | 2. Is a defendant in a criminal prosecution;

1779 | 3. Concurrently or subsequently petitions for relief under
 1780 | this section, s. 943.0583, or s. 943.059;

1781 | 4. Is a candidate for admission to The Florida Bar;

1782 | 5. Is seeking to be employed or licensed by or to contract
 1783 | with the Department of Children and Families, the Division of
 1784 | Vocational Rehabilitation within the Department of Education,
 1785 | the Agency for Health Care Administration, the Agency for
 1786 | Persons with Disabilities, the Department of Health, the
 1787 | Department of Elderly Affairs, or the Department of Juvenile
 1788 | Justice or to be employed or used by such contractor or licensee
 1789 | in a sensitive position having direct contact with children, the
 1790 | disabled, or the elderly;

1791 | 6. Is seeking to be employed or licensed by the Department
 1792 | of Education, any district school board, any university
 1793 | laboratory school, any charter school, any private or parochial
 1794 | school, or any local governmental entity that licenses child

1795 care facilities;

1796 7. Is seeking to be licensed by the Division of Insurance
 1797 Agent and Agency Services within the Department of Financial
 1798 Services; or

1799 8. Is seeking to be appointed as a guardian pursuant to s.
 1800 744.3125.

1801 (b) Subject to the exceptions in paragraph (a), a person
 1802 who has been granted an expunction under this section, former s.
 1803 893.14, former s. 901.33, or former s. 943.058 may not be held
 1804 under any provision of law of this state to commit perjury or to
 1805 be otherwise liable for giving a false statement by reason of
 1806 such person's failure to recite or acknowledge an expunged
 1807 criminal history record.

1808 (c) Information relating to the existence of an expunged
 1809 criminal history record which is provided in accordance with
 1810 paragraph (a) is confidential and exempt from the provisions of
 1811 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 1812 except that the department shall disclose the existence of a
 1813 criminal history record ordered expunged to the entities set
 1814 forth in subparagraphs (a)1., 4., 5., 6., 7., and 8. for their
 1815 respective licensing, access authorization, and employment
 1816 purposes, and to criminal justice agencies for their respective
 1817 criminal justice purposes. It is unlawful for any employee of an
 1818 entity set forth in subparagraph (a)1., subparagraph (a)4.,
 1819 subparagraph (a)5., subparagraph (a)6., subparagraph (a)7., or
 1820 subparagraph (a)8. to disclose information relating to the

1821 existence of an expunged criminal history record of a person
1822 seeking employment, access authorization, or licensure with such
1823 entity or contractor, except to the person to whom the criminal
1824 history record relates or to persons having direct
1825 responsibility for employment, access authorization, or
1826 licensure decisions. Any person who violates this paragraph
1827 commits a misdemeanor of the first degree, punishable as
1828 provided in s. 775.082 or s. 775.083.

1829 (5) EXCEPTION FOR LAWFUL SELF-DEFENSE.—Notwithstanding the
1830 eligibility requirements prescribed in paragraph (1)(b) and
1831 subsection (2), the department shall issue a certificate of
1832 eligibility for expunction under this subsection to a person who
1833 is the subject of a criminal history record if that person:

1834 (a) Has obtained, and submitted to the department, on a
1835 form provided by the department, a written, certified statement
1836 from the appropriate state attorney or statewide prosecutor
1837 which states whether an information, indictment, or other
1838 charging document was not filed or was dismissed by the state
1839 attorney, or dismissed by the court, because it was found that
1840 the person acted in lawful self-defense pursuant to the
1841 provisions related to justifiable use of force in chapter 776.

1842 (b) Each petition to a court to expunge a criminal history
1843 record pursuant to this subsection is complete only when
1844 accompanied by:

1845 1. A valid certificate of eligibility for expunction
1846 issued by the department pursuant to this subsection.

1847 2. The petitioner's sworn statement attesting that the
 1848 petitioner is eligible for such an expunction to the best of his
 1849 or her knowledge or belief.

1850
 1851 Any person who knowingly provides false information on such
 1852 sworn statement to the court commits a felony of the third
 1853 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1854 775.084.

1855 (c) This subsection does not confer any right to the
 1856 expunction of a criminal history record, and any request for
 1857 expunction of a criminal history record may be denied at the
 1858 discretion of the court.

1859 (d) Subsections (3) and (4) shall apply to expunction
 1860 ordered under this subsection.

1861 (e) The department shall, by rule adopted pursuant to
 1862 chapter 120, establish procedures pertaining to the application
 1863 for and issuance of certificates of eligibility for expunction
 1864 under this subsection.

1865 (6) STATUTORY REFERENCES.—Any reference to any other
 1866 chapter, section, or subdivision of the Florida Statutes in this
 1867 section constitutes a general reference under the doctrine of
 1868 incorporation by reference.

1869 Section 42. Section 943.059, Florida Statutes, is amended
 1870 to read:

1871 943.059 Court-ordered sealing of criminal history
 1872 records.—The courts of this state shall continue to have

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1873 jurisdiction over their own procedures, including the
1874 maintenance, sealing, and correction of judicial records
1875 containing criminal history information to the extent such
1876 procedures are not inconsistent with the conditions,
1877 responsibilities, and duties established by this section. Any
1878 court of competent jurisdiction may order a criminal justice
1879 agency to seal the criminal history record of a minor or an
1880 adult who complies with the requirements of this section. The
1881 court shall not order a criminal justice agency to seal a
1882 criminal history record until the person seeking to seal a
1883 criminal history record has applied for and received a
1884 certificate of eligibility for sealing pursuant to subsection
1885 (2). A criminal history record that relates to a violation of s.
1886 393.135, s. 394.4593, s. 787.025, chapter 794, former s. 796.03,
1887 s. 800.04, s. 810.14, s. 817.034, s. 825.1025, former s.
1888 827.071, chapter 839, s. 847.003, s. 847.0133, s. 847.0135, s.
1889 847.0137, s. 847.0145, s. 893.135, s. 916.1075, a violation
1890 enumerated in s. 907.041, or any violation specified as a
1891 predicate offense for registration as a sexual predator pursuant
1892 to s. 775.21, without regard to whether that offense alone is
1893 sufficient to require such registration, or for registration as
1894 a sexual offender pursuant to s. 943.0435, may not be sealed,
1895 without regard to whether adjudication was withheld, if the
1896 defendant was found guilty of or pled guilty or nolo contendere
1897 to the offense, or if the defendant, as a minor, was found to
1898 have committed or pled guilty or nolo contendere to committing

1899 the offense as a delinquent act. The court may only order
 1900 sealing of a criminal history record pertaining to one arrest or
 1901 one incident of alleged criminal activity, except as provided in
 1902 this section. The court may, at its sole discretion, order the
 1903 sealing of a criminal history record pertaining to more than one
 1904 arrest if the additional arrests directly relate to the original
 1905 arrest. If the court intends to order the sealing of records
 1906 pertaining to such additional arrests, such intent must be
 1907 specified in the order. A criminal justice agency may not seal
 1908 any record pertaining to such additional arrests if the order to
 1909 seal does not articulate the intention of the court to seal
 1910 records pertaining to more than one arrest. This section does
 1911 not prevent the court from ordering the sealing of only a
 1912 portion of a criminal history record pertaining to one arrest or
 1913 one incident of alleged criminal activity. Notwithstanding any
 1914 law to the contrary, a criminal justice agency may comply with
 1915 laws, court orders, and official requests of other jurisdictions
 1916 relating to sealing, correction, or confidential handling of
 1917 criminal history records or information derived therefrom. This
 1918 section does not confer any right to the sealing of any criminal
 1919 history record, and any request for sealing a criminal history
 1920 record may be denied at the sole discretion of the court.

1921 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.—Each
 1922 petition to a court to seal a criminal history record is
 1923 complete only when accompanied by:

1924 (a) A valid certificate of eligibility for sealing issued

1925 by the department pursuant to subsection (2).

1926 (b) The petitioner's sworn statement attesting that the
 1927 petitioner:

1928 1. Has never, prior to the date on which the petition is
 1929 filed, been adjudicated guilty of a criminal offense or
 1930 comparable ordinance violation, or been adjudicated delinquent
 1931 for committing any felony or a misdemeanor specified in s.
 1932 943.051(3)(b).

1933 2. Has not been adjudicated guilty of or adjudicated
 1934 delinquent for committing any of the acts stemming from the
 1935 arrest or alleged criminal activity to which the petition to
 1936 seal pertains.

1937 3. Has never secured a prior sealing or expunction of a
 1938 criminal history record under this section, s. 943.0585, former
 1939 s. 893.14, former s. 901.33, or former s. 943.058.

1940 4. Is eligible for such a sealing to the best of his or
 1941 her knowledge or belief and does not have any other petition to
 1942 seal or any petition to expunge pending before any court.

1943
 1944 Any person who knowingly provides false information on such
 1945 sworn statement to the court commits a felony of the third
 1946 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 1947 775.084.

1948 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.—Prior to
 1949 petitioning the court to seal a criminal history record, a
 1950 person seeking to seal a criminal history record shall apply to

1951 the department for a certificate of eligibility for sealing. The
1952 department shall, by rule adopted pursuant to chapter 120,
1953 establish procedures pertaining to the application for and
1954 issuance of certificates of eligibility for sealing. A
1955 certificate of eligibility for sealing is valid for 12 months
1956 after the date stamped on the certificate when issued by the
1957 department. After that time, the petitioner must reapply to the
1958 department for a new certificate of eligibility. Eligibility for
1959 a renewed certification of eligibility must be based on the
1960 status of the applicant and the law in effect at the time of the
1961 renewal application. The department shall issue a certificate of
1962 eligibility for sealing to a person who is the subject of a
1963 criminal history record provided that such person:

1964 (a) Has submitted to the department a certified copy of
1965 the disposition of the charge to which the petition to seal
1966 pertains.

1967 (b) Remits a \$75 processing fee to the department for
1968 placement in the Department of Law Enforcement Operating Trust
1969 Fund, unless such fee is waived by the executive director.

1970 (c) Has never, prior to the date on which the application
1971 for a certificate of eligibility is filed, been adjudicated
1972 guilty of a criminal offense or comparable ordinance violation,
1973 or been adjudicated delinquent for committing any felony or a
1974 misdemeanor specified in s. 943.051(3)(b).

1975 (d) Has not been adjudicated guilty of or adjudicated
1976 delinquent for committing any of the acts stemming from the

1977 | arrest or alleged criminal activity to which the petition to
 1978 | seal pertains.

1979 | (e) Has never secured a prior sealing or expunction of a
 1980 | criminal history record under this section, s. 943.0585, former
 1981 | s. 893.14, former s. 901.33, or former s. 943.058.

1982 | (f) Is no longer under court supervision applicable to the
 1983 | disposition of the arrest or alleged criminal activity to which
 1984 | the petition to seal pertains.

1985 | (3) PROCESSING OF A PETITION OR ORDER TO SEAL.—

1986 | (a) In judicial proceedings under this section, a copy of
 1987 | the completed petition to seal shall be served upon the
 1988 | appropriate state attorney or the statewide prosecutor and upon
 1989 | the arresting agency; however, it is not necessary to make any
 1990 | agency other than the state a party. The appropriate state
 1991 | attorney or the statewide prosecutor and the arresting agency
 1992 | may respond to the court regarding the completed petition to
 1993 | seal.

1994 | (b) If relief is granted by the court, the clerk of the
 1995 | court shall certify copies of the order to the appropriate state
 1996 | attorney or the statewide prosecutor and to the arresting
 1997 | agency. The arresting agency is responsible for forwarding the
 1998 | order to any other agency to which the arresting agency
 1999 | disseminated the criminal history record information to which
 2000 | the order pertains. The department shall forward the order to
 2001 | seal to the Federal Bureau of Investigation. The clerk of the
 2002 | court shall certify a copy of the order to any other agency

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2003 | which the records of the court reflect has received the criminal
2004 | history record from the court.

2005 | (c) For an order to seal entered by a court prior to July
2006 | 1, 1992, the department shall notify the appropriate state
2007 | attorney or statewide prosecutor of any order to seal which is
2008 | contrary to law because the person who is the subject of the
2009 | record has previously been convicted of a crime or comparable
2010 | ordinance violation or has had a prior criminal history record
2011 | sealed or expunged. Upon receipt of such notice, the appropriate
2012 | state attorney or statewide prosecutor shall take action, within
2013 | 60 days, to correct the record and petition the court to void
2014 | the order to seal. The department shall seal the record until
2015 | such time as the order is voided by the court.

2016 | (d) On or after July 1, 1992, the department or any other
2017 | criminal justice agency is not required to act on an order to
2018 | seal entered by a court when such order does not comply with the
2019 | requirements of this section. Upon receipt of such an order, the
2020 | department must notify the issuing court, the appropriate state
2021 | attorney or statewide prosecutor, the petitioner or the
2022 | petitioner's attorney, and the arresting agency of the reason
2023 | for noncompliance. The appropriate state attorney or statewide
2024 | prosecutor shall take action within 60 days to correct the
2025 | record and petition the court to void the order. No cause of
2026 | action, including contempt of court, shall arise against any
2027 | criminal justice agency for failure to comply with an order to
2028 | seal when the petitioner for such order failed to obtain the

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2029 certificate of eligibility as required by this section or when
2030 such order does not comply with the requirements of this
2031 section.

2032 (e) An order sealing a criminal history record pursuant to
2033 this section does not require that such record be surrendered to
2034 the court, and such record shall continue to be maintained by
2035 the department and other criminal justice agencies.

2036 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
2037 history record of a minor or an adult which is ordered sealed by
2038 a court pursuant to this section is confidential and exempt from
2039 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2040 Constitution and is available only to the person who is the
2041 subject of the record, to the subject's attorney, to criminal
2042 justice agencies for their respective criminal justice purposes,
2043 which include conducting a criminal history background check for
2044 approval of firearms purchases or transfers as authorized by
2045 state or federal law, to judges in the state courts system for
2046 the purpose of assisting them in their case-related
2047 decisionmaking responsibilities, as set forth in s. 943.053(5),
2048 or to those entities set forth in subparagraphs (a)1., 4., 5.,
2049 6., 8., 9., and 10. for their respective licensing, access
2050 authorization, and employment purposes.

2051 (a) The subject of a criminal history record sealed under
2052 this section or under other provisions of law, including former
2053 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
2054 deny or fail to acknowledge the arrests covered by the sealed

2055 record, except when the subject of the record:
 2056 1. Is a candidate for employment with a criminal justice
 2057 agency;
 2058 2. Is a defendant in a criminal prosecution;
 2059 3. Concurrently or subsequently petitions for relief under
 2060 this section, s. 943.0583, or s. 943.0585;
 2061 4. Is a candidate for admission to The Florida Bar;
 2062 5. Is seeking to be employed or licensed by or to contract
 2063 with the Department of Children and Families, the Division of
 2064 Vocational Rehabilitation within the Department of Education,
 2065 the Agency for Health Care Administration, the Agency for
 2066 Persons with Disabilities, the Department of Health, the
 2067 Department of Elderly Affairs, or the Department of Juvenile
 2068 Justice or to be employed or used by such contractor or licensee
 2069 in a sensitive position having direct contact with children, the
 2070 disabled, or the elderly;
 2071 6. Is seeking to be employed or licensed by the Department
 2072 of Education, a district school board, a university laboratory
 2073 school, a charter school, a private or parochial school, or a
 2074 local governmental entity that licenses child care facilities;
 2075 7. Is attempting to purchase a firearm from a licensed
 2076 importer, licensed manufacturer, or licensed dealer and is
 2077 subject to a criminal history check under state or federal law;
 2078 8. Is seeking to be licensed by the Division of Insurance
 2079 Agent and Agency Services within the Department of Financial
 2080 Services;

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2081 9. Is seeking to be appointed as a guardian pursuant to s.
2082 744.3125; or

2083 10. Is seeking to be licensed by the Bureau of License
2084 Issuance of the Division of Licensing within the Department of
2085 Agriculture and Consumer Services to carry a concealed weapon or
2086 concealed firearm. This subparagraph applies only in the
2087 determination of an applicant's eligibility under s. 790.06.

2088 (b) Subject to the exceptions in paragraph (a), a person
2089 who has been granted a sealing under this section, former s.
2090 893.14, former s. 901.33, or former s. 943.058 may not be held
2091 under any provision of law of this state to commit perjury or to
2092 be otherwise liable for giving a false statement by reason of
2093 such person's failure to recite or acknowledge a sealed criminal
2094 history record.

2095 (c) Information relating to the existence of a sealed
2096 criminal record provided in accordance with the provisions of
2097 paragraph (a) is confidential and exempt from the provisions of
2098 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
2099 except that the department shall disclose the sealed criminal
2100 history record to the entities set forth in subparagraphs (a)1.,
2101 4., 5., 6., 8., 9., and 10. for their respective licensing,
2102 access authorization, and employment purposes. An employee of an
2103 entity set forth in subparagraph (a)1., subparagraph (a)4.,
2104 subparagraph (a)5., subparagraph (a)6., subparagraph (a)8.,
2105 subparagraph (a)9., or subparagraph (a)10. may not disclose
2106 information relating to the existence of a sealed criminal

2107 history record of a person seeking employment, access
 2108 authorization, or licensure with such entity or contractor,
 2109 except to the person to whom the criminal history record relates
 2110 or to persons having direct responsibility for employment,
 2111 access authorization, or licensure decisions. A person who
 2112 violates the provisions of this paragraph commits a misdemeanor
 2113 of the first degree, punishable as provided in s. 775.082 or s.
 2114 775.083.

2115 (5) STATUTORY REFERENCES.—Any reference to any other
 2116 chapter, section, or subdivision of the Florida Statutes in this
 2117 section constitutes a general reference under the doctrine of
 2118 incorporation by reference.

2119 Section 43. Paragraph (b) of subsection (1) of section
 2120 944.606, Florida Statutes, is amended to read:

2121 944.606 Sexual offenders; notification upon release.—

2122 (1) As used in this section:

2123 (b) "Sexual offender" means a person who has been
 2124 convicted of committing, or attempting, soliciting, or
 2125 conspiring to commit, any of the criminal offenses proscribed in
 2126 the following statutes in this state or similar offenses in
 2127 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2128 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 2129 the defendant is not the victim's parent or guardian; s.
 2130 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2131 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2132 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former

2133 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2134 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 2135 916.1075(2); or s. 985.701(1); or any similar offense committed
 2136 in this state which has been redesignated from a former statute
 2137 number to one of those listed in this subsection, when the
 2138 department has received verified information regarding such
 2139 conviction; an offender's computerized criminal history record
 2140 is not, in and of itself, verified information.

2141 Section 44. Paragraph (a) of subsection (1) of section
 2142 944.607, Florida Statutes, is amended to read:

2143 944.607 Notification to Department of Law Enforcement of
 2144 information on sexual offenders.—

2145 (1) As used in this section, the term:

2146 (a) "Sexual offender" means a person who is in the custody
 2147 or control of, or under the supervision of, the department or is
 2148 in the custody of a private correctional facility:

2149 1. On or after October 1, 1997, as a result of a
 2150 conviction for committing, or attempting, soliciting, or
 2151 conspiring to commit, any of the criminal offenses proscribed in
 2152 the following statutes in this state or similar offenses in
 2153 another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01,
 2154 s. 787.02, or s. 787.025(2)(c), where the victim is a minor and
 2155 the defendant is not the victim's parent or guardian; s.
 2156 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s.
 2157 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03;
 2158 former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; former

2159 s. 827.071; s. 847.003; s. 847.0133; s. 847.0135, excluding s.
 2160 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.
 2161 916.1075(2); or s. 985.701(1); or any similar offense committed
 2162 in this state which has been redesignated from a former statute
 2163 number to one of those listed in this paragraph; or

2164 2. Who establishes or maintains a residence in this state
 2165 and who has not been designated as a sexual predator by a court
 2166 of this state but who has been designated as a sexual predator,
 2167 as a sexually violent predator, or by another sexual offender
 2168 designation in another state or jurisdiction and was, as a
 2169 result of such designation, subjected to registration or
 2170 community or public notification, or both, or would be if the
 2171 person were a resident of that state or jurisdiction, without
 2172 regard as to whether the person otherwise meets the criteria for
 2173 registration as a sexual offender.

2174 Section 45. Subsections (7), (10), and (14) of section
 2175 947.1405, Florida Statutes, are amended, and subsection (15) is
 2176 added to that section, to read:

2177 947.1405 Conditional release program.—

2178 (7) (a) Any inmate who is convicted of a crime committed on
 2179 or after October 1, 1995, or who has been previously convicted
 2180 of a crime committed on or after October 1, 1995, in violation
 2181 of chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or
 2182 s. 847.0145, and is subject to conditional release supervision,
 2183 shall have, in addition to any other conditions imposed, the
 2184 following special conditions imposed by the commission:

2185 1. A mandatory curfew from 10 p.m. to 6 a.m. The
2186 commission may designate another 8-hour period if the offender's
2187 employment precludes the above specified time, and such
2188 alternative is recommended by the Department of Corrections. If
2189 the commission determines that imposing a curfew would endanger
2190 the victim, the commission may consider alternative sanctions.

2191 2. If the victim was under the age of 18, a prohibition on
2192 living within 1,000 feet of a school, child care facility, park,
2193 playground, designated public school bus stop, or other place
2194 where children regularly congregate. A releasee who is subject
2195 to this subparagraph may not relocate to a residence that is
2196 within 1,000 feet of a public school bus stop. Beginning October
2197 1, 2004, the commission or the department may not approve a
2198 residence that is located within 1,000 feet of a school, child
2199 care facility, park, playground, designated school bus stop, or
2200 other place where children regularly congregate for any releasee
2201 who is subject to this subparagraph. On October 1, 2004, the
2202 department shall notify each affected school district of the
2203 location of the residence of a releasee 30 days prior to release
2204 and thereafter, if the releasee relocates to a new residence,
2205 shall notify any affected school district of the residence of
2206 the releasee within 30 days after relocation. If, on October 1,
2207 2004, any public school bus stop is located within 1,000 feet of
2208 the existing residence of such releasee, the district school
2209 board shall relocate that school bus stop. Beginning October 1,
2210 2004, a district school board may not establish or relocate a

2211 public school bus stop within 1,000 feet of the residence of a
2212 releasee who is subject to this subparagraph. The failure of the
2213 district school board to comply with this subparagraph shall not
2214 result in a violation of conditional release supervision. A
2215 releasee who is subject to this subparagraph may not be forced
2216 to relocate and does not violate his or her conditional release
2217 supervision if he or she is living in a residence that meets the
2218 requirements of this subparagraph and a school, child care
2219 facility, park, playground, designated public school bus stop,
2220 or other place where children regularly congregate is
2221 subsequently established within 1,000 feet of his or her
2222 residence.

2223 3. Active participation in and successful completion of a
2224 sex offender treatment program with qualified practitioners
2225 specifically trained to treat sex offenders, at the releasee's
2226 own expense. If a qualified practitioner is not available within
2227 a 50-mile radius of the releasee's residence, the offender shall
2228 participate in other appropriate therapy.

2229 4. A prohibition on any contact with the victim, directly
2230 or indirectly, including through a third person, unless approved
2231 by the victim, a qualified practitioner in the sexual offender
2232 treatment program, and the sentencing court.

2233 5. If the victim was under the age of 18, a prohibition
2234 against contact with children under the age of 18 without review
2235 and approval by the commission. The commission may approve
2236 supervised contact with a child under the age of 18 if the

2237 approval is based upon a recommendation for contact issued by a
2238 qualified practitioner who is basing the recommendation on a
2239 risk assessment. Further, the sex offender must be currently
2240 enrolled in or have successfully completed a sex offender
2241 therapy program. The commission may not grant supervised contact
2242 with a child if the contact is not recommended by a qualified
2243 practitioner and may deny supervised contact with a child at any
2244 time. When considering whether to approve supervised contact
2245 with a child, the commission must review and consider the
2246 following:

2247 a. A risk assessment completed by a qualified
2248 practitioner. The qualified practitioner must prepare a written
2249 report that must include the findings of the assessment and
2250 address each of the following components:

2251 (I) The sex offender's current legal status;

2252 (II) The sex offender's history of adult charges with
2253 apparent sexual motivation;

2254 (III) The sex offender's history of adult charges without
2255 apparent sexual motivation;

2256 (IV) The sex offender's history of juvenile charges,
2257 whenever available;

2258 (V) The sex offender's offender treatment history,
2259 including a consultation from the sex offender's treating, or
2260 most recent treating, therapist;

2261 (VI) The sex offender's current mental status;

2262 (VII) The sex offender's mental health and substance abuse

2263 history as provided by the Department of Corrections;
 2264 (VIII) The sex offender's personal, social, educational,
 2265 and work history;
 2266 (IX) The results of current psychological testing of the
 2267 sex offender if determined necessary by the qualified
 2268 practitioner;
 2269 (X) A description of the proposed contact, including the
 2270 location, frequency, duration, and supervisory arrangement;
 2271 (XI) The child's preference and relative comfort level
 2272 with the proposed contact, when age-appropriate;
 2273 (XII) The parent's or legal guardian's preference
 2274 regarding the proposed contact; and
 2275 (XIII) The qualified practitioner's opinion, along with
 2276 the basis for that opinion, as to whether the proposed contact
 2277 would likely pose significant risk of emotional or physical harm
 2278 to the child.
 2279
 2280 The written report of the assessment must be given to the
 2281 commission.
 2282 b. A recommendation made as a part of the risk-assessment
 2283 report as to whether supervised contact with the child should be
 2284 approved;
 2285 c. A written consent signed by the child's parent or legal
 2286 guardian, if the parent or legal guardian is not the sex
 2287 offender, agreeing to the sex offender having supervised contact
 2288 with the child after receiving full disclosure of the sex

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2289 offender's present legal status, past criminal history, and the
2290 results of the risk assessment. The commission may not approve
2291 contact with the child if the parent or legal guardian refuses
2292 to give written consent for supervised contact;

2293 d. A safety plan prepared by the qualified practitioner,
2294 who provides treatment to the offender, in collaboration with
2295 the sex offender, the child's parent or legal guardian, and the
2296 child, when age appropriate, which details the acceptable
2297 conditions of contact between the sex offender and the child.
2298 The safety plan must be reviewed and approved by the Department
2299 of Corrections before being submitted to the commission; and

2300 e. Evidence that the child's parent or legal guardian, if
2301 the parent or legal guardian is not the sex offender,
2302 understands the need for and agrees to the safety plan and has
2303 agreed to provide, or to designate another adult to provide,
2304 constant supervision any time the child is in contact with the
2305 offender.

2306
2307 The commission may not appoint a person to conduct a risk
2308 assessment and may not accept a risk assessment from a person
2309 who has not demonstrated to the commission that he or she has
2310 met the requirements of a qualified practitioner as defined in
2311 this section.

2312 6. If the victim was under age 18, a prohibition on
2313 working for pay or as a volunteer at any school, child care
2314 facility, park, playground, or other place where children

2315 regularly congregate, as prescribed by the commission.

2316 7. Unless otherwise indicated in the treatment plan
2317 provided by a qualified practitioner in the sexual offender
2318 treatment program, a prohibition on viewing, owning, or
2319 possessing any obscene, pornographic, or sexually stimulating
2320 visual or auditory material, including telephone, electronic
2321 media, computer programs, or computer services that are relevant
2322 to the offender's deviant behavior pattern.

2323 8. Effective for a releasee whose crime is committed on or
2324 after July 1, 2005, a prohibition on accessing the Internet or
2325 other computer services until a qualified practitioner in the
2326 offender's sex offender treatment program, after a risk
2327 assessment is completed, approves and implements a safety plan
2328 for the offender's accessing or using the Internet or other
2329 computer services.

2330 9. A requirement that the releasee must submit two
2331 specimens of blood to the Department of Law Enforcement to be
2332 registered with the DNA database.

2333 10. A requirement that the releasee make restitution to
2334 the victim, as determined by the sentencing court or the
2335 commission, for all necessary medical and related professional
2336 services relating to physical, psychiatric, and psychological
2337 care.

2338 11. Submission to a warrantless search by the community
2339 control or probation officer of the probationer's or community
2340 controllee's person, residence, or vehicle.

2341 (b) For a releasee whose crime was committed on or after
2342 October 1, 1997, in violation of chapter 794, s. 800.04, former
2343 s. 827.071, s. 847.0135(5), or s. 847.0145, and who is subject
2344 to conditional release supervision, in addition to any other
2345 provision of this subsection, the commission shall impose the
2346 following additional conditions of conditional release
2347 supervision:

2348 1. As part of a treatment program, participation in a
2349 minimum of one annual polygraph examination to obtain
2350 information necessary for risk management and treatment and to
2351 reduce the sex offender's denial mechanisms. The polygraph
2352 examination must be conducted by a polygrapher who is a member
2353 of a national or state polygraph association and who is
2354 certified as a postconviction sex offender polygrapher, where
2355 available, and at the expense of the releasee. The results of
2356 the examination shall be provided to the releasee's probation
2357 officer and qualified practitioner and may not be used as
2358 evidence in a hearing to prove that a violation of supervision
2359 has occurred.

2360 2. Maintenance of a driving log and a prohibition against
2361 driving a motor vehicle alone without the prior approval of the
2362 supervising officer.

2363 3. A prohibition against obtaining or using a post office
2364 box without the prior approval of the supervising officer.

2365 4. If there was sexual contact, a submission to, at the
2366 releasee's expense, an HIV test with the results to be released

2367 to the victim or the victim's parent or guardian.

2368 5. Electronic monitoring of any form when ordered by the
2369 commission. Any person who has been placed under supervision and
2370 is electronically monitored by the department must pay the
2371 department for the cost of the electronic monitoring service at
2372 a rate that may not exceed the full cost of the monitoring
2373 service. Funds collected under this subparagraph shall be
2374 deposited into the General Revenue Fund. The department may
2375 exempt a person from the payment of all or any part of the
2376 electronic monitoring service cost if the department finds that
2377 any of the factors listed in s. 948.09(3) exist.

2378 (10) Effective for a releasee whose crime was committed on
2379 or after September 1, 2005, in violation of chapter 794, s.
2380 800.04(4), (5), or (6), former s. 827.071, or s. 847.0145, and
2381 the unlawful activity involved a victim who was 15 years of age
2382 or younger and the offender is 18 years of age or older or for a
2383 releasee who is designated as a sexual predator pursuant to s.
2384 775.21, in addition to any other provision of this section, the
2385 commission must order electronic monitoring for the duration of
2386 the releasee's supervision.

2387 (14) Effective for a releasee whose crime was committed on
2388 or after October 1, 2014, in violation of chapter 794, s.
2389 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, in
2390 addition to any other provision of this section, the commission
2391 must impose a condition prohibiting the releasee from viewing,
2392 accessing, owning, or possessing any obscene, pornographic, or

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2393 sexually stimulating visual or auditory material unless
2394 otherwise indicated in the treatment plan provided by a
2395 qualified practitioner in the sexual offender treatment program.
2396 Visual or auditory material includes, but is not limited to,
2397 telephone, electronic media, computer programs, and computer
2398 services.

2399 (15) (a) Effective for a releasee whose crime was committed
2400 on or after October 1, 2016, in violation of s. 847.003 or s.
2401 847.0135(4), in addition to any other provision of this section,
2402 the commission must impose the conditions specified in
2403 subsections (7), (10), (12), and (14).

2404 (b) Effective for a releasee whose crime was committed on
2405 or after October 1, 2016, in violation of s. 847.0137, in
2406 addition to any other provision of this section, the commission
2407 must impose the conditions specified in subsections (7) and
2408 (14).

2409 Section 46. Subsection (2) of section 948.013, Florida
2410 Statutes, is amended, and subsection (3) is added to that
2411 section, to read:

2412 948.013 Administrative probation.—

2413 (2) Effective for an offense committed on or after July 1,
2414 1998, a person is ineligible for placement on administrative
2415 probation if the person is sentenced to or is serving a term of
2416 probation or community control, regardless of the conviction or
2417 adjudication, for committing, or attempting, conspiring, or
2418 soliciting to commit, any of the felony offenses described in s.

2419 787.01 or s. 787.02, where the victim is a minor and the
 2420 defendant is not the victim's parent; s. 787.025; s.
 2421 787.06(3)(g); chapter 794; former s. 796.03; s. 800.04; s.
 2422 825.1025(2)(b); former s. 827.071; s. 847.0133; s. 847.0135; or
 2423 s. 847.0145.

2424 (3) Effective for an offense committed on or after October
 2425 1, 2016, a person is ineligible for placement on administrative
 2426 probation if the person is sentenced to or is serving a term of
 2427 probation or community control, regardless of the conviction or
 2428 adjudication, for committing, or attempting, conspiring, or
 2429 soliciting to commit, any of the felony offenses described in s.
 2430 847.003 or s. 847.0137.

2431 Section 47. Subsection (2) of section 948.03, Florida
 2432 Statutes, is amended to read:

2433 948.03 Terms and conditions of probation.—

2434 (2) The enumeration of specific kinds of terms and
 2435 conditions shall not prevent the court from adding thereto such
 2436 other or others as it considers proper. However, the sentencing
 2437 court may only impose a condition of supervision allowing an
 2438 offender convicted of s. 794.011, s. 800.04, former s. 827.071,
 2439 s. 847.003, s. 847.0135(5), or s. 847.0145, to reside in another
 2440 state, if the order stipulates that it is contingent upon the
 2441 approval of the receiving state interstate compact authority.
 2442 The court may rescind or modify at any time the terms and
 2443 conditions theretofore imposed by it upon the probationer.
 2444 However, if the court withholds adjudication of guilt or imposes

2445 a period of incarceration as a condition of probation, the
 2446 period shall not exceed 364 days, and incarceration shall be
 2447 restricted to either a county facility, a probation and
 2448 restitution center under the jurisdiction of the Department of
 2449 Corrections, a probation program drug punishment phase I secure
 2450 residential treatment institution, or a community residential
 2451 facility owned or operated by any entity providing such
 2452 services.

2453 Section 48. Subsection (1) of section 948.04, Florida
 2454 Statutes, is amended to read:

2455 948.04 Period of probation; duty of probationer; early
 2456 termination.—

2457 (1) Defendants found guilty of felonies who are placed on
 2458 probation shall be under supervision not to exceed 2 years
 2459 unless otherwise specified by the court. No defendant placed on
 2460 probation pursuant to s. 948.012(1) is subject to the probation
 2461 limitations of this subsection. A defendant who is placed on
 2462 probation or community control for a violation of chapter 794,
 2463 ~~or~~ chapter 827, or s. 847.003 is subject to the maximum level of
 2464 supervision provided by the supervising agency, and that
 2465 supervision shall continue through the full term of the court-
 2466 imposed probation or community control.

2467 Section 49. Subsection (4) and paragraph (c) of subsection
 2468 (8) of section 948.06, Florida Statutes, are amended to read:

2469 948.06 Violation of probation or community control;
 2470 revocation; modification; continuance; failure to pay

2471 restitution or cost of supervision.—

2472 (4) Notwithstanding any other provision of this section, a
2473 felony probationer or an offender in community control who is
2474 arrested for violating his or her probation or community control
2475 in a material respect may be taken before the court in the
2476 county or circuit in which the probationer or offender was
2477 arrested. That court shall advise him or her of the charge of a
2478 violation and, if such charge is admitted, shall cause him or
2479 her to be brought before the court that granted the probation or
2480 community control. If the violation is not admitted by the
2481 probationer or offender, the court may commit him or her or
2482 release him or her with or without bail to await further
2483 hearing. However, if the probationer or offender is under
2484 supervision for any criminal offense proscribed in chapter 794,
2485 s. 800.04(4), (5), (6), former s. 827.071, or s. 847.0145, or is
2486 a registered sexual predator or a registered sexual offender, or
2487 is under supervision for a criminal offense for which he or she
2488 would meet the registration criteria in s. 775.21, s. 943.0435,
2489 or s. 944.607 but for the effective date of those sections, the
2490 court must make a finding that the probationer or offender is
2491 not a danger to the public prior to release with or without
2492 bail. In determining the danger posed by the offender's or
2493 probationer's release, the court may consider the nature and
2494 circumstances of the violation and any new offenses charged; the
2495 offender's or probationer's past and present conduct, including
2496 convictions of crimes; any record of arrests without conviction

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2497 | for crimes involving violence or sexual crimes; any other
2498 | evidence of allegations of unlawful sexual conduct or the use of
2499 | violence by the offender or probationer; the offender's or
2500 | probationer's family ties, length of residence in the community,
2501 | employment history, and mental condition; his or her history and
2502 | conduct during the probation or community control supervision
2503 | from which the violation arises and any other previous
2504 | supervisions, including disciplinary records of previous
2505 | incarcerations; the likelihood that the offender or probationer
2506 | will engage again in a criminal course of conduct; the weight of
2507 | the evidence against the offender or probationer; and any other
2508 | facts the court considers relevant. The court, as soon as is
2509 | practicable, shall give the probationer or offender an
2510 | opportunity to be fully heard on his or her behalf in person or
2511 | by counsel. After the hearing, the court shall make findings of
2512 | fact and forward the findings to the court that granted the
2513 | probation or community control and to the probationer or
2514 | offender or his or her attorney. The findings of fact by the
2515 | hearing court are binding on the court that granted the
2516 | probation or community control. Upon the probationer or offender
2517 | being brought before it, the court that granted the probation or
2518 | community control may revoke, modify, or continue the probation
2519 | or community control or may place the probationer into community
2520 | control as provided in this section. However, the probationer or
2521 | offender shall not be released and shall not be admitted to
2522 | bail, but shall be brought before the court that granted the

2523 probation or community control if any violation of felony
 2524 probation or community control other than a failure to pay costs
 2525 or fines or make restitution payments is alleged to have been
 2526 committed by:

2527 (a) A violent felony offender of special concern, as
 2528 defined in this section;

2529 (b) A person who is on felony probation or community
 2530 control for any offense committed on or after the effective date
 2531 of this act and who is arrested for a qualifying offense as
 2532 defined in this section; or

2533 (c) A person who is on felony probation or community
 2534 control and has previously been found by a court to be a
 2535 habitual violent felony offender as defined in s. 775.084(1)(b),
 2536 a three-time violent felony offender as defined in s.
 2537 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 2538 arrested for committing a qualifying offense as defined in this
 2539 section on or after the effective date of this act.

2540 (8)

2541 (c) For purposes of this section, the term "qualifying
 2542 offense" means any of the following:

2543 1. Kidnapping or attempted kidnapping under s. 787.01,
 2544 false imprisonment of a child under the age of 13 under s.
 2545 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 2546 or (c).

2547 2. Murder or attempted murder under s. 782.04, attempted
 2548 felony murder under s. 782.051, or manslaughter under s. 782.07.

- 2549 3. Aggravated battery or attempted aggravated battery
 2550 under s. 784.045.
- 2551 4. Sexual battery or attempted sexual battery under s.
 2552 794.011(2), (3), (4), or (8)(b) or (c).
- 2553 5. Lewd or lascivious battery or attempted lewd or
 2554 lascivious battery under s. 800.04(4), lewd or lascivious
 2555 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 2556 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 2557 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 2558 computer under s. 847.0135(5)(b).
- 2559 6. Robbery or attempted robbery under s. 812.13,
 2560 carjacking or attempted carjacking under s. 812.133, or home
 2561 invasion robbery or attempted home invasion robbery under s.
 2562 812.135.
- 2563 7. Lewd or lascivious offense upon or in the presence of
 2564 an elderly or disabled person or attempted lewd or lascivious
 2565 offense upon or in the presence of an elderly or disabled person
 2566 under s. 825.1025.
- 2567 8. Sexual performance by a child or attempted sexual
 2568 performance by a child under former s. 827.071 or s. 847.003.
- 2569 9. Computer pornography under s. 847.0135(2) or (3),
 2570 ~~transmission of~~ child pornography under s. 847.0137, or selling
 2571 or buying of minors under s. 847.0145.
- 2572 10. Poisoning food or water under s. 859.01.
- 2573 11. Abuse of a dead human body under s. 872.06.
- 2574 12. Any burglary offense or attempted burglary offense

2575 that is either a first degree felony or second degree felony
 2576 under s. 810.02(2) or (3).

2577 13. Arson or attempted arson under s. 806.01(1).

2578 14. Aggravated assault under s. 784.021.

2579 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 2580 (7).

2581 16. Aircraft piracy under s. 860.16.

2582 17. Unlawful throwing, placing, or discharging of a
 2583 destructive device or bomb under s. 790.161(2), (3), or (4).

2584 18. Treason under s. 876.32.

2585 19. Any offense committed in another jurisdiction which
 2586 would be an offense listed in this paragraph if that offense had
 2587 been committed in this state.

2588 Section 50. Paragraph (c) of subsection (1) of section
 2589 948.062, Florida Statutes, is amended to read:

2590 948.062 Reviewing and reporting serious offenses committed
 2591 by offenders placed on probation or community control.—

2592 (1) The department shall review the circumstances related
 2593 to an offender placed on probation or community control who has
 2594 been arrested while on supervision for the following offenses:

2595 (c) Any sexual performance by a child as provided in
 2596 former s. 827.071 or s. 847.003;

2597 Section 51. Subsection (2) of section 948.101, Florida
 2598 Statutes, is amended to read:

2599 948.101 Terms and conditions of community control.—

2600 (2) The enumeration of specific kinds of terms and

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2601 conditions does not prevent the court from adding any other
2602 terms or conditions that the court considers proper. However,
2603 the sentencing court may only impose a condition of supervision
2604 allowing an offender convicted of s. 794.011, s. 800.04, former
2605 s. 827.071, s. 847.003, s. 847.0135(5), or s. 847.0145 to reside
2606 in another state if the order stipulates that it is contingent
2607 upon the approval of the receiving state interstate compact
2608 authority. The court may rescind or modify at any time the terms
2609 and conditions theretofore imposed by it upon the offender in
2610 community control. However, if the court withholds adjudication
2611 of guilt or imposes a period of incarceration as a condition of
2612 community control, the period may not exceed 364 days, and
2613 incarceration shall be restricted to a county facility, a
2614 probation and restitution center under the jurisdiction of the
2615 Department of Corrections, a probation program drug punishment
2616 phase I secure residential treatment institution, or a community
2617 residential facility owned or operated by any entity providing
2618 such services.

2619 Section 52. Subsections (1) and (2), paragraphs (a) and
2620 (c) of subsection (3), and subsection (5) of section 948.30,
2621 Florida Statutes, are amended, and subsection (6) is added to
2622 that section, to read:

2623 948.30 Additional terms and conditions of probation or
2624 community control for certain sex offenses.—Conditions imposed
2625 pursuant to this section do not require oral pronouncement at
2626 the time of sentencing and shall be considered standard

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2627 conditions of probation or community control for offenders
2628 specified in this section.

2629 (1) Effective for probationers or community controllees
2630 whose crime was committed on or after October 1, 1995, and who
2631 are placed under supervision for violation of chapter 794, s.
2632 800.04, former s. 827.071, s. 847.0135(5), or s. 847.0145, the
2633 court must impose the following conditions in addition to all
2634 other standard and special conditions imposed:

2635 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court
2636 may designate another 8-hour period if the offender's employment
2637 precludes the above specified time, and the alternative is
2638 recommended by the Department of Corrections. If the court
2639 determines that imposing a curfew would endanger the victim, the
2640 court may consider alternative sanctions.

2641 (b) If the victim was under the age of 18, a prohibition
2642 on living within 1,000 feet of a school, child care facility,
2643 park, playground, or other place where children regularly
2644 congregate, as prescribed by the court. The 1,000-foot distance
2645 shall be measured in a straight line from the offender's place
2646 of residence to the nearest boundary line of the school, child
2647 care facility, park, playground, or other place where children
2648 congregate. The distance may not be measured by a pedestrian
2649 route or automobile route. A probationer or community controllee
2650 who is subject to this paragraph may not be forced to relocate
2651 and does not violate his or her probation or community control
2652 if he or she is living in a residence that meets the

2653 requirements of this paragraph and a school, child care
2654 facility, park, playground, or other place where children
2655 regularly congregate is subsequently established within 1,000
2656 feet of his or her residence.

2657 (c) Active participation in and successful completion of a
2658 sex offender treatment program with qualified practitioners
2659 specifically trained to treat sex offenders, at the
2660 probationer's or community controllee's own expense. If a
2661 qualified practitioner is not available within a 50-mile radius
2662 of the probationer's or community controllee's residence, the
2663 offender shall participate in other appropriate therapy.

2664 (d) A prohibition on any contact with the victim, directly
2665 or indirectly, including through a third person, unless approved
2666 by the victim, a qualified practitioner in the sexual offender
2667 treatment program, and the sentencing court.

2668 (e) If the victim was under the age of 18, a prohibition
2669 on contact with a child under the age of 18 except as provided
2670 in this paragraph. The court may approve supervised contact with
2671 a child under the age of 18 if the approval is based upon a
2672 recommendation for contact issued by a qualified practitioner
2673 who is basing the recommendation on a risk assessment. Further,
2674 the sex offender must be currently enrolled in or have
2675 successfully completed a sex offender therapy program. The court
2676 may not grant supervised contact with a child if the contact is
2677 not recommended by a qualified practitioner and may deny
2678 supervised contact with a child at any time. When considering

2679 whether to approve supervised contact with a child, the court
2680 must review and consider the following:

- 2681 1. A risk assessment completed by a qualified
2682 practitioner. The qualified practitioner must prepare a written
2683 report that must include the findings of the assessment and
2684 address each of the following components:
 - 2685 a. The sex offender's current legal status;
 - 2686 b. The sex offender's history of adult charges with
2687 apparent sexual motivation;
 - 2688 c. The sex offender's history of adult charges without
2689 apparent sexual motivation;
 - 2690 d. The sex offender's history of juvenile charges,
2691 whenever available;
 - 2692 e. The sex offender's offender treatment history,
2693 including consultations with the sex offender's treating, or
2694 most recent treating, therapist;
 - 2695 f. The sex offender's current mental status;
 - 2696 g. The sex offender's mental health and substance abuse
2697 treatment history as provided by the Department of Corrections;
 - 2698 h. The sex offender's personal, social, educational, and
2699 work history;
 - 2700 i. The results of current psychological testing of the sex
2701 offender if determined necessary by the qualified practitioner;
 - 2702 j. A description of the proposed contact, including the
2703 location, frequency, duration, and supervisory arrangement;
 - 2704 k. The child's preference and relative comfort level with

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2705 the proposed contact, when age appropriate;

2706 1. The parent's or legal guardian's preference regarding
2707 the proposed contact; and

2708 m. The qualified practitioner's opinion, along with the
2709 basis for that opinion, as to whether the proposed contact would
2710 likely pose significant risk of emotional or physical harm to
2711 the child.

2712

2713 The written report of the assessment must be given to the court;

2714 2. A recommendation made as a part of the risk assessment
2715 report as to whether supervised contact with the child should be
2716 approved;

2717 3. A written consent signed by the child's parent or legal
2718 guardian, if the parent or legal guardian is not the sex
2719 offender, agreeing to the sex offender having supervised contact
2720 with the child after receiving full disclosure of the sex
2721 offender's present legal status, past criminal history, and the
2722 results of the risk assessment. The court may not approve
2723 contact with the child if the parent or legal guardian refuses
2724 to give written consent for supervised contact;

2725 4. A safety plan prepared by the qualified practitioner,
2726 who provides treatment to the offender, in collaboration with
2727 the sex offender, the child's parent or legal guardian, if the
2728 parent or legal guardian is not the sex offender, and the child,
2729 when age appropriate, which details the acceptable conditions of
2730 contact between the sex offender and the child. The safety plan

2731 must be reviewed and approved by the court; and

2732 5. Evidence that the child's parent or legal guardian
2733 understands the need for and agrees to the safety plan and has
2734 agreed to provide, or to designate another adult to provide,
2735 constant supervision any time the child is in contact with the
2736 offender.

2737

2738 The court may not appoint a person to conduct a risk assessment
2739 and may not accept a risk assessment from a person who has not
2740 demonstrated to the court that he or she has met the
2741 requirements of a qualified practitioner as defined in this
2742 section.

2743 (f) If the victim was under age 18, a prohibition on
2744 working for pay or as a volunteer at any place where children
2745 regularly congregate, including, but not limited to, schools,
2746 child care facilities, parks, playgrounds, pet stores,
2747 libraries, zoos, theme parks, and malls.

2748 (g) Unless otherwise indicated in the treatment plan
2749 provided by a qualified practitioner in the sexual offender
2750 treatment program, a prohibition on viewing, accessing, owning,
2751 or possessing any obscene, pornographic, or sexually stimulating
2752 visual or auditory material, including telephone, electronic
2753 media, computer programs, or computer services that are relevant
2754 to the offender's deviant behavior pattern.

2755 (h) Effective for probationers and community controllees
2756 whose crime is committed on or after July 1, 2005, a prohibition

2757 on accessing the Internet or other computer services until a
2758 qualified practitioner in the offender's sex offender treatment
2759 program, after a risk assessment is completed, approves and
2760 implements a safety plan for the offender's accessing or using
2761 the Internet or other computer services.

2762 (i) A requirement that the probationer or community
2763 controllee must submit a specimen of blood or other approved
2764 biological specimen to the Department of Law Enforcement to be
2765 registered with the DNA data bank.

2766 (j) A requirement that the probationer or community
2767 controllee make restitution to the victim, as ordered by the
2768 court under s. 775.089, for all necessary medical and related
2769 professional services relating to physical, psychiatric, and
2770 psychological care.

2771 (k) Submission to a warrantless search by the community
2772 control or probation officer of the probationer's or community
2773 controllee's person, residence, or vehicle.

2774 (2) Effective for a probationer or community controllee
2775 whose crime was committed on or after October 1, 1997, and who
2776 is placed on community control or sex offender probation for a
2777 violation of chapter 794, s. 800.04, former s. 827.071, s.
2778 847.0135(5), or s. 847.0145, in addition to any other provision
2779 of this section, the court must impose the following conditions
2780 of probation or community control:

2781 (a) As part of a treatment program, participation at least
2782 annually in polygraph examinations to obtain information

2783 necessary for risk management and treatment and to reduce the
2784 sex offender's denial mechanisms. A polygraph examination must
2785 be conducted by a polygrapher who is a member of a national or
2786 state polygraph association and who is certified as a
2787 postconviction sex offender polygrapher, where available, and
2788 shall be paid for by the probationer or community controllee.
2789 The results of the polygraph examination shall be provided to
2790 the probationer's or community controllee's probation officer
2791 and qualified practitioner and shall not be used as evidence in
2792 court to prove that a violation of community supervision has
2793 occurred.

2794 (b) Maintenance of a driving log and a prohibition against
2795 driving a motor vehicle alone without the prior approval of the
2796 supervising officer.

2797 (c) A prohibition against obtaining or using a post office
2798 box without the prior approval of the supervising officer.

2799 (d) If there was sexual contact, a submission to, at the
2800 probationer's or community controllee's expense, an HIV test
2801 with the results to be released to the victim or the victim's
2802 parent or guardian.

2803 (e) Electronic monitoring when deemed necessary by the
2804 community control or probation officer and his or her
2805 supervisor, and ordered by the court at the recommendation of
2806 the Department of Corrections.

2807 (3) Effective for a probationer or community controllee
2808 whose crime was committed on or after September 1, 2005, and

2809 who:

2810 (a) Is placed on probation or community control for a
 2811 violation of chapter 794, s. 800.04(4), (5), or (6), former s.
 2812 827.071, or s. 847.0145 and the unlawful sexual activity
 2813 involved a victim 15 years of age or younger and the offender is
 2814 18 years of age or older;

2815 (c) Has previously been convicted of a violation of
 2816 chapter 794, s. 800.04(4), (5), or (6), former s. 827.071, or s.
 2817 847.0145 and the unlawful sexual activity involved a victim 15
 2818 years of age or younger and the offender is 18 years of age or
 2819 older,

2820
 2821 the court must order, in addition to any other provision of this
 2822 section, mandatory electronic monitoring as a condition of the
 2823 probation or community control supervision.

2824 (5) Effective for a probationer or community controllee
 2825 whose crime was committed on or after October 1, 2014, and who
 2826 is placed on probation or community control for a violation of
 2827 chapter 794, s. 800.04, former s. 827.071, s. 847.0135(5), or s.
 2828 847.0145, in addition to all other conditions imposed, the court
 2829 must impose a condition prohibiting the probationer or community
 2830 controllee from viewing, accessing, owning, or possessing any
 2831 obscene, pornographic, or sexually stimulating visual or
 2832 auditory material unless otherwise indicated in the treatment
 2833 plan provided by a qualified practitioner in the sexual offender
 2834 treatment program. Visual or auditory material includes, but is

2835 not limited to, telephone, electronic media, computer programs,
 2836 and computer services.

2837 (6) Effective for a probationer or community controllee
 2838 whose crime was committed on or after October 1, 2016, and who
 2839 is placed under supervision for violation of s. 847.003, s.
 2840 847.0135(4), or s. 847.0137, the court must impose the
 2841 conditions specified in subsections (1)-(5) in addition to all
 2842 other standard and special conditions imposed.

2843 Section 53. Subsection (1) of section 948.32, Florida
 2844 Statutes, is amended to read:

2845 948.32 Requirements of law enforcement agency upon arrest
 2846 of persons for certain sex offenses.—

2847 (1) When any state or local law enforcement agency
 2848 investigates or arrests a person for committing, or attempting,
 2849 soliciting, or conspiring to commit, a violation of s.
 2850 787.025(2)(c), s. 787.06(3)(g), chapter 794, former s. 796.03,
 2851 s. 800.04, former s. 827.071, s. 847.003, s. 847.0133, s.
 2852 847.0135, or s. 847.0145, the law enforcement agency shall
 2853 contact the Department of Corrections to verify whether the
 2854 person under investigation or under arrest is on probation,
 2855 community control, parole, conditional release, or control
 2856 release.

2857 Section 54. Paragraph (e) of subsection (3) and subsection
 2858 (10) of section 960.03, Florida Statutes, are amended to read:

2859 960.03 Definitions; ss. 960.01-960.28.—As used in ss.
 2860 960.01-960.28, unless the context otherwise requires, the term:

2861 (3) "Crime" means:
 2862 (e) A violation of former s. 827.071, s. 847.003, s.
 2863 847.0135, s. 847.0137, or s. 847.0138, related to online sexual
 2864 exploitation and child pornography.

2865 (10) "Identified victim of child pornography" means any
 2866 person who, while under the age of 18, is depicted in any visual
 2867 depiction ~~image or movie~~ of child pornography, as defined in s.
 2868 847.0137, and who is identified through a report generated by a
 2869 law enforcement agency and provided to the National Center for
 2870 Missing and Exploited Children's Child Victim Identification
 2871 Program.

2872 Section 55. Section 960.197, Florida Statutes, is amended
 2873 to read:

2874 960.197 Assistance to victims of online sexual
 2875 exploitation and child pornography.—

2876 (1) Notwithstanding the criteria set forth in s. 960.13
 2877 for crime victim compensation awards, the department may award
 2878 compensation for counseling and other mental health services to
 2879 treat psychological injury or trauma to:

2880 (a) A child younger than 18 years of age who suffers
 2881 psychiatric or psychological injury as a direct result of online
 2882 sexual exploitation under former ~~any provision of~~ s. 827.071, s.
 2883 847.003, s. 847.0135, s. 847.0137, or s. 847.0138, and who does
 2884 not otherwise sustain a personal injury or death; or

2885 (b) Any person who, while younger than age 18, was
 2886 depicted in any visual depiction ~~image or movie~~, regardless of

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2887 | ~~length,~~ of child pornography as defined in s. 847.0137 ~~847.001~~,
 2888 | who has been identified by a law enforcement agency or the
 2889 | National Center for Missing and Exploited Children as an
 2890 | identified victim of child pornography, who suffers psychiatric
 2891 | or psychological injury as a direct result of the crime, and who
 2892 | does not otherwise sustain a personal injury or death.

2893 | (2) Compensation under this section is not contingent upon
 2894 | pursuit of a criminal investigation or prosecution.

2895 | Section 56. Paragraph (d) of subsection (4) of section
 2896 | 985.04, Florida Statutes, is amended to read:

2897 | 985.04 Oaths; records; confidential information.—

2898 | (4)

2899 | (d) The department shall disclose to the school
 2900 | superintendent the presence of any child in the care and custody
 2901 | or under the jurisdiction or supervision of the department who
 2902 | has a known history of criminal sexual behavior with other
 2903 | juveniles; is alleged to have committed juvenile sexual abuse as
 2904 | defined in s. 39.01; or has pled guilty or nolo contendere to,
 2905 | or has been found to have committed, a violation of chapter 794,
 2906 | chapter 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s.
 2907 | 847.0133, or s. 847.0137, regardless of adjudication. Any
 2908 | employee of a district school board who knowingly and willfully
 2909 | discloses such information to an unauthorized person commits a
 2910 | misdemeanor of the second degree, punishable as provided in s.
 2911 | 775.082 or s. 775.083.

2912 | Section 57. Paragraph (a) of subsection (1) of section

2913 985.475, Florida Statutes, is amended to read:

2914 985.475 Juvenile sexual offenders.—

2915 (1) CRITERIA.—A "juvenile sexual offender" means:

2916 (a) A juvenile who has been found by the court under s.
 2917 985.35 to have committed a violation of chapter 794, chapter
 2918 796, chapter 800, former s. 827.071, s. 847.003, ~~or~~ s. 847.0133,
 2919 or s. 847.0137;

2920 Section 58. Paragraph (mm) of subsection (1) of section
 2921 1012.315, Florida Statutes, is amended to read:

2922 1012.315 Disqualification from employment.—A person is
 2923 ineligible for educator certification, and instructional
 2924 personnel and school administrators, as defined in s. 1012.01,
 2925 are ineligible for employment in any position that requires
 2926 direct contact with students in a district school system,
 2927 charter school, or private school that accepts scholarship
 2928 students under s. 1002.39 or s. 1002.395, if the person,
 2929 instructional personnel, or school administrator has been
 2930 convicted of:

2931 (1) Any felony offense prohibited under any of the
 2932 following statutes:

2933 (mm) Former s. Section 827.071, relating to sexual
 2934 performance by a child.

2935 Section 59. Paragraphs (e), (f), and (h) of subsection (3)
 2936 of section 921.0022, Florida Statutes, are amended to read:

2937 921.0022 Criminal Punishment Code; offense severity
 2938 ranking chart.—

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2939	(3)	OFFENSE SEVERITY RANKING CHART	
2940	(e)	LEVEL 5	
2941			
	Florida	Felony	Description
	Statute	Degree	
2942	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2943	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2944	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2945	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
2946	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
2947	379.3671	3rd	Willful molestation,

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2948	(2) (c) 3.		possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
2949	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2950	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2951	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2952	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2953	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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2954	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2955	790.01 (2)	3rd	Carrying a concealed firearm.
2956	790.162	2nd	Threat to throw or discharge destructive device.
2957	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
2958	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2959	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2960	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2961	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.

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2962	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2963	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2964	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2965	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2966	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2967	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2968	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
	817.034 (4) (a) 2.	2nd	Communications fraud, value

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2969			\$20,000 to \$50,000.
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2970	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.
2971	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.
2972	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.

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2973	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2974	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2975	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2976	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2977	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

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2978	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2979	<u>847.0137 (2) (a)</u>	<u>2nd</u>	<u>Possess child pornography with intent to promote.</u>
2980	<u>847.0137 (2) (b)</u>	<u>3rd</u>	<u>Possess, control, or intentionally view child pornography.</u>
2981	<u>847.0137 (3)</u> 847.0137 (2) & (3)	3rd	Transmission of <u>child</u> pornography by electronic device or equipment.
2982	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2983	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2984	874.05 (2) (a)	2nd	Encouraging or recruiting

2985	893.13(1)(a)1.	2nd	<p>person under 13 years of age to join a criminal gang.</p> <p>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).</p>
2986	893.13(1)(c)2.	2nd	<p>Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p>
2987	893.13(1)(d)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.</p>

2988	893.13(1)(e)2.	2nd	<p>drugs) within 1,000 feet of university.</p> <p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
2989	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>
2990	893.13(4)(b)	2nd	<p>Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4)</p>

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2991			drugs).
	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
2992			
2993	(f)	LEVEL 6	
2994			
	Florida Statute	Felony Degree	Description
2995			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
2996			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
2997			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
2998			
	499.0051 (3)	2nd	Knowing forgery of pedigree papers.
2999			
	499.0051 (4)	2nd	Knowing purchase or receipt of

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			prescription drug from unauthorized person.
3000	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3001	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3002	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3003	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3004	784.041	3rd	Felony battery; domestic battery by strangulation.
3005	784.048 (3)	3rd	Aggravated stalking; credible threat.
3006	784.048 (5)	3rd	Aggravated stalking of person under 16.
3007	784.07 (2) (c)	2nd	Aggravated assault on law

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3008			enforcement officer.
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3009			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3010			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3011			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3012			
	784.083 (2)	2nd	Aggravated assault on code inspector.
3013			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3014			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3015			

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3016	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
3017	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
3018	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3019	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3020	794.05(1)	2nd	Unlawful sexual activity with specified minor.
3021	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.

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3022	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3023	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3024	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3025	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3026	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3027	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.

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3028	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
3029	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3030	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3031	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3032	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3033	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3034	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3035			

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3036	827.03 (2) (c)	3rd	Abuse of a child.
3037	827.03 (2) (d)	3rd	Neglect of a child.
3038	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3039	836.05	2nd	Threats; extortion.
3040	836.10	2nd	Written threats to kill or do bodily injury.
3041	843.12	3rd	Aids or assists person to escape.
3042	<u>847.003</u>	<u>2nd</u>	<u>Use or induce a child in a sexual performance, or promote or direct such performance.</u>
3043	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

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3044	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3045	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3046	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3047	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.
3048	944.40	2nd	Escapes.
3049	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive)

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3050			into correctional facility.
	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
3051			
3052	(h) LEVEL 8		
3053			
	Florida	Felony	Description
	Statute	Degree	
3054			
	316.193	2nd	DUI manslaughter.
	(3) (c) 3.a.		
3055			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3056			
	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3057			
	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
3058			
	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.

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3059	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
3060	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
3061	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3062	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
3063	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery,

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3064	782.051 (2)	1st	burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3065	782.071 (1) (b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
3066	782.072 (2)	1st	Committing vehicular homicide and failing to render aid or give information.
3067	787.06 (3) (a) 1.	1st	Committing vessel homicide and failing to render aid or give information.
3068	787.06 (3) (b)	1st	Human trafficking for labor and services of a child.
3069			Human trafficking using coercion for commercial sexual activity of an adult.

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3070	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3071	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
3072	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
3073	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely

3074	794.011 (5) (b)	2nd	to cause serious injury.
3075	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.
3076	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.
3077	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.
3078	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.

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3079	800.04 (4) (b)	2nd	Lewd or lascivious battery.
3080	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3081	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3082	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
3083	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3084	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3085	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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3086	812.13 (2) (b)	1st	Robbery with a weapon.
3087	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3088	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3089	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3090	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3091	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

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3092	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3093	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3094	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3095	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3096	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3097	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
	<u>847.0135 (3)</u>	<u>2nd</u>	<u>Solicitation of a child, via a</u>

			<u>computer service, to commit an</u> <u>unlawful sex act while</u> <u>misrepresenting one's age.</u>
3098	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3099	860.16	1st	Aircraft piracy.
3100	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).
3101	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3102	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3103	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than

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3104			10,000 lbs.
	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3105			
	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3106			
	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
3107			
	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3108			
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
3109			
	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
3110			

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3111	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
3112	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3113	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3114	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
3115	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3116	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

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3117	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3118	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3119	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3120	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3121	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
3122	Section 60. For the purpose of incorporating the amendment		

3123 made by this act to section 16.56, Florida Statutes, in a
 3124 reference thereto, paragraph (b) of subsection (1) of section
 3125 92.605, Florida Statutes, is reenacted to read:

3126 92.605 Production of certain records by Florida businesses
 3127 and out-of-state corporations.—

3128 (1) For the purposes of this section, the term:

3129 (b) "Applicant" means a law enforcement officer who is
 3130 seeking a court order or subpoena under s. 16.56, s. 27.04, s.
 3131 905.185, or s. 914.04 or who is issued a search warrant under s.
 3132 933.01, or anyone who is authorized to issue a subpoena under
 3133 the Florida Rules of Criminal Procedure.

3134 Section 61. For the purpose of incorporating the amendment
 3135 made by this act to section 16.56, Florida Statutes, in
 3136 references thereto, subsection (10) of section 896.101, Florida
 3137 Statutes, is reenacted to read:

3138 896.101 Florida Money Laundering Act; definitions;
 3139 penalties; injunctions; seizure warrants; immunity.—

3140 (10) Any financial institution, licensed money services
 3141 business, or other person served with and complying with the
 3142 terms of a warrant, temporary injunction, or other court order,
 3143 including any subpoena issued under s. 16.56 or s. 27.04,
 3144 obtained in furtherance of an investigation of any crime in this
 3145 section, including any crime listed as specified unlawful
 3146 activity under this section or any felony violation of chapter
 3147 560, has immunity from criminal liability and is not liable to
 3148 any person for any lawful action taken in complying with the

3149 warrant, temporary injunction, or other court order, including
 3150 any subpoena issued under s. 16.56 or s. 27.04. If any subpoena
 3151 issued under s. 16.56 or s. 27.04 contains a nondisclosure
 3152 provision, any financial institution, licensed money services
 3153 business, employee or officer of a financial institution or
 3154 licensed money services business, or any other person may not
 3155 notify, directly or indirectly, any customer of that financial
 3156 institution or money services business whose records are being
 3157 sought by the subpoena, or any other person named in the
 3158 subpoena, about the existence or the contents of that subpoena
 3159 or about information that has been furnished to the state
 3160 attorney or statewide prosecutor who issued the subpoena or
 3161 other law enforcement officer named in the subpoena in response
 3162 to the subpoena.

3163 Section 62. For the purpose of incorporating the amendment
 3164 made by this act to section 39.01, Florida Statutes, in
 3165 references thereto, paragraphs (b) and (e) of subsection (2) of
 3166 section 390.01114, Florida Statutes, are reenacted to read:

3167 390.01114 Parental Notice of Abortion Act.—

3168 (2) DEFINITIONS.—As used in this section, the term:

3169 (b) "Child abuse" means abandonment, abuse, harm, mental
 3170 injury, neglect, physical injury, or sexual abuse of a child as
 3171 those terms are defined in ss. 39.01, 827.04, and 984.03.

3172 (e) "Sexual abuse" has the meaning ascribed in s. 39.01.

3173 Section 63. For the purpose of incorporating the amendment
 3174 made by this act to section 39.01, Florida Statutes, in

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3175 references thereto, paragraph (h) of subsection (4) and
3176 subsections (7) and (9) of section 393.067, Florida Statutes,
3177 are reenacted to read:

3178 393.067 Facility licensure.—

3179 (4) The application shall be under oath and shall contain
3180 the following:

3181 (h) Certification that the staff of the facility or
3182 program will receive training to detect, report, and prevent
3183 sexual abuse, abuse, neglect, exploitation, and abandonment, as
3184 defined in ss. 39.01 and 415.102, of residents and clients.

3185 (7) The agency shall adopt rules establishing minimum
3186 standards for facilities and programs licensed under this
3187 section, including rules requiring facilities and programs to
3188 train staff to detect, report, and prevent sexual abuse, abuse,
3189 neglect, exploitation, and abandonment, as defined in ss. 39.01
3190 and 415.102, of residents and clients, minimum standards of
3191 quality and adequacy of client care, incident reporting
3192 requirements, and uniform firesafety standards established by
3193 the State Fire Marshal which are appropriate to the size of the
3194 facility or of the component centers or units of the program.

3195 (9) The agency may conduct unannounced inspections to
3196 determine compliance by foster care facilities, group home
3197 facilities, residential habilitation centers, and comprehensive
3198 transitional education programs with the applicable provisions
3199 of this chapter and the rules adopted pursuant hereto, including
3200 the rules adopted for training staff of a facility or a program

3201 to detect, report, and prevent sexual abuse, abuse, neglect,
 3202 exploitation, and abandonment, as defined in ss. 39.01 and
 3203 415.102, of residents and clients. The facility or program shall
 3204 make copies of inspection reports available to the public upon
 3205 request.

3206 Section 64. For the purpose of incorporating the amendment
 3207 made by this act to section 39.01, Florida Statutes, in a
 3208 reference thereto, paragraph (p) of subsection (4) of section
 3209 394.495, Florida Statutes, is reenacted to read:

3210 394.495 Child and adolescent mental health system of care;
 3211 programs and services.—

3212 (4) The array of services may include, but is not limited
 3213 to:

3214 (p) Trauma-informed services for children who have
 3215 suffered sexual exploitation as defined in s. 39.01(69)(g).

3216 Section 65. For the purpose of incorporating the amendment
 3217 made by this act to section 39.01, Florida Statutes, in
 3218 references thereto, paragraph (c) of subsection (1) and
 3219 paragraphs (a) and (b) of subsection (6) of section 409.1678,
 3220 Florida Statutes, are reenacted to read:

3221 409.1678 Specialized residential options for children who
 3222 are victims of sexual exploitation.—

3223 (1) DEFINITIONS.—As used in this section, the term:

3224 (c) "Sexually exploited child" means a child who has
 3225 suffered sexual exploitation as defined in s. 39.01(69)(g) and
 3226 is ineligible for relief and benefits under the federal

3227 Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

3228 (6) LOCATION INFORMATION.—

3229 (a) Information about the location of a safe house, safe
 3230 foster home, or other residential facility serving victims of
 3231 sexual exploitation, as defined in s. 39.01(69)(g), which is
 3232 held by an agency, as defined in s. 119.011, is confidential and
 3233 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 3234 Constitution. This exemption applies to such confidential and
 3235 exempt information held by an agency before, on, or after the
 3236 effective date of the exemption.

3237 (b) Information about the location of a safe house, safe
 3238 foster home, or other residential facility serving victims of
 3239 sexual exploitation, as defined in s. 39.01(69)(g), may be
 3240 provided to an agency, as defined in s. 119.011, as necessary to
 3241 maintain health and safety standards and to address emergency
 3242 situations in the safe house, safe foster home, or other
 3243 residential facility.

3244 Section 66. For the purpose of incorporating the amendment
 3245 made by this act to section 39.01, Florida Statutes, in a
 3246 reference thereto, subsection (5) of section 960.065, Florida
 3247 Statutes, is reenacted to read:

3248 960.065 Eligibility for awards.—

3249 (5) A person is not ineligible for an award pursuant to
 3250 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
 3251 person is a victim of sexual exploitation of a child as defined
 3252 in s. 39.01(69)(g).

3253 Section 67. For the purpose of incorporating the amendment
3254 made by this act to section 39.01, Florida Statutes, in a
3255 reference thereto, subsection (2) of section 984.03, Florida
3256 Statutes, is reenacted to read:

3257 984.03 Definitions.—When used in this chapter, the term:

3258 (2) "Abuse" means any willful act that results in any
3259 physical, mental, or sexual injury that causes or is likely to
3260 cause the child's physical, mental, or emotional health to be
3261 significantly impaired. Corporal discipline of a child by a
3262 parent or guardian for disciplinary purposes does not in itself
3263 constitute abuse when it does not result in harm to the child as
3264 defined in s. 39.01.

3265 Section 68. For the purpose of incorporating the amendment
3266 made by this act to section 775.21, Florida Statutes, in a
3267 reference thereto, paragraph (b) of subsection (6) of section
3268 39.509, Florida Statutes, is reenacted to read:

3269 39.509 Grandparents rights.—Notwithstanding any other
3270 provision of law, a maternal or paternal grandparent as well as
3271 a stepgrandparent is entitled to reasonable visitation with his
3272 or her grandchild who has been adjudicated a dependent child and
3273 taken from the physical custody of the parent unless the court
3274 finds that such visitation is not in the best interest of the
3275 child or that such visitation would interfere with the goals of
3276 the case plan. Reasonable visitation may be unsupervised and,
3277 where appropriate and feasible, may be frequent and continuing.
3278 Any order for visitation or other contact must conform to the

3279 provisions of s. 39.0139.

3280 (6) In determining whether grandparental visitation is not
 3281 in the child's best interest, consideration may be given to the
 3282 following:

3283 (b) The designation by a court as a sexual predator as
 3284 defined in s. 775.21 or a substantially similar designation
 3285 under laws of another jurisdiction.

3286 Section 69. For the purpose of incorporating the amendment
 3287 made by this act to section 775.21, Florida Statutes, in
 3288 references thereto, paragraphs (d) and (n) of subsection (1) of
 3289 section 39.806, Florida Statutes, are reenacted to read:

3290 39.806 Grounds for termination of parental rights.—

3291 (1) Grounds for the termination of parental rights may be
 3292 established under any of the following circumstances:

3293 (d) When the parent of a child is incarcerated and either:

3294 1. The period of time for which the parent is expected to
 3295 be incarcerated will constitute a significant portion of the
 3296 child's minority. When determining whether the period of time is
 3297 significant, the court shall consider the child's age and the
 3298 child's need for a permanent and stable home. The period of time
 3299 begins on the date that the parent enters into incarceration;

3300 2. The incarcerated parent has been determined by the
 3301 court to be a violent career criminal as defined in s. 775.084,
 3302 a habitual violent felony offender as defined in s. 775.084, or
 3303 a sexual predator as defined in s. 775.21; has been convicted of
 3304 first degree or second degree murder in violation of s. 782.04

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3305 or a sexual battery that constitutes a capital, life, or first
3306 degree felony violation of s. 794.011; or has been convicted of
3307 an offense in another jurisdiction which is substantially
3308 similar to one of the offenses listed in this paragraph. As used
3309 in this section, the term "substantially similar offense" means
3310 any offense that is substantially similar in elements and
3311 penalties to one of those listed in this subparagraph, and that
3312 is in violation of a law of any other jurisdiction, whether that
3313 of another state, the District of Columbia, the United States or
3314 any possession or territory thereof, or any foreign
3315 jurisdiction; or

3316 3. The court determines by clear and convincing evidence
3317 that continuing the parental relationship with the incarcerated
3318 parent would be harmful to the child and, for this reason, that
3319 termination of the parental rights of the incarcerated parent is
3320 in the best interest of the child. When determining harm, the
3321 court shall consider the following factors:

3322 a. The age of the child.

3323 b. The relationship between the child and the parent.

3324 c. The nature of the parent's current and past provision
3325 for the child's developmental, cognitive, psychological, and
3326 physical needs.

3327 d. The parent's history of criminal behavior, which may
3328 include the frequency of incarceration and the unavailability of
3329 the parent to the child due to incarceration.

3330 e. Any other factor the court deems relevant.

3331 (n) The parent is convicted of an offense that requires
 3332 the parent to register as a sexual predator under s. 775.21.

3333 Section 70. For the purpose of incorporating the amendment
 3334 made by this act to section 775.21, Florida Statutes, in a
 3335 reference thereto, paragraph (b) of subsection (4) of section
 3336 63.089, Florida Statutes, is reenacted to read:

3337 63.089 Proceeding to terminate parental rights pending
 3338 adoption; hearing; grounds; dismissal of petition; judgment.—

3339 (4) FINDING OF ABANDONMENT.—A finding of abandonment
 3340 resulting in a termination of parental rights must be based upon
 3341 clear and convincing evidence that a parent or person having
 3342 legal custody has abandoned the child in accordance with the
 3343 definition contained in s. 63.032. A finding of abandonment may
 3344 also be based upon emotional abuse or a refusal to provide
 3345 reasonable financial support, when able, to a birth mother
 3346 during her pregnancy or on whether the person alleged to have
 3347 abandoned the child, while being able, failed to establish
 3348 contact with the child or accept responsibility for the child's
 3349 welfare.

3350 (b) The child has been abandoned when the parent of a
 3351 child is incarcerated on or after October 1, 2001, in a federal,
 3352 state, or county correctional institution and:

3353 1. The period of time for which the parent has been or is
 3354 expected to be incarcerated will constitute a significant
 3355 portion of the child's minority. In determining whether the
 3356 period of time is significant, the court shall consider the

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3357 child's age and the child's need for a permanent and stable
3358 home. The period of time begins on the date that the parent
3359 enters into incarceration;

3360 2. The incarcerated parent has been determined by a court
3361 of competent jurisdiction to be a violent career criminal as
3362 defined in s. 775.084, a habitual violent felony offender as
3363 defined in s. 775.084, convicted of child abuse as defined in s.
3364 827.03, or a sexual predator as defined in s. 775.21; has been
3365 convicted of first degree or second degree murder in violation
3366 of s. 782.04 or a sexual battery that constitutes a capital,
3367 life, or first degree felony violation of s. 794.011; or has
3368 been convicted of a substantially similar offense in another
3369 jurisdiction. As used in this section, the term "substantially
3370 similar offense" means any offense that is substantially similar
3371 in elements and penalties to one of those listed in this
3372 subparagraph, and that is in violation of a law of any other
3373 jurisdiction, whether that of another state, the District of
3374 Columbia, the United States or any possession or territory
3375 thereof, or any foreign jurisdiction; or

3376 3. The court determines by clear and convincing evidence
3377 that continuing the parental relationship with the incarcerated
3378 parent would be harmful to the child and, for this reason,
3379 termination of the parental rights of the incarcerated parent is
3380 in the best interests of the child.

3381 Section 71. For the purpose of incorporating the amendment
3382 made by this act to section 775.21, Florida Statutes, in a

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3383 reference thereto, subsection (3) of section 63.092, Florida
3384 Statutes, is reenacted to read:

3385 63.092 Report to the court of intended placement by an
3386 adoption entity; at-risk placement; preliminary study.—

3387 (3) PRELIMINARY HOME STUDY.—Before placing the minor in
3388 the intended adoptive home, a preliminary home study must be
3389 performed by a licensed child-placing agency, a child-caring
3390 agency registered under s. 409.176, a licensed professional, or
3391 an agency described in s. 61.20(2), unless the adoptee is an
3392 adult or the petitioner is a stepparent or a relative. If the
3393 adoptee is an adult or the petitioner is a stepparent or a
3394 relative, a preliminary home study may be required by the court
3395 for good cause shown. The department is required to perform the
3396 preliminary home study only if there is no licensed child-
3397 placing agency, child-caring agency registered under s. 409.176,
3398 licensed professional, or agency described in s. 61.20(2), in
3399 the county where the prospective adoptive parents reside. The
3400 preliminary home study must be made to determine the suitability
3401 of the intended adoptive parents and may be completed prior to
3402 identification of a prospective adoptive minor. A favorable
3403 preliminary home study is valid for 1 year after the date of its
3404 completion. Upon its completion, a signed copy of the home study
3405 must be provided to the intended adoptive parents who were the
3406 subject of the home study. A minor may not be placed in an
3407 intended adoptive home before a favorable preliminary home study
3408 is completed unless the adoptive home is also a licensed foster

3409 | home under s. 409.175. The preliminary home study must include,
 3410 | at a minimum:

- 3411 | (a) An interview with the intended adoptive parents;
- 3412 | (b) Records checks of the department's central abuse
 3413 | registry and criminal records correspondence checks under s.
 3414 | 39.0138 through the Department of Law Enforcement on the
 3415 | intended adoptive parents;
- 3416 | (c) An assessment of the physical environment of the home;
- 3417 | (d) A determination of the financial security of the
 3418 | intended adoptive parents;
- 3419 | (e) Documentation of counseling and education of the
 3420 | intended adoptive parents on adoptive parenting;
- 3421 | (f) Documentation that information on adoption and the
 3422 | adoption process has been provided to the intended adoptive
 3423 | parents;
- 3424 | (g) Documentation that information on support services
 3425 | available in the community has been provided to the intended
 3426 | adoptive parents; and
- 3427 | (h) A copy of each signed acknowledgment of receipt of
 3428 | disclosure required by s. 63.085.

3429 |
 3430 | If the preliminary home study is favorable, a minor may be
 3431 | placed in the home pending entry of the judgment of adoption. A
 3432 | minor may not be placed in the home if the preliminary home
 3433 | study is unfavorable. If the preliminary home study is
 3434 | unfavorable, the adoption entity may, within 20 days after

3435 receipt of a copy of the written recommendation, petition the
 3436 court to determine the suitability of the intended adoptive
 3437 home. A determination as to suitability under this subsection
 3438 does not act as a presumption of suitability at the final
 3439 hearing. In determining the suitability of the intended adoptive
 3440 home, the court must consider the totality of the circumstances
 3441 in the home. A minor may not be placed in a home in which there
 3442 resides any person determined by the court to be a sexual
 3443 predator as defined in s. 775.21 or to have been convicted of an
 3444 offense listed in s. 63.089(4)(b)2.

3445 Section 72. For the purpose of incorporating the amendment
 3446 made by this act to section 775.21, Florida Statutes, in a
 3447 reference thereto, subsection (1) of section 794.075, Florida
 3448 Statutes, is reenacted to read:

3449 794.075 Sexual predators; erectile dysfunction drugs.—

3450 (1) A person may not possess a prescription drug, as
 3451 defined in s. 499.003(43), for the purpose of treating erectile
 3452 dysfunction if the person is designated as a sexual predator
 3453 under s. 775.21.

3454 Section 73. For the purpose of incorporating the amendment
 3455 made by this act to section 775.21, Florida Statutes, in a
 3456 reference thereto, paragraph (o) of subsection (5) of section
 3457 921.141, Florida Statutes, is reenacted to read:

3458 921.141 Sentence of death or life imprisonment for capital
 3459 felonies; further proceedings to determine sentence.—

3460 (5) AGGRAVATING CIRCUMSTANCES.—Aggravating circumstances

3461 shall be limited to the following:

3462 (o) The capital felony was committed by a person
 3463 designated as a sexual predator pursuant to s. 775.21 or a
 3464 person previously designated as a sexual predator who had the
 3465 sexual predator designation removed.

3466 Section 74. For the purpose of incorporating the amendment
 3467 made by this act to section 775.21, Florida Statutes, in
 3468 references thereto, subsection (5) of section 943.0435, Florida
 3469 Statutes, is reenacted to read:

3470 943.0435 Sexual offenders required to register with the
 3471 department; penalty.—

3472 (5) This section does not apply to a sexual offender who
 3473 is also a sexual predator, as defined in s. 775.21. A sexual
 3474 predator must register as required under s. 775.21.

3475 Section 75. For the purpose of incorporating the amendment
 3476 made by this act to section 775.21, Florida Statutes, in
 3477 references thereto, subsection (4) of section 944.609, Florida
 3478 Statutes, is reenacted to read:

3479 944.609 Career offenders; notification upon release.—

3480 (4) The department or any law enforcement agency may
 3481 notify the community and the public of a career offender's
 3482 presence in the community. However, with respect to a career
 3483 offender who has been found to be a sexual predator under s.
 3484 775.21, the Department of Law Enforcement or any other law
 3485 enforcement agency must inform the community and the public of
 3486 the career offender's presence in the community, as provided in

3487 s. 775.21.

3488 Section 76. For the purpose of incorporating the amendment
 3489 made by this act to section 775.21, Florida Statutes, in a
 3490 reference thereto, paragraph (c) of subsection (2) of section
 3491 947.1405, Florida Statutes, is reenacted to read:

3492 947.1405 Conditional release program.—

3493 (2) Any inmate who:

3494 (c) Is found to be a sexual predator under s. 775.21 or
 3495 former s. 775.23,

3496

3497 shall, upon reaching the tentative release date or provisional
 3498 release date, whichever is earlier, as established by the
 3499 Department of Corrections, be released under supervision subject
 3500 to specified terms and conditions, including payment of the cost
 3501 of supervision pursuant to s. 948.09. Such supervision shall be
 3502 applicable to all sentences within the overall term of sentences
 3503 if an inmate's overall term of sentences includes one or more
 3504 sentences that are eligible for conditional release supervision
 3505 as provided herein. Effective July 1, 1994, and applicable for
 3506 offenses committed on or after that date, the commission may
 3507 require, as a condition of conditional release, that the
 3508 releasee make payment of the debt due and owing to a county or
 3509 municipal detention facility under s. 951.032 for medical care,
 3510 treatment, hospitalization, or transportation received by the
 3511 releasee while in that detention facility. The commission, in
 3512 determining whether to order such repayment and the amount of

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3513 such repayment, shall consider the amount of the debt, whether
3514 there was any fault of the institution for the medical expenses
3515 incurred, the financial resources of the releasee, the present
3516 and potential future financial needs and earning ability of the
3517 releasee, and dependents, and other appropriate factors. If any
3518 inmate placed on conditional release supervision is also subject
3519 to probation or community control, resulting from a probationary
3520 or community control split sentence within the overall term of
3521 sentences, the Department of Corrections shall supervise such
3522 person according to the conditions imposed by the court and the
3523 commission shall defer to such supervision. If the court revokes
3524 probation or community control and resentsences the offender to a
3525 term of incarceration, such revocation also constitutes a
3526 sufficient basis for the revocation of the conditional release
3527 supervision on any nonprobationary or noncommunity control
3528 sentence without further hearing by the commission. If any such
3529 supervision on any nonprobationary or noncommunity control
3530 sentence is revoked, such revocation may result in a forfeiture
3531 of all gain-time, and the commission may revoke the resulting
3532 deferred conditional release supervision or take other action it
3533 considers appropriate. If the term of conditional release
3534 supervision exceeds that of the probation or community control,
3535 then, upon expiration of the probation or community control,
3536 authority for the supervision shall revert to the commission and
3537 the supervision shall be subject to the conditions imposed by
3538 the commission. A panel of no fewer than two commissioners shall

3539 establish the terms and conditions of any such release. If the
3540 offense was a controlled substance violation, the conditions
3541 shall include a requirement that the offender submit to random
3542 substance abuse testing intermittently throughout the term of
3543 conditional release supervision, upon the direction of the
3544 correctional probation officer as defined in s. 943.10(3). The
3545 commission shall also determine whether the terms and conditions
3546 of such release have been violated and whether such violation
3547 warrants revocation of the conditional release.

3548 Section 77. For the purpose of incorporating the amendment
3549 made by this act to section 775.21, Florida Statutes, in a
3550 reference thereto, paragraphs (b) and (d) of subsection (8) of
3551 section 948.06, Florida Statutes, are reenacted to read:

3552 948.06 Violation of probation or community control;
3553 revocation; modification; continuance; failure to pay
3554 restitution or cost of supervision.—

3555 (8)

3556 (b) For purposes of this section and ss. 903.0351,
3557 948.064, and 921.0024, the term "violent felony offender of
3558 special concern" means a person who is on:

3559 1. Felony probation or community control related to the
3560 commission of a qualifying offense committed on or after the
3561 effective date of this act;

3562 2. Felony probation or community control for any offense
3563 committed on or after the effective date of this act, and has
3564 previously been convicted of a qualifying offense;

3565 3. Felony probation or community control for any offense
 3566 committed on or after the effective date of this act, and is
 3567 found to have violated that probation or community control by
 3568 committing a qualifying offense;

3569 4. Felony probation or community control and has
 3570 previously been found by a court to be a habitual violent felony
 3571 offender as defined in s. 775.084(1)(b) and has committed a
 3572 qualifying offense on or after the effective date of this act;

3573 5. Felony probation or community control and has
 3574 previously been found by a court to be a three-time violent
 3575 felony offender as defined in s. 775.084(1)(c) and has committed
 3576 a qualifying offense on or after the effective date of this act;
 3577 or

3578 6. Felony probation or community control and has
 3579 previously been found by a court to be a sexual predator under
 3580 s. 775.21 and has committed a qualifying offense on or after the
 3581 effective date of this act.

3582 (d) In the case of an alleged violation of probation or
 3583 community control other than a failure to pay costs, fines, or
 3584 restitution, the following individuals shall remain in custody
 3585 pending the resolution of the probation or community control
 3586 violation:

3587 1. A violent felony offender of special concern, as
 3588 defined in this section;

3589 2. A person who is on felony probation or community
 3590 control for any offense committed on or after the effective date

3591 of this act and who is arrested for a qualifying offense as
 3592 defined in this section; or

3593 3. A person who is on felony probation or community
 3594 control and has previously been found by a court to be a
 3595 habitual violent felony offender as defined in s. 775.084(1)(b),
 3596 a three-time violent felony offender as defined in s.
 3597 775.084(1)(c), or a sexual predator under s. 775.21, and who is
 3598 arrested for committing a qualifying offense as defined in this
 3599 section on or after the effective date of this act.

3600
 3601 The court shall not dismiss the probation or community control
 3602 violation warrant pending against an offender enumerated in this
 3603 paragraph without holding a recorded violation-of-probation
 3604 hearing at which both the state and the offender are
 3605 represented.

3606 Section 78. For the purpose of incorporating the amendment
 3607 made by this act to section 775.21, Florida Statutes, in a
 3608 reference thereto, subsection (4) of section 948.064, Florida
 3609 Statutes, is reenacted to read:

3610 948.064 Notification of status as a violent felony
 3611 offender of special concern.—

3612 (4) The state attorney, or the statewide prosecutor if
 3613 applicable, shall advise the court at each critical stage in the
 3614 judicial process, at which the state attorney or statewide
 3615 prosecutor is represented, whether an alleged or convicted
 3616 offender is a violent felony offender of special concern; a

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3617 person who is on felony probation or community control for any
3618 offense committed on or after the effective date of this act and
3619 who is arrested for a qualifying offense; or a person who is on
3620 felony probation or community control and has previously been
3621 found by a court to be a habitual violent felony offender as
3622 defined in s. 775.084(1)(b), a three-time violent felony
3623 offender as defined in s. 775.084(1)(c), or a sexual predator
3624 under s. 775.21, and who is arrested for committing a qualifying
3625 offense on or after the effective date of this act.

3626 Section 79. For the purpose of incorporating the amendment
3627 made by this act to section 775.21, Florida Statutes, in a
3628 reference thereto, subsection (3) of section 948.12, Florida
3629 Statutes, is reenacted to read:

3630 948.12 Intensive supervision for postprison release of
3631 violent offenders.—It is the finding of the Legislature that the
3632 population of violent offenders released from state prison into
3633 the community poses the greatest threat to the public safety of
3634 the groups of offenders under community supervision. Therefore,
3635 for the purpose of enhanced public safety, any offender released
3636 from state prison who:

3637 (3) Has been found to be a sexual predator pursuant to s.
3638 775.21,

3639

3640 and who has a term of probation to follow the period of
3641 incarceration shall be provided intensive supervision by
3642 experienced correctional probation officers. Subject to specific

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3643 appropriation by the Legislature, caseloads may be restricted to
3644 a maximum of 40 offenders per officer to provide for enhanced
3645 public safety as well as to effectively monitor conditions of
3646 electronic monitoring or curfews, if such was ordered by the
3647 court.

3648 Section 80. For the purpose of incorporating the amendment
3649 made by this act to section 784.046, Florida Statutes, in a
3650 reference thereto, paragraph (e) of subsection (1) of section
3651 741.313, Florida Statutes, is reenacted to read:

3652 741.313 Unlawful action against employees seeking
3653 protection.—

3654 (1) As used in this section, the term:

3655 (e) "Sexual violence" means sexual violence, as defined in
3656 s. 784.046, or any crime the underlying factual basis of which
3657 has been found by a court to include an act of sexual violence.

3658 Section 81. For the purpose of incorporating the amendment
3659 made by this act to section 794.0115, Florida Statutes, in
3660 references thereto, subsection (3), paragraphs (a), (b), (c),
3661 and (d) of subsection (4), and subsection (5) of section
3662 794.011, Florida Statutes, are reenacted to read:

3663 794.011 Sexual battery.—

3664 (3) A person who commits sexual battery upon a person 12
3665 years of age or older, without that person's consent, and in the
3666 process thereof uses or threatens to use a deadly weapon or uses
3667 actual physical force likely to cause serious personal injury
3668 commits a life felony, punishable as provided in s. 775.082, s.

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3669 775.083, s. 775.084, or s. 794.0115.

3670 (4) (a) A person 18 years of age or older who commits
3671 sexual battery upon a person 12 years of age or older but
3672 younger than 18 years of age without that person's consent,
3673 under any of the circumstances listed in paragraph (e), commits
3674 a felony of the first degree, punishable by a term of years not
3675 exceeding life or as provided in s. 775.082, s. 775.083, s.
3676 775.084, or s. 794.0115.

3677 (b) A person 18 years of age or older who commits sexual
3678 battery upon a person 18 years of age or older without that
3679 person's consent, under any of the circumstances listed in
3680 paragraph (e), commits a felony of the first degree, punishable
3681 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
3682 794.0115.

3683 (c) A person younger than 18 years of age who commits
3684 sexual battery upon a person 12 years of age or older without
3685 that person's consent, under any of the circumstances listed in
3686 paragraph (e), commits a felony of the first degree, punishable
3687 as provided in s. 775.082, s. 775.083, s. 775.084, or s.
3688 794.0115.

3689 (d) A person commits a felony of the first degree,
3690 punishable by a term of years not exceeding life or as provided
3691 in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115 if the
3692 person commits sexual battery upon a person 12 years of age or
3693 older without that person's consent, under any of the
3694 circumstances listed in paragraph (e), and such person was

3695 | previously convicted of a violation of:

- 3696 | 1. Section 787.01(2) or s. 787.02(2) when the violation
- 3697 | involved a victim who was a minor and, in the course of
- 3698 | committing that violation, the defendant committed against the
- 3699 | minor a sexual battery under this chapter or a lewd act under s.
- 3700 | 800.04 or s. 847.0135(5);
- 3701 | 2. Section 787.01(3)(a)2. or 3.;
- 3702 | 3. Section 787.02(3)(a)2. or 3.;
- 3703 | 4. Section 800.04;
- 3704 | 5. Section 825.1025;
- 3705 | 6. Section 847.0135(5); or
- 3706 | 7. This chapter, excluding subsection (10) of this
- 3707 | section.

3708 | (5)(a) A person 18 years of age or older who commits

3709 | sexual battery upon a person 12 years of age or older but

3710 | younger than 18 years of age, without that person's consent, and

3711 | in the process does not use physical force and violence likely

3712 | to cause serious personal injury commits a felony of the first

3713 | degree, punishable as provided in s. 775.082, s. 775.083, s.

3714 | 775.084, or s. 794.0115.

3715 | (b) A person 18 years of age or older who commits sexual

3716 | battery upon a person 18 years of age or older, without that

3717 | person's consent, and in the process does not use physical force

3718 | and violence likely to cause serious personal injury commits a

3719 | felony of the second degree, punishable as provided in s.

3720 | 775.082, s. 775.083, s. 775.084, or s. 794.0115.

3721 (c) A person younger than 18 years of age who commits
 3722 sexual battery upon a person 12 years of age or older, without
 3723 that person's consent, and in the process does not use physical
 3724 force and violence likely to cause serious personal injury
 3725 commits a felony of the second degree, punishable as provided in
 3726 s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

3727 (d) A person commits a felony of the first degree,
 3728 punishable as provided in s. 775.082, s. 775.083, s. 775.084, or
 3729 s. 794.0115 if the person commits sexual battery upon a person
 3730 12 years of age or older, without that person's consent, and in
 3731 the process does not use physical force and violence likely to
 3732 cause serious personal injury and the person was previously
 3733 convicted of a violation of:

3734 1. Section 787.01(2) or s. 787.02(2) when the violation
 3735 involved a victim who was a minor and, in the course of
 3736 committing that violation, the defendant committed against the
 3737 minor a sexual battery under this chapter or a lewd act under s.
 3738 800.04 or s. 847.0135(5);

3739 2. Section 787.01(3)(a)2. or 3.;

3740 3. Section 787.02(3)(a)2. or 3.;

3741 4. Section 800.04;

3742 5. Section 825.1025;

3743 6. Section 847.0135(5); or

3744 7. This chapter, excluding subsection (10) of this
 3745 section.

3746 Section 82. For the purpose of incorporating the amendment

3747 made by this act to section 847.001, Florida Statutes, in a
 3748 reference thereto, subsection (2) of section 944.11, Florida
 3749 Statutes, is reenacted to read:

3750 944.11 Department to regulate admission of books.—

3751 (2) The department shall have the authority to prohibit
 3752 admission of reading materials or publications with content
 3753 which depicts sexual conduct as defined by s. 847.001 or
 3754 presents nudity in such a way as to create the appearance that
 3755 sexual conduct is imminent. The department shall have the
 3756 authority to prohibit admission of such materials at a
 3757 particular state correctional facility upon a determination by
 3758 the department that such material or publications would be
 3759 detrimental to the safety, security, order or rehabilitative
 3760 interests of a particular state correctional facility or would
 3761 create a risk of disorder at a particular state correctional
 3762 facility.

3763 Section 83. For the purpose of incorporating the amendment
 3764 made by this act to section 847.0135, Florida Statutes, in a
 3765 reference thereto, paragraph (q) of subsection (5) of section
 3766 456.074, Florida Statutes, is reenacted to read:

3767 456.074 Certain health care practitioners; immediate
 3768 suspension of license.—

3769 (5) The department shall issue an emergency order
 3770 suspending the license of a massage therapist or establishment
 3771 as defined in chapter 480 upon receipt of information that the
 3772 massage therapist, a person with an ownership interest in the

3773 establishment, or, for a corporation that has more than \$250,000
3774 of business assets in this state, the owner, officer, or
3775 individual directly involved in the management of the
3776 establishment has been convicted or found guilty of, or has
3777 entered a plea of guilty or nolo contendere to, regardless of
3778 adjudication, a felony offense under any of the following
3779 provisions of state law or a similar provision in another
3780 jurisdiction:

3781 (q) Section 847.0135, relating to computer pornography.
3782 Section 84. For the purpose of incorporating the amendment
3783 made by this act to section 847.0135, Florida Statutes, in a
3784 reference thereto, paragraph (q) of subsection (7) of section
3785 480.041, Florida Statutes, is reenacted to read:

3786 480.041 Massage therapists; qualifications; licensure;
3787 endorsement.—

3788 (7) The board shall deny an application for a new or
3789 renewal license if an applicant has been convicted or found
3790 guilty of, or enters a plea of guilty or nolo contendere to,
3791 regardless of adjudication, a felony offense under any of the
3792 following provisions of state law or a similar provision in
3793 another jurisdiction:

3794 (q) Section 847.0135, relating to computer pornography.
3795 Section 85. For the purpose of incorporating the amendment
3796 made by this act to section 847.0135, Florida Statutes, in a
3797 reference thereto, paragraph (q) of subsection (8) of section
3798 480.043, Florida Statutes, is reenacted to read:

3799 | 480.043 Massage establishments; requisites; licensure;
 3800 | inspection.—

3801 | (8) The department shall deny an application for a new or
 3802 | renewal license if a person with an ownership interest in the
 3803 | establishment or, for a corporation that has more than \$250,000
 3804 | of business assets in this state, the owner, officer, or
 3805 | individual directly involved in the management of the
 3806 | establishment has been convicted or found guilty of, or entered
 3807 | a plea of guilty or nolo contendere to, regardless of
 3808 | adjudication, a felony offense under any of the following
 3809 | provisions of state law or a similar provision in another
 3810 | jurisdiction:

3811 | (q) Section 847.0135, relating to computer pornography.
 3812 | Section 86. For the purpose of incorporating the amendment
 3813 | made by this act to section 895.02, Florida Statutes, in a
 3814 | reference thereto, paragraph (g) of subsection (3) of section
 3815 | 655.50, Florida Statutes, is reenacted to read:

3816 | 655.50 Florida Control of Money Laundering and Terrorist
 3817 | Financing in Financial Institutions Act.—

3818 | (3) As used in this section, the term:

3819 | (g) "Specified unlawful activity" means "racketeering
 3820 | activity" as defined in s. 895.02.

3821 | Section 87. For the purpose of incorporating the amendment
 3822 | made by this act to section 895.02, Florida Statutes, in a
 3823 | reference thereto, paragraph (g) of subsection (2) of section
 3824 | 896.101, Florida Statutes, is reenacted to read:

3825 896.101 Florida Money Laundering Act; definitions;
 3826 penalties; injunctions; seizure warrants; immunity.—

3827 (2) As used in this section, the term:

3828 (g) "Specified unlawful activity" means any "racketeering
 3829 activity" as defined in s. 895.02.

3830 Section 88. For the purpose of incorporating the amendment
 3831 made by this act to section 943.0435, Florida Statutes, in a
 3832 reference thereto, paragraph (a) of subsection (2) of section
 3833 394.9125, Florida Statutes, is reenacted to read:

3834 394.9125 State attorney; authority to refer a person for
 3835 civil commitment.—

3836 (2) A state attorney may refer a person to the department
 3837 for civil commitment proceedings if the person:

3838 (a) Is required to register as a sexual offender pursuant
 3839 to s. 943.0435;

3840 Section 89. For the purpose of incorporating the amendment
 3841 made by this act to section 943.0435, Florida Statutes, in a
 3842 reference thereto, paragraph (g) of subsection (2) of section
 3843 1012.467, Florida Statutes, is reenacted to read:

3844 1012.467 Noninstructional contractors who are permitted
 3845 access to school grounds when students are present; background
 3846 screening requirements.—

3847 (2)

3848 (g) A noninstructional contractor for whom a criminal
 3849 history check is required under this section may not have been
 3850 convicted of any of the following offenses designated in the

3851 Florida Statutes, any similar offense in another jurisdiction,
 3852 or any similar offense committed in this state which has been
 3853 redesignated from a former provision of the Florida Statutes to
 3854 one of the following offenses:

3855 1. Any offense listed in s. 943.0435(1)(a)1., relating to
 3856 the registration of an individual as a sexual offender.

3857 2. Section 393.135, relating to sexual misconduct with
 3858 certain developmentally disabled clients and the reporting of
 3859 such sexual misconduct.

3860 3. Section 394.4593, relating to sexual misconduct with
 3861 certain mental health patients and the reporting of such sexual
 3862 misconduct.

3863 4. Section 775.30, relating to terrorism.

3864 5. Section 782.04, relating to murder.

3865 6. Section 787.01, relating to kidnapping.

3866 7. Any offense under chapter 800, relating to lewdness and
 3867 indecent exposure.

3868 8. Section 826.04, relating to incest.

3869 9. Section 827.03, relating to child abuse, aggravated
 3870 child abuse, or neglect of a child.

3871 Section 90. For the purpose of incorporating the amendment
 3872 made by this act to section 943.0435, Florida Statutes, in a
 3873 reference thereto, subsection (2) of section 775.0862, Florida
 3874 Statutes, is reenacted to read:

3875 775.0862 Sexual offenses against students by authority
 3876 figures; reclassification.—

3877 (2) The felony degree of a violation of an offense listed
 3878 in s. 943.0435(1)(a)1.a., unless the offense is a violation of
 3879 s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified
 3880 as provided in this section if the offense is committed by an
 3881 authority figure of a school against a student of the school.

3882 Section 91. For the purpose of incorporating the amendment
 3883 made by this act to section 947.1405, Florida Statutes, in a
 3884 reference thereto, paragraph (j) of subsection (4) of section
 3885 775.084, Florida Statutes, is reenacted to read:

3886 775.084 Violent career criminals; habitual felony
 3887 offenders and habitual violent felony offenders; three-time
 3888 violent felony offenders; definitions; procedure; enhanced
 3889 penalties or mandatory minimum prison terms.—

3890 (4)

3891 (j) The provisions of s. 947.1405 shall apply to persons
 3892 sentenced as habitual felony offenders and persons sentenced as
 3893 habitual violent felony offenders.

3894 Section 92. For the purpose of incorporating the amendment
 3895 made by this act to section 947.1405, Florida Statutes, in
 3896 references thereto, subsection (1) of section 944.70, Florida
 3897 Statutes, is reenacted to read:

3898 944.70 Conditions for release from incarceration.—

3899 (1)(a) A person who is convicted of a crime committed on
 3900 or after October 1, 1983, but before January 1, 1994, may be
 3901 released from incarceration only:

3902 1. Upon expiration of the person's sentence;

3903 2. Upon expiration of the person's sentence as reduced by
3904 accumulated gain-time;

3905 3. As directed by an executive order granting clemency;

3906 4. Upon attaining the provisional release date;

3907 5. Upon placement in a conditional release program
3908 pursuant to s. 947.1405; or

3909 6. Upon the granting of control release pursuant to s.
3910 947.146.

3911 (b) A person who is convicted of a crime committed on or
3912 after January 1, 1994, may be released from incarceration only:

3913 1. Upon expiration of the person's sentence;

3914 2. Upon expiration of the person's sentence as reduced by
3915 accumulated meritorious or incentive gain-time;

3916 3. As directed by an executive order granting clemency;

3917 4. Upon placement in a conditional release program
3918 pursuant to s. 947.1405 or a conditional medical release program
3919 pursuant to s. 947.149; or

3920 5. Upon the granting of control release, including
3921 emergency control release, pursuant to s. 947.146.

3922 Section 93. For the purpose of incorporating the amendment
3923 made by this act to section 948.06, Florida Statutes, in a
3924 reference thereto, paragraph (a) of subsection (7) of section
3925 948.08, Florida Statutes, is reenacted to read:

3926 948.08 Pretrial intervention program.—

3927 (7) (a) Notwithstanding any provision of this section, a
3928 person who is charged with a felony, other than a felony listed

3929 in s. 948.06(8)(c), and identified as a veteran, as defined in
 3930 s. 1.01, or servicemember, as defined in s. 250.01, who suffers
 3931 from a military service-related mental illness, traumatic brain
 3932 injury, substance abuse disorder, or psychological problem, is
 3933 eligible for voluntary admission into a pretrial veterans'
 3934 treatment intervention program approved by the chief judge of
 3935 the circuit, upon motion of either party or the court's own
 3936 motion, except:

3937 1. If a defendant was previously offered admission to a
 3938 pretrial veterans' treatment intervention program at any time
 3939 before trial and the defendant rejected that offer on the
 3940 record, the court may deny the defendant's admission to such a
 3941 program.

3942 2. If a defendant previously entered a court-ordered
 3943 veterans' treatment program, the court may deny the defendant's
 3944 admission into the pretrial veterans' treatment program.

3945 Section 94. For the purpose of incorporating the amendment
 3946 made by this act to section 960.03, Florida Statutes, in
 3947 references thereto, paragraph (b) of subsection (1) and
 3948 subsections (2) and (3) of section 847.002, Florida Statutes,
 3949 are reenacted to read:

3950 847.002 Child pornography prosecutions.—

3951 (1) Any law enforcement officer who, pursuant to a
 3952 criminal investigation, recovers images or movies of child
 3953 pornography shall:

3954 (b) Request the law enforcement agency contact information

3955 from the Child Victim Identification Program for any images or
3956 movies recovered which contain an identified victim of child
3957 pornography as defined in s. 960.03.

3958 (2) Any law enforcement officer submitting a case for
3959 prosecution which involves the production, promotion, or
3960 possession of child pornography shall submit to the designated
3961 prosecutor the law enforcement agency contact information
3962 provided by the Child Victim Identification Program at the
3963 National Center for Missing and Exploited Children, for any
3964 images or movies involved in the case which contain the
3965 depiction of an identified victim of child pornography as
3966 defined in s. 960.03.

3967 (3) In every filed case involving an identified victim of
3968 child pornography, as defined in s. 960.03, the prosecuting
3969 agency shall enter the following information into the Victims in
3970 Child Pornography Tracking Repeat Exploitation database
3971 maintained by the Office of the Attorney General:

- 3972 (a) The case number and agency file number.
3973 (b) The named defendant.
3974 (c) The circuit court division and county.
3975 (d) Current court dates and the status of the case.
3976 (e) Contact information for the prosecutor assigned.
3977 (f) Verification that the prosecutor is or is not in
3978 possession of a victim impact statement and will use the
3979 statement in sentencing.

3980 Section 95. For the purpose of incorporating the amendment

3981 made by this act to section 985.475, Florida Statutes, in a
 3982 reference thereto, paragraph (c) of subsection (5) of section
 3983 985.0301, Florida Statutes, is reenacted to read:

3984 985.0301 Jurisdiction.—

3985 (5)

3986 (c) The court shall retain jurisdiction over a juvenile
 3987 sexual offender, as defined in s. 985.475, who has been placed
 3988 on community-based treatment alternative with supervision or who
 3989 has been placed in a program or facility for juvenile sexual
 3990 offenders, pursuant to s. 985.48, until the juvenile sexual
 3991 offender reaches 21 years of age, specifically for the purpose
 3992 of allowing the juvenile to complete the program.

3993 Section 96. For the purpose of incorporating the amendment
 3994 made by this act to section 985.475, Florida Statutes, in a
 3995 reference thereto, paragraph (c) of subsection (1) of section
 3996 985.441, Florida Statutes, is reenacted to read:

3997 985.441 Commitment.—

3998 (1) The court that has jurisdiction of an adjudicated
 3999 delinquent child may, by an order stating the facts upon which a
 4000 determination of a sanction and rehabilitative program was made
 4001 at the disposition hearing:

4002 (c) Commit the child to the department for placement in a
 4003 program or facility for juvenile sexual offenders in accordance
 4004 with s. 985.48, subject to specific appropriation for such a
 4005 program or facility.

4006 1. The child may only be committed for such placement

4007 pursuant to determination that the child is a juvenile sexual
 4008 offender under the criteria specified in s. 985.475.

4009 2. Any commitment of a juvenile sexual offender to a
 4010 program or facility for juvenile sexual offenders must be for an
 4011 indeterminate period of time, but the time may not exceed the
 4012 maximum term of imprisonment that an adult may serve for the
 4013 same offense.

4014 Section 97. For the purpose of incorporating the
 4015 amendments made by this act to sections 947.0435 and 947.04354,
 4016 Florida Statutes, in references thereto, subsection (12) of
 4017 section 947.1405, Florida Statutes, is reenacted to read:

4018 947.1405 Conditional release program.—

4019 (12) In addition to all other conditions imposed, for a
 4020 releasee who is subject to conditional release for a crime that
 4021 was committed on or after May 26, 2010, and who has been
 4022 convicted at any time of committing, or attempting, soliciting,
 4023 or conspiring to commit, any of the criminal offenses listed in
 4024 s. 943.0435(1)(a)1.a.(I), or a similar offense in another
 4025 jurisdiction against a victim who was under 18 years of age at
 4026 the time of the offense, if the releasee has not received a
 4027 pardon for any felony or similar law of another jurisdiction
 4028 necessary for the operation of this subsection, if a conviction
 4029 of a felony or similar law of another jurisdiction necessary for
 4030 the operation of this subsection has not been set aside in any
 4031 postconviction proceeding, or if the releasee has not been
 4032 removed from the requirement to register as a sexual offender or

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4033 sexual predator pursuant to s. 943.04354, the commission must
4034 impose the following conditions:

4035 (a) A prohibition on visiting schools, child care
4036 facilities, parks, and playgrounds without prior approval from
4037 the releasee's supervising officer. The commission may also
4038 designate additional prohibited locations to protect a victim.
4039 The prohibition ordered under this paragraph does not prohibit
4040 the releasee from visiting a school, child care facility, park,
4041 or playground for the sole purpose of attending a religious
4042 service as defined in s. 775.0861 or picking up or dropping off
4043 the releasee's child or grandchild at a child care facility or
4044 school.

4045 (b) A prohibition on distributing candy or other items to
4046 children on Halloween; wearing a Santa Claus costume, or other
4047 costume to appeal to children, on or preceding Christmas;
4048 wearing an Easter Bunny costume, or other costume to appeal to
4049 children, on or preceding Easter; entertaining at children's
4050 parties; or wearing a clown costume without prior approval from
4051 the commission.

4052 Section 98. For the purpose of incorporating the
4053 amendments made by this act to sections 775.21 and 943.0435,
4054 Florida Statutes, in references thereto, paragraph (i) of
4055 subsection (3) and subsection (6) of section 68.07, Florida
4056 Statutes, are reenacted to read:

4057 68.07 Change of name.—

4058 (3) Each petition shall be verified and show:

4059 (i) Whether the petitioner has ever been required to
4060 register as a sexual predator under s. 775.21 or as a sexual
4061 offender under s. 943.0435.

4062 (6) The clerk of the court must, within 5 business days
4063 after the filing of the final judgment, send a report of the
4064 judgment to the Department of Law Enforcement on a form to be
4065 furnished by that department. If the petitioner is required to
4066 register as a sexual predator or a sexual offender pursuant to
4067 s. 775.21 or s. 943.0435, the clerk of court shall
4068 electronically notify the Department of Law Enforcement of the
4069 name change, in a manner prescribed by that department, within 2
4070 business days after the filing of the final judgment. The
4071 Department of Law Enforcement must send a copy of the report to
4072 the Department of Highway Safety and Motor Vehicles, which may
4073 be delivered by electronic transmission. The report must contain
4074 sufficient information to identify the petitioner, including the
4075 results of the criminal history records check if applicable, the
4076 new name of the petitioner, and the file number of the judgment.
4077 The Department of Highway Safety and Motor Vehicles shall
4078 monitor the records of any sexual predator or sexual offender
4079 whose name has been provided to it by the Department of Law
4080 Enforcement. If the sexual predator or sexual offender does not
4081 obtain a replacement driver license or identification card
4082 within the required time as specified in s. 775.21 or s.
4083 943.0435, the Department of Highway Safety and Motor Vehicles
4084 shall notify the Department of Law Enforcement. The Department

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4085 of Law Enforcement shall notify applicable law enforcement
4086 agencies of the predator's or offender's failure to comply with
4087 registration requirements. Any information retained by the
4088 Department of Law Enforcement and the Department of Highway
4089 Safety and Motor Vehicles may be revised or supplemented by said
4090 departments to reflect changes made by the final judgment. With
4091 respect to a person convicted of a felony in another state or of
4092 a federal offense, the Department of Law Enforcement must send
4093 the report to the respective state's office of law enforcement
4094 records or to the office of the Federal Bureau of Investigation.
4095 The Department of Law Enforcement may forward the report to any
4096 other law enforcement agency it believes may retain information
4097 related to the petitioner.

4098 Section 99. For the purpose of incorporating the
4099 amendments made by this act to sections 775.21 and 943.0435,
4100 Florida Statutes, in references thereto, paragraph (b) of
4101 subsection (1) of section 92.55, Florida Statutes, is reenacted
4102 to read:

4103 92.55 Judicial or other proceedings involving victim or
4104 witness under the age of 16, a person who has an intellectual
4105 disability, or a sexual offense victim or witness; special
4106 protections; use of registered service or therapy animals.—

4107 (1) For purposes of this section, the term:

4108 (b) "Sexual offense" means any offense specified in s.
4109 775.21(4)(a)1. or s. 943.0435(1)(a)1.a.(I).

4110 Section 100. For the purpose of incorporating the

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4111 amendment made by this act to sections 775.21 and 943.0435,
4112 Florida Statutes, in references thereto, subsection (2) of
4113 section 322.19, Florida Statutes, is reenacted to read:

4114 322.19 Change of address or name.—

4115 (2) Whenever any person, after applying for or receiving a
4116 driver license, changes the legal residence or mailing address
4117 in the application or license, the person must, within 10
4118 calendar days after making the change, obtain a replacement
4119 license that reflects the change. A written request to the
4120 department must include the old and new addresses and the driver
4121 license number. Any person who has a valid, current student
4122 identification card issued by an educational institution in this
4123 state is presumed not to have changed his or her legal residence
4124 or mailing address. This subsection does not affect any person
4125 required to register a permanent or temporary address change
4126 pursuant to s. 775.13, s. 775.21, s. 775.25, or s. 943.0435.

4127 Section 101. For the purpose of incorporating the
4128 amendments made by this act to sections 775.21, 943.0435, and
4129 944.607, Florida Statutes, in references thereto, subsection (3)
4130 of section 322.141, Florida Statutes, is reenacted to read:

4131 322.141 Color or markings of certain licenses or
4132 identification cards.—

4133 (3) All licenses for the operation of motor vehicles or
4134 identification cards originally issued or reissued by the
4135 department to persons who are designated as sexual predators
4136 under s. 775.21 or subject to registration as sexual offenders

4137 under s. 943.0435 or s. 944.607, or who have a similar
 4138 designation or are subject to a similar registration under the
 4139 laws of another jurisdiction, shall have on the front of the
 4140 license or identification card the following:

4141 (a) For a person designated as a sexual predator under s.
 4142 775.21 or who has a similar designation under the laws of
 4143 another jurisdiction, the marking "SEXUAL PREDATOR."

4144 (b) For a person subject to registration as a sexual
 4145 offender under s. 943.0435 or s. 944.607, or subject to a
 4146 similar registration under the laws of another jurisdiction, the
 4147 marking "943.0435, F.S."

4148 Section 102. For the purpose of incorporating the
 4149 amendments made by this act to sections 775.21, 943.0435, and
 4150 943.04354, Florida Statutes, in references thereto, paragraphs
 4151 (a) and (c) of subsection (2) of section 397.4872, Florida
 4152 Statutes, are reenacted to read:

4153 397.4872 Exemption from disqualification; publication.—

4154 (2) The department may exempt a person from ss. 397.487(6)
 4155 and 397.4871(5) if it has been at least 3 years since the person
 4156 has completed or been lawfully released from confinement,
 4157 supervision, or sanction for the disqualifying offense. An
 4158 exemption from the disqualifying offenses may not be given under
 4159 any circumstances for any person who is a:

4160 (a) Sexual predator pursuant to s. 775.21;

4161 (c) Sexual offender pursuant to s. 943.0435, unless the
 4162 requirement to register as a sexual offender has been removed

4163 pursuant to s. 943.04354.

4164 Section 103. For the purpose of incorporating the
4165 amendments made by this act to sections 775.21, 943.0435, and
4166 943.04354, Florida Statutes, in references thereto, paragraph
4167 (b) of subsection (4) of section 435.07, Florida Statutes, is
4168 reenacted to read:

4169 435.07 Exemptions from disqualification.—Unless otherwise
4170 provided by law, the provisions of this section apply to
4171 exemptions from disqualification for disqualifying offenses
4172 revealed pursuant to background screenings required under this
4173 chapter, regardless of whether those disqualifying offenses are
4174 listed in this chapter or other laws.

4175 (4)

4176 (b) Disqualification from employment under this chapter
4177 may not be removed from, nor may an exemption be granted to, any
4178 person who is a:

- 4179 1. Sexual predator as designated pursuant to s. 775.21;
- 4180 2. Career offender pursuant to s. 775.261; or
- 4181 3. Sexual offender pursuant to s. 943.0435, unless the
4182 requirement to register as a sexual offender has been removed
4183 pursuant to s. 943.04354.

4184 Section 104. For the purpose of incorporating the
4185 amendments made by this act to sections 775.21, 943.0435, and
4186 944.607, Florida Statutes, in references thereto, subsection (4)
4187 of section 775.13, Florida Statutes, is reenacted to read:

4188 775.13 Registration of convicted felons, exemptions;

4189 penalties.—

4190 (4) This section does not apply to an offender:

4191 (a) Who has had his or her civil rights restored;

4192 (b) Who has received a full pardon for the offense for
4193 which convicted;

4194 (c) Who has been lawfully released from incarceration or
4195 other sentence or supervision for a felony conviction for more
4196 than 5 years prior to such time for registration, unless the
4197 offender is a fugitive from justice on a felony charge or has
4198 been convicted of any offense since release from such
4199 incarceration or other sentence or supervision;

4200 (d) Who is a parolee or probationer under the supervision
4201 of the United States Parole Commission if the commission knows
4202 of and consents to the presence of the offender in Florida or is
4203 a probationer under the supervision of any federal probation
4204 officer in the state or who has been lawfully discharged from
4205 such parole or probation;

4206 (e) Who is a sexual predator and has registered as
4207 required under s. 775.21;

4208 (f) Who is a sexual offender and has registered as
4209 required in s. 943.0435 or s. 944.607; or

4210 (g) Who is a career offender who has registered as
4211 required in s. 775.261 or s. 944.609.

4212 Section 105. For the purpose of incorporating the
4213 amendments made by this act to sections 775.21, 943.0435, and
4214 944.607, Florida Statutes, in references thereto, paragraph (b)

4215 of subsection (3) of section 775.261, Florida Statutes, is
 4216 reenacted to read:

4217 775.261 The Florida Career Offender Registration Act.—

4218 (3) CRITERIA FOR REGISTRATION AS A CAREER OFFENDER.—

4219 (b) This section does not apply to any person who has been
 4220 designated as a sexual predator and required to register under
 4221 s. 775.21 or who is required to register as a sexual offender
 4222 under s. 943.0435 or s. 944.607. However, if a person is no
 4223 longer required to register as a sexual predator under s. 775.21
 4224 or as a sexual offender under s. 943.0435 or s. 944.607, the
 4225 person must register as a career offender under this section if
 4226 the person is otherwise designated as a career offender as
 4227 provided in this section.

4228 Section 106. For the purpose of incorporating the
 4229 amendments made by this act to sections 775.21 and 943.0435,
 4230 Florida Statutes, in references thereto, paragraph (m) of
 4231 subsection (2) of section 903.046, Florida Statutes, is
 4232 reenacted to read:

4233 903.046 Purpose of and criteria for bail determination.—

4234 (2) When determining whether to release a defendant on
 4235 bail or other conditions, and what that bail or those conditions
 4236 may be, the court shall consider:

4237 (m) Whether the defendant, other than a defendant whose
 4238 only criminal charge is a misdemeanor offense under chapter 316,
 4239 is required to register as a sexual offender under s. 943.0435
 4240 or a sexual predator under s. 775.21; and, if so, he or she is

4241 not eligible for release on bail or surety bond until the first
4242 appearance on the case in order to ensure the full participation
4243 of the prosecutor and the protection of the public.

4244 Section 107. For the purpose of incorporating the
4245 amendments made by this act to sections 775.21 and 948.06,
4246 Florida Statutes, in references thereto, subsection (1) of
4247 section 903.0351, Florida Statutes, is reenacted to read:

4248 903.0351 Restrictions on pretrial release pending
4249 probation-violation hearing or community-control-violation
4250 hearing.—

4251 (1) In the instance of an alleged violation of felony
4252 probation or community control, bail or any other form of
4253 pretrial release shall not be granted prior to the resolution of
4254 the probation-violation hearing or the community-control-
4255 violation hearing to:

4256 (a) A violent felony offender of special concern as
4257 defined in s. 948.06;

4258 (b) A person who is on felony probation or community
4259 control for any offense committed on or after the effective date
4260 of this act and who is arrested for a qualifying offense as
4261 defined in s. 948.06(8)(c); or

4262 (c) A person who is on felony probation or community
4263 control and has previously been found by a court to be a
4264 habitual violent felony offender as defined in s. 775.084(1)(b),
4265 a three-time violent felony offender as defined in s.
4266 775.084(1)(c), or a sexual predator under s. 775.21, and who is

4267 arrested for committing a qualifying offense as defined in s.
4268 948.06(8)(c) on or after the effective date of this act.

4269 Section 108. For the purpose of incorporating the
4270 amendments made by this act to sections 775.21, 943.0435, and
4271 944.607, Florida Statutes, in references thereto, section
4272 948.063, Florida Statutes, is reenacted to read:

4273 948.063 Violations of probation or community control by
4274 designated sexual offenders and sexual predators.—

4275 (1) If probation or community control for any felony
4276 offense is revoked by the court pursuant to s. 948.06(2)(e) and
4277 the offender is designated as a sexual offender pursuant to s.
4278 943.0435 or s. 944.607 or as a sexual predator pursuant to s.
4279 775.21 for unlawful sexual activity involving a victim 15 years
4280 of age or younger and the offender is 18 years of age or older,
4281 and if the court imposes a subsequent term of supervision
4282 following the revocation of probation or community control, the
4283 court must order electronic monitoring as a condition of the
4284 subsequent term of probation or community control.

4285 (2) If the probationer or offender is required to register
4286 as a sexual predator under s. 775.21 or as a sexual offender
4287 under s. 943.0435 or s. 944.607 for unlawful sexual activity
4288 involving a victim 15 years of age or younger and the
4289 probationer or offender is 18 years of age or older and has
4290 violated the conditions of his or her probation or community
4291 control, but the court does not revoke the probation or
4292 community control, the court shall nevertheless modify the

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4293 probation or community control to include electronic monitoring
4294 for any probationer or offender not then subject to electronic
4295 monitoring.

4296 Section 109. For the purpose of incorporating the
4297 amendments made by this act to sections 775.21, 943.0435, and
4298 943.04354, Florida Statutes, in references thereto, paragraph
4299 (b) of subsection (3) and subsection (4) of section 948.30,
4300 Florida Statutes, are reenacted to read:

4301 948.30 Additional terms and conditions of probation or
4302 community control for certain sex offenses.—Conditions imposed
4303 pursuant to this section do not require oral pronouncement at
4304 the time of sentencing and shall be considered standard
4305 conditions of probation or community control for offenders
4306 specified in this section.

4307 (3) Effective for a probationer or community controllee
4308 whose crime was committed on or after September 1, 2005, and
4309 who:

4310 (b) Is designated a sexual predator pursuant to s. 775.21;
4311 or

4312
4313 the court must order, in addition to any other provision of this
4314 section, mandatory electronic monitoring as a condition of the
4315 probation or community control supervision.

4316 (4) In addition to all other conditions imposed, for a
4317 probationer or community controllee who is subject to
4318 supervision for a crime that was committed on or after May 26,

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4319 2010, and who has been convicted at any time of committing, or
4320 attempting, soliciting, or conspiring to commit, any of the
4321 criminal offenses listed in s. 943.0435(1)(a)1.a.(I), or a
4322 similar offense in another jurisdiction, against a victim who
4323 was under the age of 18 at the time of the offense; if the
4324 offender has not received a pardon for any felony or similar law
4325 of another jurisdiction necessary for the operation of this
4326 subsection, if a conviction of a felony or similar law of
4327 another jurisdiction necessary for the operation of this
4328 subsection has not been set aside in any postconviction
4329 proceeding, or if the offender has not been removed from the
4330 requirement to register as a sexual offender or sexual predator
4331 pursuant to s. 943.04354, the court must impose the following
4332 conditions:

4333 (a) A prohibition on visiting schools, child care
4334 facilities, parks, and playgrounds, without prior approval from
4335 the offender's supervising officer. The court may also designate
4336 additional locations to protect a victim. The prohibition
4337 ordered under this paragraph does not prohibit the offender from
4338 visiting a school, child care facility, park, or playground for
4339 the sole purpose of attending a religious service as defined in
4340 s. 775.0861 or picking up or dropping off the offender's
4341 children or grandchildren at a child care facility or school.

4342 (b) A prohibition on distributing candy or other items to
4343 children on Halloween; wearing a Santa Claus costume, or other
4344 costume to appeal to children, on or preceding Christmas;

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4345 wearing an Easter Bunny costume, or other costume to appeal to
4346 children, on or preceding Easter; entertaining at children's
4347 parties; or wearing a clown costume; without prior approval from
4348 the court.

4349 Section 110. For the purpose of incorporating the
4350 amendments made by this act to sections 775.21, 943.0435,
4351 944.606, and 944.607, Florida Statutes, in references thereto,
4352 section 948.31, Florida Statutes, is reenacted to read:

4353 948.31 Evaluation and treatment of sexual predators and
4354 offenders on probation or community control.—The court may
4355 require any probationer or community controllee who is required
4356 to register as a sexual predator under s. 775.21 or sexual
4357 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo
4358 an evaluation, at the probationer or community controllee's
4359 expense, by a qualified practitioner to determine whether such
4360 probationer or community controllee needs sexual offender
4361 treatment. If the qualified practitioner determines that sexual
4362 offender treatment is needed and recommends treatment, the
4363 probationer or community controllee must successfully complete
4364 and pay for the treatment. Such treatment must be obtained from
4365 a qualified practitioner as defined in s. 948.001. Treatment may
4366 not be administered by a qualified practitioner who has been
4367 convicted or adjudicated delinquent of committing, or
4368 attempting, soliciting, or conspiring to commit, any offense
4369 that is listed in s. 943.0435(1)(a)1.a.(I).

4370 Section 111. For the purpose of incorporating the

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4371 amendments made by this act to sections 943.0435, 944.607, and
4372 947.1405, Florida Statutes, in references thereto, paragraph (b)
4373 of subsection (3), paragraph (d) of subsection (5), and
4374 paragraph (c) of subsection (10) of section 775.21, Florida
4375 Statutes, are reenacted to read:

4376 775.21 The Florida Sexual Predators Act.—

4377 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE INTENT.—

4378 (b) The high level of threat that a sexual predator
4379 presents to the public safety, and the long-term effects
4380 suffered by victims of sex offenses, provide the state with
4381 sufficient justification to implement a strategy that includes:

4382 1. Incarcerating sexual predators and maintaining adequate
4383 facilities to ensure that decisions to release sexual predators
4384 into the community are not made on the basis of inadequate
4385 space.

4386 2. Providing for specialized supervision of sexual
4387 predators who are in the community by specially trained
4388 probation officers with low caseloads, as described in ss.
4389 947.1405(7) and 948.30. The sexual predator is subject to
4390 specified terms and conditions implemented at sentencing or at
4391 the time of release from incarceration, with a requirement that
4392 those who are financially able must pay all or part of the costs
4393 of supervision.

4394 3. Requiring the registration of sexual predators, with a
4395 requirement that complete and accurate information be maintained
4396 and accessible for use by law enforcement authorities,

4397 communities, and the public.

4398 4. Providing for community and public notification
4399 concerning the presence of sexual predators.

4400 5. Prohibiting sexual predators from working with
4401 children, either for compensation or as a volunteer.

4402 (5) SEXUAL PREDATOR DESIGNATION.—An offender is designated
4403 as a sexual predator as follows:

4404 (d) A person who establishes or maintains a residence in
4405 this state and who has not been designated as a sexual predator
4406 by a court of this state but who has been designated as a sexual
4407 predator, as a sexually violent predator, or by another sexual
4408 offender designation in another state or jurisdiction and was,
4409 as a result of such designation, subjected to registration or
4410 community or public notification, or both, or would be if the
4411 person was a resident of that state or jurisdiction, without
4412 regard to whether the person otherwise meets the criteria for
4413 registration as a sexual offender, shall register in the manner
4414 provided in s. 943.0435 or s. 944.607 and shall be subject to
4415 community and public notification as provided in s. 943.0435 or
4416 s. 944.607. A person who meets the criteria of this section is
4417 subject to the requirements and penalty provisions of s.
4418 943.0435 or s. 944.607 until the person provides the department
4419 with an order issued by the court that designated the person as
4420 a sexual predator, as a sexually violent predator, or by another
4421 sexual offender designation in the state or jurisdiction in
4422 which the order was issued which states that such designation

4423 has been removed or demonstrates to the department that such
 4424 designation, if not imposed by a court, has been removed by
 4425 operation of law or court order in the state or jurisdiction in
 4426 which the designation was made, and provided such person no
 4427 longer meets the criteria for registration as a sexual offender
 4428 under the laws of this state.

4429 (10) PENALTIES.—

4430 (c) Any person who misuses public records information
 4431 relating to a sexual predator, as defined in this section, or a
 4432 sexual offender, as defined in s. 943.0435 or s. 944.607, to
 4433 secure a payment from such a predator or offender; who knowingly
 4434 distributes or publishes false information relating to such a
 4435 predator or offender which the person misrepresents as being
 4436 public records information; or who materially alters public
 4437 records information with the intent to misrepresent the
 4438 information, including documents, summaries of public records
 4439 information provided by law enforcement agencies, or public
 4440 records information displayed by law enforcement agencies on
 4441 websites or provided through other means of communication,
 4442 commits a misdemeanor of the first degree, punishable as
 4443 provided in s. 775.082 or s. 775.083.

4444 Section 112. For the purpose of incorporating the
 4445 amendments made by this act to sections 943.0435, 944.606, and
 4446 944.607, Florida Statutes, in references thereto, subsection (2)
 4447 of section 775.24, Florida Statutes, is reenacted to read:

4448 775.24 Duty of the court to uphold laws governing sexual

4449 predators and sexual offenders.—

4450 (2) If a person meets the criteria in this chapter for
4451 designation as a sexual predator or meets the criteria in s.
4452 943.0435, s. 944.606, s. 944.607, or any other law for
4453 classification as a sexual offender, the court may not enter an
4454 order, for the purpose of approving a plea agreement or for any
4455 other reason, which:

4456 (a) Exempts a person who meets the criteria for
4457 designation as a sexual predator or classification as a sexual
4458 offender from such designation or classification, or exempts
4459 such person from the requirements for registration or community
4460 and public notification imposed upon sexual predators and sexual
4461 offenders;

4462 (b) Restricts the compiling, reporting, or release of
4463 public records information that relates to sexual predators or
4464 sexual offenders; or

4465 (c) Prevents any person or entity from performing its
4466 duties or operating within its statutorily conferred authority
4467 as such duty or authority relates to sexual predators or sexual
4468 offenders.

4469 Section 113. For the purpose of incorporating the
4470 amendments made by this act to sections 943.0435, 944.606, and
4471 944.607, Florida Statutes, in references thereto, subsection (2)
4472 of section 943.0436, Florida Statutes, is reenacted to read:

4473 943.0436 Duty of the court to uphold laws governing sexual
4474 predators and sexual offenders.—

4475 (2) If a person meets the criteria in chapter 775 for
4476 designation as a sexual predator or meets the criteria in s.
4477 943.0435, s. 944.606, s. 944.607, or any other law for
4478 classification as a sexual offender, the court may not enter an
4479 order, for the purpose of approving a plea agreement or for any
4480 other reason, which:

4481 (a) Exempts a person who meets the criteria for
4482 designation as a sexual predator or classification as a sexual
4483 offender from such designation or classification, or exempts
4484 such person from the requirements for registration or community
4485 and public notification imposed upon sexual predators and sexual
4486 offenders;

4487 (b) Restricts the compiling, reporting, or release of
4488 public records information that relates to sexual predators or
4489 sexual offenders; or

4490 (c) Prevents any person or entity from performing its
4491 duties or operating within its statutorily conferred authority
4492 as such duty or authority relates to sexual predators or sexual
4493 offenders.

4494 Section 114. For the purpose of incorporating the
4495 amendments made by this act to sections 775.21 and 847.0135,
4496 Florida Statutes, in references thereto, paragraph (g) of
4497 subsection (3) of section 921.0022, Florida Statutes, is
4498 reenacted to read:

4499 921.0022 Criminal Punishment Code; offense severity
4500 ranking chart.—

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4501	(3)	OFFENSE SEVERITY RANKING CHART	
4502	(g)	LEVEL 7	
4503			
	Florida	Felony	Description
	Statute	Degree	
4504	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
4505	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
4506	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.
4507	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4508	402.319 (2)	2nd	Misrepresentation and negligence or intentional act

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			resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4509	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4510	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4511	456.065 (2)	3rd	Practicing a health care profession without a license.
4512	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4513	458.327 (1)	3rd	Practicing medicine without a license.
4514	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4515	460.411 (1)	3rd	Practicing chiropractic

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4516			medicine without a license.
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4517			
	462.17	3rd	Practicing naturopathy without a license.
4518			
	463.015 (1)	3rd	Practicing optometry without a license.
4519			
	464.016 (1)	3rd	Practicing nursing without a license.
4520			
	465.015 (2)	3rd	Practicing pharmacy without a license.
4521			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
4522			
	467.201	3rd	Practicing midwifery without a license.
4523			
	468.366	3rd	Delivering respiratory care services without a license.
4524			

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4525	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4526	483.901 (9)	3rd	Practicing medical physics without a license.
4527	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
4528	484.053	3rd	Dispensing hearing aids without a license.
4529	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.
4530	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

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			<p>unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
4531	655.50(10)(b)1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
4532	775.21(10)(a)	3rd	<p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
4533	775.21(10)(b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
4534	775.21(10)(g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
4535	782.051(3)	2nd	<p>Attempted felony murder of a person by a person other than</p>

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4536	782.07(1)	2nd	the perpetrator or the perpetrator of an attempted felony.
4537	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
4538	782.072	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
4539	784.045(1)(a)1.	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
4540	784.045(1)(a)2.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement. Aggravated battery; using deadly weapon.

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4541	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
4542	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
4543	784.048 (7)	3rd	Aggravated stalking; violation of court order.
4544	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
4545	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
4546	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
4547	784.081 (1)	1st	Aggravated battery on specified official or employee.
4548	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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4549	784.083 (1)	1st	Aggravated battery on code inspector.
4550	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
4551	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.
4552	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
4553	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
4554	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
4555	790.165 (3)	2nd	Possessing, displaying, or

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4556	790.166 (3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
4557	790.166 (4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
4558	790.23	1st,PBL	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
4559	794.08 (4)	3rd	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
4560	796.05 (1)	1st	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
			Live on earnings of a

4561	796.05 (1)	1st	<p>prostitute; 2nd offense.</p> <p>Live on earnings of a prostitute; 3rd and subsequent offense.</p>
4562	800.04 (5) (c) 1.	2nd	<p>Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.</p>
4563	800.04 (5) (c) 2.	2nd	<p>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.</p>
4564	800.04 (5) (e)	1st	<p>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.</p>
4565	806.01 (2)	2nd	<p>Maliciously damage structure by fire or explosive.</p>

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4566

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

4567

810.02 (3) (b) 2nd Burglary of unoccupied
dwelling; unarmed; no assault
or battery.

4568

810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

4569

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

4570

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.

4571

812.014 (2) (b) 2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

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4572	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
4573	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
4574	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
4575	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
4576	812.131 (2) (a)	2nd	Robbery by sudden snatching.
4577	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
4578	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
4579	817.234 (8) (a)	2nd	Solicitation of motor vehicle

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4580 accident victims with intent to defraud.

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

817.2341 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.

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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4586	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.
4587	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
4588	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
4589	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
4590	838.015	2nd	Bribery.
4591	838.016	2nd	Unlawful compensation or reward for official behavior.
4592	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
	838.22	2nd	Bid tampering.

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4593	843.0855 (2)	3rd	Impersonation of a public officer or employee.
4594	843.0855 (3)	3rd	Unlawful simulation of legal process.
4595	843.0855 (4)	3rd	Intimidation of a public officer or employee.
4596	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
4597	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
4598	872.06	2nd	Abuse of a dead human body.
4599	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
4600	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

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4601	893.13(1)(c)1.	1st	<p>manages, or supervises criminal gang-related activity.</p> <p>Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p>
4602	893.13(1)(e)1.	1st	<p>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.</p>
4603	893.13(4)(a)	1st	<p>Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b),</p>

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			(1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
4604	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
4605	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
4606	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
4607	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
4608	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
4609	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

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4610	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
4611	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
4612	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
4613	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
4614	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
4615	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
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4617	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
4618	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
4619	893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
4620	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
4621	896.104(4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435(4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.

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4622	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
4623	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
4624	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4625	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4626	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
4627	944.607 (10) (a)	3rd	Sexual offender; failure to

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4628	944.607(12)	3rd	submit to the taking of a digitized photograph.
4629	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
4630	985.4815(10)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
4631	985.4815(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
4632	985.4815(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and reregister; failure to respond to address

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verification; providing false
registration information.

4633

4634 Section 115. The Division of Law Revision and Information4635 is directed to rename chapter 847, Florida Statutes, as4636 "Obscenity; Child Pornography."

4637 Section 116. This act shall take effect October 1, 2016.